

ORDINANCE 250

AN ORDINANCE ESTABLISHING A MANDATORY PROGRAM FOR RECYCLABLE MATERIALS; CREATING THE POSITION OF RECYCLING COORDINATOR, PROMULGATING RULES AND REGULATIONS FOR THE SEPARATION, RECOVERY, COOLECTION, STORAGE AND MARKETING OF SAID MATERIAL AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF SO AS TO COMPLY WITH THE REQUIREMENTS OF THE MONMOUTH COUNTY PLANNING BOARD RELATING TO THE IMPLEMENTATION OF MUNICIPAL RECYCLING PLANS IN AND BY THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, AND REPEALING ORDINANCES NO. 212 AND 217.

WHEREAS, the growing problem of solid waste and the conservation of the recyclable material is an important public concern; and,

WHEREAS, the separation of certain recyclable material will serve the public interest by reducing solid waste and conserving our material resources; and,

WHEREAS, the promotion of that public interest is best served by establishing rules and regulations for the separation, recovery, collection, storing and marketing of said recyclable material.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the village of Loch Arbour, in the County of Monmouth and the State of New Jersey, as follows:

Section I, Purpose

- A. On and after April 1, 1993, it shall be mandatory for all persons who are owners, lessees, and/or occupants of residential property to separate aluminum, corrugated cardboard, glass, high-grade papers, leaves, magazines, soft cover books and mixed papers, newspapers, plastic (PET and HDPE) containers, tin and bi-metal cans, used tires, white goods and scrap metal as hereinafter defined from all other solid waste produced by such residence for collection and ultimate recycling of said materials.
- B. On and after April 1, 1993 it shall be mandatory for all persons who are owners, lessees, and/or occupants of business and industrial property and of private, public and governmental institutions and buildings to separate aluminum, corrugated cardboard, glass, high-grade papers, leaves, magazines, soft cover books and mixed papers, newspapers, plastic (PET and HDPE) containers, tin and bi-metal cans, used tires, white goods and scrap metal as hereinafter defined from all other solid waste produced by such non-residential establishments for collection and ultimate recycling of said materials.
- C. On and after April 1, 1993, no one shall be permitted to place any construction, demolition or land clearing debris which includes asphalt, concrete, wood waste (specifically stumps, large tree parts, pallets, and pieces of lumber) with other solid waste for landfill disposal.
- D. On or after April 1, 1993, and in accordance with existing State regulations (N.J.S.A. 14A:3-11), all service stations, oil retailers and motor vehicle re-inspection stations with "used oil holding tanks" shall accept up to five (5) gallons at a time of used motor oils from individuals changing oil from cars, lawn mowers or

- motorcycles and shall post a sign informing the public that they are a "Used Oil Collection Site".
- E. On or after April 1, 1993, it shall be mandatory for all owners, occupants and/or lessees of residential or non-residential establishments to separate used tires from all other solid waste produced by such residential and/or non-residential establishments for collection and ultimate recycling of said materials. Used tires must be rimless and brought to the Monmouth County Reclamation Center, Tinton Falls, for proper disposal.

Section II. Definitions

"Aluminum"- as used herein includes all disposable items made entirely of aluminum including, but not limited to, aluminum containers used for soda, beer or other beverages, foil, wrappers, and containers for prepared foods.

"Corrugated Cardboard"- a type of paper in which a portion has been made to have a wavy surface (alternating ridge and grooves) and is placed between two (2) flat surfaces for strength and which is commonly used to form cartons.

"Glass"- as used herein includes all products made from silica or sand, soda ash and limestone; the product being transparent or translucent and breakable. Specifically excluded are window glass, light bulbs, mirrors, fluorescent bulbs and ceramics.

"High-Grade Paper"- papers generally used in offices that are of high quality and do not have a glossy finish, including but not limited only to white and/or off-white computer, letterhead, ledger and photocopy paper.

"Leaves"- materials that are formed from trees and bushes referred to as fallen leaves suitable for composting.

"Magazines, Soft-Cover Books and Mixed Papers"- including but not limited to periodicals, advertisements, catalogues, colored papers, envelopes (window and non-window), "junk mail", school papers, NCR paper, FAX paper, non-metallic wrapping paper, real estate books.

"Newspapers"- paper commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon news and opinions and containing advertisements and other materials of public interest.

"Plastic Containers"- any substance capable of being molded consisting of organic compounds synthesized from hydrocarbons, proteins, cellulose or resins commonly used but not limited only to beverage and food containers, laundry detergent, bleach, fabric softener and shampoo. Alternatively, any container marked with "HDPE" or "PET" symbol.

