

**BOROUGH OF WRIGHTSTOWN
ORDINANCE NO. 2010-05**

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF
WRIGHTSTOWN AMENDING CHAPTER 181, BEING THE SOLID WASTE
CHAPTER, OF THE CODIFIED ORDINANCES OF THE BOROUGH OF
WRIGHTSTOWN**

BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Wrightstown, County of Burlington and State of New Jersey, as follows:

Section 1: Chapter 181, Solid Waste, of the General Ordinances of the Borough of Wrightstown shall be and is hereby amended to read as follows:

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§ 181-7. Statutory authority.

This article is adopted pursuant to Sections 6, 9 and 14 of P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and any amendments adopted thereto.

§ 181-8. Definitions.

A. As used in this article, the following definitions shall apply:

ANTIFREEZE -- Liquid used in a cooling system that is mixed with water and prevents the water from freezing. The solution serves as the engine coolant.

BURLINGTON COUNTY REGIONAL PROGRAM -- The program utilized for the collection of those recyclable materials as designated by the DSWM from residential curbside, participating multifamily and participating school collection programs.

CANS -- Empty food, beverage and aerosol containers of aluminum, tin, steel or a combination thereof, which formerly contained only nonhazardous substances or such other substances as have been approved for recycling by DSWM.

CARDBOARD -- All corrugated cardboard normally used for packing, mailing, shipping, or containerizing goods, merchandise or other material, but excluding plastic, foam, or wax-coated or soiled corrugated cardboard.

COMMERCIAL -- Any person or other entity operating a business, trade, industry or other activity which is carried on for profit.

COMMINGLED -- Source-separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

CONDOMINIUM COMPLEX -- Defined in accordance with N.J.S.A. 46:8B1 et seq.

CONTAMINANT -- Solid waste, food waste, or other material which adheres to, or which is otherwise contained on or in, source separated recyclable materials.

COUNTY -- The County of Burlington, State of New Jersey.

COUNTY PLAN -- The District Solid Waste Management Plan for Burlington County as approved by the New Jersey Department of Environmental Protection.

DESIGNATED RECYCLABLE MATERIALS -- Those recyclable materials to be source-separated in this municipality, including but not limited to, antifreeze, cellular telephones, construction and demolition debris consisting of asphalt, concrete, and untreated wood waste, electronic waste, metal, glass, lead, acid batteries, fluorescent light bulbs and ballasts, leaves, motor oil, paper, plastic bottles, paperboard packaging, corrugated and other cardboard, newspaper, magazines, or high-grade office paper, rechargeable batteries, toner and printer cartridges and tires.

DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS -- The transportation, replacement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal of solid waste.

DSWM -- The Burlington County Division of Solid Waste Management, its successors and assigns.

ELECTRONIC WASTE -- Computer hard drives, monitors, keyboards, modems, printers, fax machines, VCRs and cell phones.

FLOURESCENT LIGHTS -- A lighting system which works by creating electric arcs inside a gas rich tube to produce ultraviolet light, then converting this to visible fluorescent light by its passage through a layer of phosphor on the inside of the glass.

GENERATOR -- Any person who causes solid waste to be produced for any purpose whatsoever.

GLASS -- All clear (flint), green and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, and plate, window, laminated, wired or mirrored glass.

INSTITUTIONAL -- Any person or other entity, either public or private, either for profit or nonprofit, who operates for educational, charitable or other public purpose.

LEAD ACID BATTERIES -- Storage batteries with lead electrodes that contain dilute sulfuric acid as the electrolyte. These include starting batteries, such as vehicle batteries, marine batteries, small sealed lead acids and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches, or lights.

LEAVES -- Vegetative material, typically generated in the autumn, which fall from trees and are collected for removal from a property.

METAL APPLIANCES -- Appliances composed predominantly of metal including stoves, washing machines, dryers and water heaters. Also included are all Freon containing appliances including air conditioners, freezers, refrigerators, and dehumidifiers.

MOBILE HOME PARK -- Any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis as defined in N.J.S.A. 2A:18-61.7 et seq.

MOTOR OIL -- Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

MULTIFAMILY DWELLING -- Any building or structure or complex of buildings or structures in which five or more dwelling units are rented or leased or offered for rental or lease for residential purposes except hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the Hotel and Multiple Dwelling Law, P.L. 119967, c. 76 (N.J.S.A. 55:13A-1 et seq).

MUNICIPAL DROPOFF -- Any facility designed and operated by this municipality solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard.

MUNICIPALITY -- The Borough of Wrightstown located within the County of Burlington, State of New Jersey.

PAPER -- All newspaper, high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeograph paper, duplication paper, magazines, paperback goods, school paper, catalogs, computer paper, telephone books, and similar cellulosic material, whether

shredded or whole, but excluding wax paper, plastic or foil coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

PERSON -- Any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty, or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

PLASTIC BOTTLES -- All bottles that are labeled as made from polyethylene teraphthalate (PET) and coded as #1 and high-density polyethylene teraphthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint, motor oil, and pesticides.

RECHARGEABLE BATTERIES -- Batteries used in portable electronic devices composed of Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion), and Small Sealed Lead (Pb).

RECYCLABLE MATERIAL -- A material which would otherwise become solid waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

RECYCLING -- Any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING DROPOFF -- Any facility designed and operated solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers, and cardboard.

RESIDENT -- Any human being residing within the municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.

SOLID WASTE -- Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare, and feed such waste to swine on their own farms.

SOURCE SEPARATE -- To separate recyclable materials from the solid waste stream at the point of waste generation.

SWMA -- The New Jersey Solid Waste Management Act, as amended.

B. All other terms and phrases shall be as defined in SWMA, regulations promulgated thereunder and the County Plan, unless content clearly requires a different meaning.

TEXTILES -- Clean dry clothing or other fabric measuring at least one foot x one foot in size. It shall not include material that is wet or mildewed.

TIRES -- Rubber wheels used on motorized transport or equipment whether bias-ply, cross-ply, or radial.

TONER AND PRINTER CARTRIDGE -- Exhausted replaceable cartridge containing toner powder and sometimes the photosensitive drum on which a laser printer generates the image to be printed.

§ 181-9. Establishment of curbside program.

- A. There is hereby established a program (curbside program) for separate collection of paper, cardboard, glass and cans from all nonphysically disabled residents of the municipality. Designated recyclables for this curbside program established pursuant to this section shall consist of the following materials: paper, cardboard, glass, cans, plastic bottles and other recyclable materials as designated by the municipality at any time, 30 days after designation and publication of notice in a newspaper of general circulation.
- B. Said curbside program shall not apply to any multifamily complex of 20 or more units, condominium complex of 20 or more units or mobile home park of 20 or more units, or to any commercial or institutional establishment unless approved by DSWM.
- C. Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates to be publicly advertised by the municipality or county.
- D. All residents of the municipality within the area serviced by the curbside program established pursuant to this section shall source separate all designated recyclables upon receiving notice from the municipality and shall place them at the side of the road fronting their residence in the manner designated by § 181-10 of this article and on the date specified for collection by the schedule published by municipality and/or county.
- E. Residents who are physically unable to place recyclable materials out for collection

within the Burlington County Regional Program shall be exempt from requirements for participation within the program.

- a. Determinations for this exemption shall be at the discretion of this municipality.

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§ 181-11. Establishment of public dropoff program.

- A. There is hereby established a program (public dropoff program) for the source separation and delivery to a recycling dropoff of paper, cardboard, glass, cans and plastic bottles from all residents located in this municipality, with the exception of multifamily complexes, condominium complexes and mobile home parks. Source separated recyclables may be brought to the MUA Facility located at the end of Martha Avenue during the times and days advertised.
- B. Other recyclable materials may be designated by the municipality at any time, 30 days after said designation and publication of notice in a newspaper of general circulation.

§ 181-12. Establishment of dropoff program for multifamily complexes, condominium complexes and mobile home parks.

- A. There is hereby established a program (private dropoff program) for the source separation and delivery of designated recyclable materials to a recycling dropoff(s) including paper, cardboard, glass, cans and plastic bottles from all residents of multifamily complexes, condominium complexes and mobile home parks comprised of 20 or more units within this municipality.
- B. The owner or manager of every multifamily complex, condominium complex and mobile home park within this municipality shall purchase recycling containers, construct and maintain, in a neat and sanitary condition, recycling dropoff(s) to receive all designated recyclables generated by residents of the complex or mobile home park in accordance with section 219-47.3 of the Land Development ordinances of the Borough of Wrightstown entitled “Design of Containment Areas for Designated Recyclable Materials on Residential Sites” and pursuant to the guidelines of DSWM.
- C. In cases where a condominium association exists, the condominium association shall be responsible for purchase of recycling containers and construction and maintenance in a neat and sanitary condition of the recycling dropoff(s) pursuant to the guidelines of DSWM.
- D. The owner or manager of every apartment complex, condominium complex and mobile

home who elects not to participate in the Burlington County Regional Recycling program shall arrange for the collection and recycling of all designated recyclables from said dropoff(s) at their expense.

- E. The number and design of the recycling dropoff(s) required by this section for each multifamily complex, condominium complex, and mobile home park shall be consistent with guidelines provided by DSWM.
- F. Other recyclable materials as designated by the municipality at any time 30 days after said designation and publication of notice in a newspaper of general circulation.

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§ 181-14. Mandatory commercial and institutional source separation program.

