

**TOWNSHIP OF LAFAYETTE
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2009-07

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 3-8 OF THE CODE OF THE TOWNSHIP OF
LAFAYETTE ENTITLED TRANSPORTATION AND
DISPOSAL OF REFUSE AND RECYCLABLES

BE IT ORDAINED, by the Township Committee of the Township of Lafayette, in the County of Sussex, and State of New Jersey that Section 3.8 of the Code of the Township of Lafayette entitled Transportation and Disposal of Refuse and Recyclables is hereby amended to add a new subsection designated as 3.8 (a) entitled Source, Separation and Recycling Ordinance, as follows:

I. Definitions

1.1 As used in this Ordinance, the following terms shall have the meaning:

A. COMMINGLE: Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

B. DESIGNATED RESIDENTIAL RECYCLABLE MATERIALS: Means those materials designated within the Sussex County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials shall include those that are defined in the Sussex County Solid Waste Management Plan – Residential Generators as follows:

1. Aluminum Cans – Food and beverage containers made entirely of aluminum.
2. Computer Printout/White Ledger – All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
3. Corrugated – Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
4. Glass Containers – All glass containers used for packaging food or beverages.
5. Leaves and Brush Leaves – brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.
6. Magazine & Junk Mail magazine stock – white and colored paper and envelopes, telephone directories and books.
7. Mixed Office Paper – items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
8. Newspaper – All paper marketed as newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
9. Plastic containers – Containers such as polyethylene terephthalate (PETE-#1) soda bottles, high-density polyethylene (HDPE-#2) milk, and water or detergent bottles.
10. Steel Cans – Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
11. Stumps, Logs and Tree Parts – Unfinished wood from land clearing projects, storm damage or pruning activities.

12. Textiles – Textiles larger than 15” x 15” (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals).
13. Tires – Rubber-based scrip automotive and Truck tires.
14. Used Motor Oil – A petroleum base or synthetic oil whose use – includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

C. DESIGNATED COMMERCIAL RECYCABLE MATERIALS. (As defined by the Sussex County Solid Waste Management Plan – Non Residential Generators, Commercial and Institutional Sectors)

1. Aluminum Cans – Food and beverage containers made entirely of aluminum.
2. Antifreeze – An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
3. Computer Printout/White Ledger – All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
4. Concrete, Asphalt and Masonry/Paving Material – Asphalt, concrete, brick, cinder block, “patio blocks”, and other masonry and paving materials.
5. Consumer Batteries – Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use. (Does not include lead-acid batteries from vehicles).
6. Corrugated – Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
7. Glass Containers – AU glass containers used for packaging food or beverages.
8. Heavy Iron – All structural steel or ferrous metal, cast iron components.
9. Lead-Acid – Batteries – Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.
10. Leaves and Brush Leaves – brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.
11. Magazine & Junk Mail magazine stock – white and colored paper and envelopes, telephone directories and books.
12. Mercury Containing Devices – including fluorescent and compact tubes, High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.
13. Mixed Office Paper – items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
14. Newspaper – All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).

15. Plastic containers – Containers such as polyethylene terephthalate (PETE-#1) soda bottles, high-density polyethylene ((HDPE-#2) milk, and water or detergent bottles.
16. Scrap Autos-Crushed or shredded automobile or truck bodies, excluding auto shredder residue or “fluff”.
17. Steel Cans – Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
18. Stumps, Logs and Tree Parts – Unfinished wood from land clearing projects, storm damage or pruning activities.
19. Textiles – Textiles larger than 15” x 15” (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals).
20. Tires – Rubber-based scrip automotive and Truck tires.
21. Used Consumer Electronics – Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers & peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.
22. Used Motor Oil – A petroleum base or synthetic oil whose use – includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.
23. White Goods & Light Iron – All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other non-structural ferrous scrap.
24. Wood Scrap – Unfinished lumber from construction or demolition projects including pallets. Unfinished shall mean non-chemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition).
25. Non-Ferrous and aluminum Scrap – All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust.

D. 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.);

E. 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, any rules and regulations which may be promulgated hereunder and is responsible for the preparation, completion and submission of the tonnage grant report to the NJ Department of Environmental Protection;

F. MUNICIPAL SOLID WASTE (MSW) STREAM – Means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of Lafayette;

G. 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;

H. 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;

I. 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.

II. SOURCE SEPARATION

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 Lafayette, 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 Township of Lafayette.

III. OWNERSHIP OF RECYCLABLE MATERIALS

Separated recyclable materials become the property of the Township of Lafayette at such time as an owner, tenant or occupant of any residential or nonresidential premises shall place at the curb of such premises or bring to the recycling center any designed recyclable materials for collection by the Township of Lafayette or its authorized agent.

IV. COLLECTION OF RECYCLABLE MATERIALS

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

- A. All containers and brown paper bags 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 7:30 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. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. All residential containers shall be sturdy and no larger than 30 gallons.
- C. Recyclable materials must be separately bundled for pick up and collection. Residents will be notified yearly, via bulk mailing, of the manner in which these materials are to be bundled.
- D. Alternatively, residents may take recyclable materials to a recycling depot or market. A copy of the weight slip, with the amount of money received removed, containing the market's name, address and phone number, materials recycled and the weight of those materials must be sent to the recycling coordinator.

V. 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 six (6) months during their occupancy.

VI. 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. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles, one for each litter receptacle, for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. The United States Post Office shall provide a container for patrons to dispose of all fiber as defined in the Sussex County Solid Waste Management Plan which includes, but is not limited to: junk mail, magazines and mixed paper.
- D. Solid waste and recycling containers must be provided in a 1 to 1 ratio at all recreation areas where food or beverage is provided.
- E. 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, which may include, but not limited to, the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- F. All food service establishments, as defined in the Health Code, 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.

VII. 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 land use board of the municipality of Lafayette, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 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 (Note: A calculation of average amounts of materials generated from similar facilities in the County may be provided to satisfy this requirement) 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 municipality of Lafayette, 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 source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

VII. 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 un-separated 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.

VIII. ENFORCEMENT

The Recycling Coordinator, the Supervisor of the Road Department and the Code Enforcement Officer are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may be inspected at any time by the township enforcement personnel and will consist of opening and sorting through containers and waste bags to detect, by sound or sight, the presence of any recyclable material.

IX. 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. Each day for which a violation of this Ordinance occurs shall be considered a separate offence.

X. 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.

NOTICE

The above Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on April 7, 2009 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on April 22, 2009.

Mayor:

Municipal Clerk: