

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 10-1297

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on May 4, 2010. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, June 1, 2010, located in the Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey, beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

KAREN MOUNT-TAYLOR, RMC, CMC

ORDINANCE AMENDING SECTION 15-6 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS UPDATING PROVISIONS OF MANDATORY RECYCLING PROGRAMS IN CONFORMANCE WITH THE COUNTY OF MONMOUTH'S NJDEP APPROVED SOLID WASTE MANAGEMENT PLAN

WHEREAS, the Borough of Tinton Falls has had a mandatory recycling program in place for many years; and

WHEREAS, proper management of solid waste is an important matter of public health, safety and welfare; and

WHEREAS, the source separation and recovery of certain recyclable materials will serve the public interest by conserving energy and natural resources, and reducing waste disposal expenses; and

WHEREAS, in accordance with the requirements of the New Jersey Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.11 et seq.) and the updated Monmouth County Solid Waste Management Plan approved by the New Jersey Department of Environmental Protection ("NJDEP") in August 2009, the Borough of Tinton Falls must update its recycling ordinances to be in conformance with these new rules and regulations for the separation, storage, collection and recovery of designated recyclable materials.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that section 15-6 of the Revised General Ordinances of the Borough of Tinton Falls are hereby amended and supplemented as follows:

15-6 GARBAGE AND REFUSE.

15-6.1. Definitions.

As used in this section:

BUNDLES -- Shall mean normally loose items which shall be collected if organized into bundles of not more than five (5') feet in length and tied with heavy twine, rope, wire, etc. "Bundles" shall be organized as to be conveniently handled by one (1) person. No "bundle" shall exceed fifty (50) pounds in weight.

CONTAINER -- shall mean a receptacle constructed of such material and in such a manner as to hold solid waste and trash and other such items without breaking or collapsing. "Containers" shall have handles and covers so that the contents therein are not exposed to the weather, animals and vermin.

ELECTRONIC WASTE -- shall mean computers, monitors and other related electronic hardware as well as televisions, radios, cameras, VCR's, DVD players and Stereo Components.

GARBAGE -- shall mean and include ~~cardboard~~, rugs, ~~plate~~ glass, ~~metal containers~~, cold ashes, offal or kitchen waste, animal matter, vegetable matter, other than branches, tree limbs, tree trunks and trimmings, ~~leaves~~ and grass cuttings. Containers which, in the opinion of the Department, are badly broken or fail to meet the requirements of this section may be classified as "garbage." Items classified as recyclables shall be prohibited from being placed commingled with other materials.

SOLID WASTE -- shall mean all garbage and rubbish normally produced by the occupants of residential and nonresidential property, disposed of by private and/or public pickup and defined as "solid waste" by the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-3).

STREET -- shall mean any right-of-way, avenue, boulevard, road, parkway, viaduct, drive or other way which is:

An existing State, County or municipality roadway; or

Shown upon a plat approved by the Planning Board or Zoning Board of Adjustment and built in accordance with Borough standards, and which may be either public or private; or

Shown on a plat filed in the office of the County Clerk of the County of Monmouth prior to the creation of the Planning Board or Zoning Board of Adjustment of the Borough of Tinton Falls; and not dedicated, in whole or in part, as a parking area or driveway which provides access to any building or structures.

15-6.2. Scheduling of Collection.

a. Collection districts and areas, together with the dates of collection, shall be established by regulation of the Department of Public Works. In the event of an emergent situation, the Department may suspend, restrict or otherwise modify the provisions of this section.

b. The following shall constitute holidays on which no collection shall be made:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Thanksgiving
- Christmas Eve
- Christmas Day

15-6.3. Residential Garbage Collection.

[NO CHANGE]

15-6.4. Nonresidential Garbage Collection.

[NO CHANGE]

15-6.5 Prohibited Materials.

The following items are prohibited from being placed for collection:

a. Construction materials, including but not limited to bulk roof shingles, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc.

~~**Bulk grass cuttings.**~~

b. Hot ashes, dirt, earth, stone, blacktop, concrete, concrete block and macadam.

c. Industrial waste, including but not limited to processed scrap materials, packing materials and certain hazardous and dangerous materials, such as acids, paints, fluorescent tubes, bulk amounts of glass, toxic materials and highly volatile or explosive matter, either in liquid, gaseous, or solid form.

d. Bulk automotive parts, including but not limited to transmissions, engines, rear ends, wheel tires, mufflers, and other bulk items normally produced in quantity by vehicular repair operations.

e. Dead animals, animal waste and animal droppings.

f. Surgical dressings, syringes and disposable hospital-type items.

~~**New and used motor oils.**~~

g. Hazardous waste classified pursuant to regulations issued by the New Jersey Department of Environmental Protection, adopted under authority of N.J.S.A. 13:1D-9 and 13:1E-6, as amended. Toxic chemicals commonly known as "commercial hazardous waste" and "household hazardous waste" ~~would~~ **shall** be excluded from the waste flow accepted from commingled ~~and garbage~~ disposal.

h. **Automotive and other vehicle wet cell batteries, rechargeable dry cell batteries, button batteries, used motor oil and antifreeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to local service stations, scrapyards, or publicly-operated recycling facilities designed and permitted to handle such products.**

15-6.6. Bulky Items.

[NO CHANGE]

15-6.7. ~~Reserved.~~ Appointment and duties of Recycling Coordinator

(a) **The position of the Recycling Coordinator shall be appointed by Resolution.**

- (b) The duties of the Recycling Coordinator shall be provided by Standard Operating Procedure of the Department of Public Works and in accordance with the Monmouth County Solid Waste Management Plan.

15-6.8. ~~Reserved.~~ Electronic Waste

- (a) As of January 1, 2011 computers, computer monitors and other related electronic hardware as well as televisions, radios, cameras, VCR's, DVD players and stereo components shall be recycled.
- (b) Electronic waste is prohibited from being placed with other solid waste for disposal. These and other electronic devices shall be kept separate and brought to retail outlets or publicly operated recycling facilities providing specific arrangements for shipment of these items to appropriate processing facilities.

15-6.9. Fees for Noncompliance.

Property owners of record shall be responsible for the placement of materials for collection as specified herein. ~~The Administrator shall be empowered to fix fees by regulation for the removal of materials not placed in accordance with the terms of this section which shall be the responsibility of the property owner of record.~~

1. Violation or non-compliance with any of the provisions of this Ordinance, or the rules and regulations promulgated hereunder, shall be punishable by a fine as follows:

(a) first offense - \$25.00 - \$100.00

(b) second offense - \$50.00 – 250.00

(c) third and subsequent offense - \$100.00 - \$1,500 and /or the performance of community service in the recycling program, for a period not to exceed ninety (90) days.

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

3. Fines levied and collected in Municipal Court pursuant to the provisions of this ordinance shall be deposited into the Borough of Tinton Falls Recycling Trust Fund. Monies in the Borough of Tinton Falls Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

15-6.10. Borough Held Harmless.

[NO CHANGE]

15-6.11 Nonresidential Collection Fees.

[NO CHANGE]

15-6.12 Collection of Assessed Fees.

[NO CHANGE]

15-6.13 Enforcement.

The provisions of this section shall be enforced by complaint signed by a member of the Department of Public Works, Code Enforcement, Monmouth County Health Department Solid Waste Enforcement Team or Public Safety of the Borough of Tinton Falls.

15-6.14 Municipal Drop-Off Center.

[NO CHANGE]

15-6.15 Designation of Recyclable Items.

- a. Upon classification of an item or material, presently or prospectively a part of the commingled solid waste flow, as recyclable, residential and nonresidential property owners, except for the United States Government and the State of New Jersey, shall cause themselves and their agents, lessees, tenants or other occupants to separate the ~~items or materials separately for collection,~~ Newspaper, corrugated cardboard, clean mixed paper, aluminum cans, tin and bi-metal cans, glass bottles and jars, and plastic bottles

1. NEWSPAPER -- shall mean and include paper of the type commonly referred to as newsprint, and includes any inserts which are normally included in the newspaper. Specifically excluded are any pages of the newspaper used for household projects and household projects and crafts, such as painting or paper mache projects, or used for cleanup of pet waste.

2. CORRUGATED CARDBOARD -- shall mean layered cardboard including a waffled section between the layers, of the type commonly used to make boxes and

- cartons. Specifically excluded are any cardboard contaminated by direct contact with food, such as pizza boxes.
3. CLEAN MIXED PAPER -- shall mean high grade bond paper, mixed office and school papers, such as stationary, construction paper and writing tablets, including computer printouts, magazines, gift wrapping paper, soft cover books, junk mail and single layer cardboard (chipboard). Specifically excluded are carbon papers, paper cups and plates, food scrapes or any other paper contaminated by direct contact with food products, and paper products used for personal hygiene, such as tissues.
 4. ALUMINUM CANS -- shall mean all disposal cans made of aluminum used for food or beverages.
 5. Aluminum products shall mean aluminum foils, pie tins and trays, specifically excluded are cookware or other aluminum products.
 6. Tin and Bi-metal Cans shall mean all disposable cans made of tin, steel or a combination of metals including, but not limited to, containers commonly used for food products. Specifically excluded are cans which contain toxic products, such as paints.
 7. Glass Bottles and Jars shall mean containers made from silica or sand, soda ash and limestone, used to the packaging or bottling of various products. Specifically excluded are dishware, light bulbs, window glass, ceramics and other glass products.
 8. Plastic Containers shall mean #1 Plastic which includes soda bottles, ketchup bottles and medicine containers. #2 Plastic which includes Milk or water jugs, liquid laundry soap containers, bleach containers and shampoo bottles. #5 Plastic which includes yogurt tubs, and other food storage containers. Specifically excluded are #3 Plastics which includes PVC pipes, shower curtains and shrink wrap. Also excluded are #4 plastics which include plastic grocery bags, sandwich bags, and food storage bags. Also excluded are #6 plastics which include disposable flatware, plastic cups and bakery containers. Also excluded are #7 Plastics which includes large toys and lawn furniture.
- b. The Department of Public Works shall issue further regulations classifying recyclables and providing for the method and manner of collection. The classification shall be dependent upon the existence of lawful disposal, users or markets for the recyclables.
- c. Multi-Family and Non-Residential Collection of Recyclables
1. All apartment and other multi-family complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and various types of recyclables, as appropriate unless otherwise supplied by the Borough of Tinton Falls.
 2. Any company or agency providing dumpsters, roll off or other containers to any apartment or other multi-family complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/demolition project, shall clearly mark such container for trash or specific recyclables, as may be appropriate.

15-6.16 Exceptions for Physically Handicapped Individuals.

[NO CHANGE]

15-6.17. Disposal of Solid Waste.

[NO CHANGE]

15-6.18. Ownership.

~~The Borough of Tinton Falls shall assume ownership of items or materials classified as recyclable upon collection by the Borough or upon delivery to a municipal drop-off center specified herein.~~

- (a) All designated recyclables become the property of the municipality and/or the contracted collector once placed at the curbside, in a container provided by the contractor, or brought to and accepted at the Municipal Recycling Depot.
- (b) It shall be a violation of this section for any unauthorized person to pick up or cause to be picked up, any recyclable materials as defined herein. Each such collection shall constitute a separate and distinct offense.

(c) Notwithstanding anything herein to the contrary, any person may donate or sell self-generated recyclables materials to any person, partnership or corporation, whether or not operating for profit. The person, partnership or corporation, however, shall not pick up the recyclable materials at curbside

15-6.19 Disposal of Recyclable Items.

Materials classified as recyclable shall only be disposed of by:

- a. Placing them for collection by the Borough pursuant to the terms of this section and regulations issued by the Department of Public Works.
- b. Disposing of, giving, donating or selling them or permitting them to be collected by any person, partnership or corporation, whether operating for profit or not, provided that the material shall:
 1. Be recycled.
 2. Be collected from a point other than the curbside in districts with municipal collection of recyclable items or materials or at a municipal drop-off center, except with the permission of the Borough of Tinton Falls.
 3. ~~Be reported to the municipality by both the generator and the receiver of the recyclable items and materials in accordance with regulations of the Department of Public Works.~~ **Any multi-family complex, business or institution not provided recyclable collection service by the Borough of Tinton Falls shall provide the Borough Recycling Coordinator with, at a minimum, an annual report describing arrangements for recyclable collection services, the amount and types of material recycled and the name and address of any contractor hired to provide such service.**

15-6.20 Violations and Penalties.

[NO CHANGE]