

CHAPTER 20

PENNSVILLE RECYCLING PROGRAM

ARTICLE 1.

SHORT TITLE

Sec. 20.1-1 Title..... 2003

ARTICLE 2.

RECYCLING COORDINATOR

Sec. 20.2-1 Creation..... 2004

Sec. 20.2-2 Duties..... 2004

Sec. 20.2-3 Salary..... 2004

Sec. 20.2-4 Term of Office..... 2004

Sec. 20.2-5 Chain of Command..... 2004

ARTICLE 3.

DEFINITIONS

Sec. 20.3-1 Definitions.....2005-2009

ARTICLE 4.

**APPLICABILITY OF MANDATORY SOURCE SEPARATION
AND RECYCLING REQUIREMENTS**

Sec. 20.4-1 Mandatory Source Separation..... 2010

ARTICLE 5.

COLLECTION OF RECYCLABLE MATERIALS

Sec. 20.5-1 Collection of Recyclable Materials.....2011

Sec. 20.5-2 Residential Dwelling Compliance Requirements.....2012

Sec. 20.5-3 Commercial Establishment Compliance
Requirements..... 2012

Sec. 20.5-4 New Developments of Multi-Family Residential Units
or Commercial, Institutional or Industrial
Properties..... 2013

ARTICLE 6.

**PROHIBITION OF THE COLLECTION OF WASTE MIXED
WITH RECYCLABLE MATERIALS**

Sec. 20.6-1 Prohibition of the Collection of Waste Mixed with
Recyclable Materials..... 2014

ARTICLE 7.

**CONSTRUCTION, RENOVATION AND DEMOLITION
DEBRIS RECOVERY PLAN**

Sec. 20.7-1 Designated Recyclable Materials Plan..... 2015
Sec. 20.71-2 Compliance with Diversion Requirement..... 2015

ARTICLE 8

ENFORCEMENT

Sec. 20.8-1 Enforcement..... 2016

ARTICLE 9

SEVERABILITY

Sec. 20.9-1 Severability..... 2017

ARTICLE 10

RULES AND REGULATIONS

Sec. 20.10-1 Rules and Regulations..... 2018

ARTICLE 11

RESERVED

Sec. 20.11-1 Reserved for future use

ARTICLE 12

PENALTY

Sec. 20.12-1 Penalty..... 2020
Sec. 20.12-2 Misuse of Stickers..... 2020

ARTICLE 1.

SHORT TITLE

Sec. 20.1-1

TITLE

This chapter shall be known and may be cited as the "Township of Pennsville Recycling Program Ordinance."

ARTICLE 2.

RECYLCING COORDINATOR

Sec. 20.2-1 CREATION

There is hereby created the position of Pennsville Recycling Coordinator.

Sec. 20.2-2. DUTIES

It shall be the duty of the Recycling Coordinator to:

- A. Notify all generators of their source separation responsibilities at least twice annually. The Township of Pennsville must notify all occupants of residential, commercial and institutional properties of the requirements of this Ordinance.
- B. Perform at least two monthly recycling inspections within the Township of Pennsville; provide the Salem County Utilities Authority (SCUA) with monthly inspection reports as required by the SCUA, and take enforcement action as set forth in this Ordinance.
- C. Submit an annual municipal recycling tonnage report to the NJDEP. The report must detail all recycling that occurred in the Township of Pennsville from all residential, commercial and institutional generators subject to this Ordinance.

Sec. 20.2-3 SALARY

The Recycling Coordinator shall be paid in accordance with the Township's Salary Ordinance

Sec. 20.2-4 TERM OF OFFICE

The term of office of the Recycling Coordinator shall be from January 1 to December 31.

Sec. 20.2-5 CHAIN OF COMMAND

The Recycling Coordinator shall report directly to the Township Administrator.

ARTICLE 3

DEFINITIONS

Sec. 20.3-1

DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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

B. Designated Recyclable Materials*- means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:
(* Each municipality may designate additional recyclable materials to supplement those designated in the County Plan)

C. Residential

Glass Containers (05): All glass containers used for packaging food or beverages.

