

ORDINANCE #2240-15

**AN ORDINANCE OF THE CITY OF WOODBURY
ADOPTING CITY OF WOODBURY SOURCE SEPARATION
AND RECYCLING ORDINANCE**

WHEREAS, the City of Woodbury on December 23, 1980 adopted one of the first recycling ordinances in the nation; and

WHEREAS, the leadership of the City of Woodbury has culminated in the State of New Jersey requiring the adoption by all municipalities of a Uniform Recycling Ordinance.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Woodbury that the Woodbury Source Separation and Recycling Ordinance is hereby adopted.

Woodbury Source Separation and Recycling Ordinance

Historical Note: On December 23, 1980 with the adoption of Ordinance #1375-80 the City of Woodbury became one of the first municipalities in the nation to establish a Recycling Plan requiring separation of recyclable materials and providing weekly curbside pickup. Thirty years later the State of New Jersey has required all municipalities to adopt a Uniform Recycling Ordinance modeled after Ordinance #2240-15, adopted December 8, 2015.

Chapter _____

Definitions

Source Separation, Exemptions

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Definitions

Commingled- means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

- Designated recyclable materials- means those materials designated within the Gloucester County District Solid Waste Management Plan to be source separated for the purpose of recycling, including but not limited to: paper, corrugated fiber (cardboard), plastics #1 through #7 inclusive, aluminum and steel cans,
- Electronic waste- shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;
- Multifamily dwelling- means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include 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. 1967, c. 76 (C.55: 13A-1 et seq.);
- Municipal Recycling Coordinator- means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.
- Municipal solid waste (MSW) stream- means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the City of Woodbury;
- Recyclable material- means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;
- Source-separated recyclable materials- means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;
- Source separation- means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Source Separation; Exemption from Source Separation Requirements

- A. **Mandatory source separation:** It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of Woodbury, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days

and times as may be hereinafter established by regulations promulgated by the Woodbury Department of Public Works.

Collection of Recyclable Materials

The collection of recyclable material shall be in the manner prescribed as follows:

- A. All containers containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 PM of the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.
- B. All receptacles or dumpsters shall be kept clean and in a safe manner.

Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

Non-Residential Establishment Compliance Requirements

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- B. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- C. All food service establishments shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

**New Developments of Multi-Family Residential Units or Commercial,
Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a
and 99.16c.)**

- A. Any application to the combined Planning/Zoning Board of the City of Woodbury for subdivision or site plan approval for the construction of multi-family, rehabilitation or redevelopment of dwellings of three or more units, single family developments of 10 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
- 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
 - 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- B. Prior to the issuance of a Certificate of Occupancy by the City of Woodbury, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of solid waste and source-separated recyclable materials.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Certified Public Works Manager.

Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those

authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

Enforcement

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Gloucester County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the allowable expenses of the municipal recycling program.

Repealer

Any portion of any previously enacted ordinance which is inconsistent with the within ordinance is hereby repealed to the extent of such inconsistency.

Severability, Effective Date

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

Chapter _____

Definitions

Construction, Renovation, Demolition Debris Recovery Plan

Review of Debris Recovery Plan

Diversion requirement adjustment

Debris recover plan reporting requirements

Compliance with diversion requirement

Definitions

Covered project- means a construction, renovation, or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

Construction, Renovation and Demolition Debris Recovery Plan

A debris recovery plan shall be filed with the municipal recycling coordinator prior to the commencement of any activity for which municipal approval as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

Review of Debris Recovery Plan

- A. Approval: A debris recovery plan shall be reviewed by the municipal recycling coordinator, and approved if it provides for all of the information required by this Ordinance. An approved debris recovery plan shall be marked “Approved” and returned to the owner of the entity which submitted the plan.
- B. Denial: A debris recovery plan shall not be approved if it does not provide all of the information required by this Ordinance. If a debris recovery plan is not approved, the owner of the entity which submitted the plan, shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity which will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the debris recovery plan to the municipal recycling coordinator.

Diversion requirement adjustment

- A. Application: If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this Ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

- B. Review: The municipal recycling coordinator shall review the information supplied by the owner. If warranted the municipal recycling coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.
- C. Granting of an adjustment: If the municipal recycling coordinator determines that it is infeasible for the entity carrying out a covered project to divert 50% of the generated C&D debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C&D debris required by the adjustment.
- D. Denial of adjustment: If the municipal recycling coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this Ordinance, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

Debris recover plan reporting requirements

Documentation: Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the municipal recycling coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

- 1) A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed,
- 2) Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project, and
- 3) Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

Compliance with diversion requirement

The municipal recycling coordinator shall review the information submitted pursuant to this Ordinance and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

Appeal

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Ordinance to the City Administrator within 30 days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the City Administrator shall be final.

Enforcement

The Code Enforcement Official, the Police Department, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this Ordinance. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags of containers to detect, by sound or sight, the presence of any recyclable material.

Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1,000.

Repealer

Any portion of any previously enacted ordinance which is inconsistent with the within ordinance is hereby repealed to the extent of such inconsistency.

Severability; Effective Date

If it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately.

BE IT FURTHER ORDAINED that all other provisions of said Ordinance not specifically amended herein shall remain in full force and effect and any ordinances inconsistent herewith are repealed to the extent of any inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on November 24, 2015. This Ordinance will be considered for adoption at final reading and public hearing to be held on December 8,

2015 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY

By: DAVID TROVATO,
President of Council

ATTEST:

ROY A. DUFFIELD, Clerk

Approved:

WILLIAM J. VOLK, Mayor