"Solid Waste"- shall include all garbage and rubbish normally produced by the occupants of commercial, industrial and residential property and disposed of by private or public pick-up.

"Tin and Bi-metal Containers"- any can, box, pan or other container made of or plated with tin. Any can, box, pan or other container made of more than one type of metal.

"White Goods and Scrap Metal"- any used appliances (excluding refrigerators and air conditioners or other appliance containing CFC's (chlorofluorocarbons), metal swing sets, cabinets or shelves, metal lawn or beach furniture.

Section III. Recycling Coordinator

- A. The position of Recycling Coordinator is hereby created and established with the Village of Loch Arbour.

- B. The recycling Coordinator shall be appointed by the Board of Trustees for a term of one (1) year expiring December 31 of each year.
- C. The Recycling coordinator, subject to the approval of the Board of Trustees, shall establish and promulgate reasonable Rules and Regulations as to the manner, days and times for the collection, sorting, transportation, sale and/or marketing of said recyclable material in order to encourage the preservation of material resources while minimizing the cost of the recycling program to the Village of Loch Arbour.
- D. The Recycling Coordinator and his/her designated agent(s) including the appointed Police Department of the Village of Loch Arbour are hereby authorized to enforce this ordinance.

Section IV. Separation, Collection and Disposal Methods.

- A. All recyclable materials must be placed at the curb for collection according to the schedule designated by the Recycling Coordinator and approved by the Board of Trustees.
- B. Aluminum, glass, tin and bi-metal cans and/or containers may be commingled and shall be placed in a reusable container not exceeding 32 gallons in size.
- C. Corrugated cardboard must be broken down and tied with string or rope into bundles weighing no more than 50lbs.
- D. Newspapers (newsprint only) are to be tied with string or rope in bundles weighing no more than 50 lbs. (about 2 feet thick).
- E. High-grade and mixed papers, magazines, soft-cover books may be commingled in a reusable container not exceeding 32 gallons in size.
- F. Plastic containers shall be placed in a reusable container not exceeding 32 gallons in size.
- G. Leaves may be raked into the street at the curb no earlier than 5 days before the scheduled pick-up date. Grass and brush must not be included with leaves.

Section V. Collection by Authorized Persons:

The Board of Trustees may use municipal personnel to collect recyclable material set forth herein at curbside and shall sell said recyclable material if a market exists therefore pursuant to N.J.S.A. 40A:11-1 et seq.

The Board of Trustees may elect to enter into agreement with qualified persons or corporations authorizing them to collect said recyclable material at curbside or from a drop-off center and to sell recyclable material.

Section VI. Collection by Unauthorized Persons Prohibited

Recyclable material as defined herein shall be the property of the Village of Loch Arbour once on the curbside or brought to a drop-off center.

It shall be a violation of this Ordinance for any person unauthorized by the Board of Trustees to pick-up or cause to be pick-up said recyclable material as defined herein. Each such collection in violation hereof, shall constitute a separate and distinct offense punishable as hereinafter provided.

Section VII. Direct Disposal of Recyclable Material by Resident

Anything herein to the contrary notwithstanding any person, partnership or corporation who is owner, lessee or occupant of a residential or non-residential property, may donate or sell said

recyclable material as defined herein, to any person, partnership or corporation whether or not operating for profit. Said person partnership or corporation however, shall not pick up said recyclable materials at curbside.

Section VIII. Violations and Penalties

Any person firm or corporation who violates or neglects to comply with any provision of this Ordinance or any rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof, by fine not to exceed Five Hundred (\$500.00) Dollars or up to ninety (90) days in jail, or both, except that the maximum fine or penalty for the failure to comply with Section I, A and B, thereof, or any rule or regulation promulgated pursuant thereto, shall not exceed Fifty (\$50.00) Dollars. As an alternate penalty, a convicted person may be ordered to perform community service in the Recycling Program for a period not to exceed ninety (90) days.

Each day such violation or neglect is committed or permitted to continue, shall constitute a separate offense and be punishable as such.

Section IX. Severability

If any section, subsection, clause or phrase of this Ordinance is held unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

Section X. Repealer

Ordinances No, 212 and 217 and all other ordinances or parts of ordinances inconsistent with this Ordinance, are hereby repealed to the extent of such inconsistency.

Section XI. When Effective

This Ordinance, when finally passed and published according to law, shall take effect on April 1, 1993.

NOTICE

Public notice is hereby given that the foregoing Ordinance was introduced at a meeting of the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, on the 3rd day of February, 1993 and was then read for the first time. The said Ordinance will be further considered for final passage by the Board of Trustees at the Municipal Building at 7:30 P.M. on the 3rd day of March, 1993. At such time and place, or at any time and place, to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.