- A. All persons generating municipal solid waste within this municipality through the operation of a commercial or institutional establishment shall source separate and arrange for the collection of all designated recyclables within 30 days of the effective date of this article.
- B. Designated recyclables for the mandatory commercial and institutional source separation program shall consist of the following materials:
 - (1) Antifreeze, batteries (lead acid and rechargeable), paper, construction and demolition waste, fluorescent light bulbs and ballasts, electronic waste, glass, plastic bottles, cans (including those generated at convenience stores), cardboard, metal appliances, textiles, tires, leaves, motor oil, toner and printer cartridges.
 - (2) Other recyclable materials as designated by this municipality at any time 30 days after said designation and publication of notice of the designation in a newspaper of general circulation.
- C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.
- D. The management individual(s) responsible for the provision of recycling services as herein defined shall submit to the Municipal Recycling Coordinator, by the first of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled. Documentation shall take the form of a letter issued by the recycling service provider or end market to the generator of the recycled material. Weight slips or paid

invoices must be maintained by the generator for inspection if requested by this municipality, county or state for a period not to exceed five years.

- E. Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the first of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled on forms as prescribed by the Office of Solid Waste Management.
- F. At a minimum, all reporting shall detail the municipality of origin, the name and location of the market or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from the municipality of origin. Those persons specifying this information in cubic yards shall also indicate the conversion ratio utilized for calculating the materials from cubic yards to tons.

§ 181-15. Unlawful activities; nuisance.

A. It shall be unlawful for:

- (1) Any person, other than those persons authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling dropoff pursuant to this article;
- (2) Any person to violate, cause, or assist in the violation of any provision of this article or any provision of the County Plan concerning recycling;
- (3) Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling dropoff;
- (4) Any person to hinder, obstruct, prevent or interfere with this municipality, the county, or any other authorized persons in the performance of any duty under this article or in the enforcement of this article.
- (5) Any solid waste collector, licensed by the State of New Jersey, to knowingly collect designated recyclable materials with solid waste.
- (6) Any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.
- (7) Any person required to provide a report as required under this ordinance to fail to do so.

B. All unlawful conduct set forth in Subsection A shall constitute public nuisance.

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§ 181-20. Violations and penalties.

- A. Any person who violates the provisions of this article shall, upon conviction thereof, in a proceeding before a court of competent jurisdiction, be subject to the following fines:
- (1) Residential recycling violation: a fine of not less than \$25 and not more than \$1,000.
 - (2) Commercial or institutional violation: a fine of not less than \$500 and not more than \$1,000.
 - (3) For any person who offers to collect recyclable in any manner except as prescribed within this article: a fine of not less than \$1,000 and no more than \$5,000.
 - (4) For any solid waste or recycling service provider who fails to report as required within this article: a fine of not less than \$500 and not more than \$1,000.
 - (5) Misuse of recycling containers for trash, theft of containers: a fine not less than \$65.00 and not more than \$100.
 - (6) Scavenging: a fine of not less than \$50 and not more than \$1,000.
 - (7) For any management individual(s) responsible for the provision of recycling services as herein defined at all residential, commercial, institutional, and industrial properties that contract for recycling services with a private company who fails to report as required within this ordinance: a fine not less than \$500 and not more than \$1,000.
- B. Each continuing day of violation of this article shall constitute a separate offense.

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Section 2: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of their inconsistency.

Section 3: This Ordinance shall take effect immediately after proper passage, publication, and approval as provided by law.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of Wrightstown held on April 14, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be

held on May 12, 2010 at the Municipal Building, 21 Saylor's Pond Road, Wrightstown, New Jersey at 7:00 p.m., at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

FREDA H. GORMAN
Acting Municipal Clerk

Introduction/First Reading April 14, 2010

Motion: Ms. Levan

Second: Mr. Severns

Roll Call Vote:

Ayes: Mr. Severns, Ms. Levan, Mrs. Heisler, Mr. Sperling, Mr. Lownds, Mr. Borsavage

Nays: None

Absent: None

Abstain: None

Second Reading/Final Adoption May 12, 2010

Motion: Mr. Lownds

Second: Mr. Severns

Roll Call Vote:

Ayes: Mr. Severns, Ms. Levan, Mr. Lownds, Mr. Borsavage

Nays: None

Absent: Mrs. Heisler, Mr. Sperling

Abstain: None

THOMAS E. HARPER
Mayor

CERTIFICATION

The foregoing ordinance was finally adopted by the Borough Council of the Borough of Wrightstown, County of Burlington, State of New Jersey, after Second Reading and Public Hearing at their Regular Meeting held on May 12, 2010.

FREDA H. GORMAN
Acting Municipal Clerk

Ord2010-05 Recycling Solid Waste