Aluminum Cans (06): Food and beverage containers made entirely of aluminum.

Newspaper (03): All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).

Mixed Office (02): All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).

Corrugated (01): Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.

Other Paper/Magazines/Junk Mail (04): All magazine stock, white and colored paper and envelopes

Plastic (08): Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles.

Yard Trimmings (19):	Leaves (19), grass clippings (18), stumps (20), brush (17), and other lawn and garden trimmings from homes, institutions, commercial or industrial sources.
Steel Cans (07):	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.
Tires (15):	Rubber-based scrap automotive, truck, and specialty tires (e.g. forklift tires)
Large Items	All large appliances such as washers, dryers, refrigerators, as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap, tires, mattresses, rugs, furniture, and other similar bulky items. (Large items shall not include concrete and/or other construction debris
Food Scraps (23):	Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.
Textiles (29):	Cloth material such as cotton, linen, wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.
Waste Oil:	Waste oil shall be defined as new or used automobile oil, brake fluid, transmission fluid, heating oil, kerosene and other similar oils.

D. Commercial

Glass Containers (05):	All glass containers used for packaging food or beverages.
Aluminum Cans (06):	Food and beverage containers made entirely of aluminum.
Newspaper (03):	All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).
Mixed Office (02):	All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).
Corrugated (01):	Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.
Other Paper/Magazines/Junk Mail (04):	All magazine stock, white and colored paper and envelopes
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Waste Oil:	Waste oil shall be defined as new or used automobile oil, brake fluid, transmission fluid, heating oil, kerosene and other similar oils.

E. Municipal Recycling Coordinator –the person or persons appointed by Township Committee of the Township of Pennsville who shall be authorized to insure enforcement of this Ordinance through the office of the Recycling Enforcement Officer, and who shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded;

F. Municipal Recycling Enforcement Officer – the person or persons appointed by the Township Committee of the Township of Pennsville who shall be authorized to enforce this Ordinance as directed by the Municipal Recycling Coordinator and/or as provided hereinafter in this Ordinance.

G. Municipal Solid Waste (MSW) Stream – means all solid waste generated as residential, commercial and institutional establishments within the boundaries of the Township of Pennsville.

H. Recyclable Material – means those materials that 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;

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;

J. Source Separated Recyclable Materials – means recyclable materials that are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling

ARTICLE 4

**APPLICABILITY OF MANDATORY SOURCE SEPARATION AND
RECYCLING REQUIREMENTS**

Sec. 20.4-1

MANDATORY SOURCE SEPARATION

It shall be mandatory for all persons who are owners, lessees, tenants or occupants of residential and non-residential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within the Township of Pennsville to separate Designated Recyclable materials from all solid waste.

- A. Designated Recyclable Materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by the Township of Pennsville.

- B. When Municipal curbside collection is not provided for Designated Recyclable Materials, as is the case for those recyclables generated by commercial and institution entities, it shall be the obligation of the generator to arrange for the private collection and delivery of Designated Recyclable Materials to a recycling facility or to deliver Designated Recyclable Materials to a municipal recycling depot designated by the Township of Pennsville.

ARTICLE 5

COLLECTION OF RECYCLABLE MATERIALS

Sec. 20.5-1

COLLECTION OF RECYCLABLE MATERIALS

The collection of Source Separated Recyclable Materials shall be in the manner prescribed as follows:

- A. It is the responsibility of the property owner to provide adequate size and number of containers for the separate placement of recyclables for curbside collection as follows: Paper products must be commingled in one container or may be placed in brown paper bags, however, plastic bags shall not be used for curbside collection of paper products; glass, food and beverage containers, metal food and beverage containers, and plastic bottles and jugs may be commingled in one container. All containers and brown paper bags containing Source Separated 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.
- B. All receptacles or dumpsters shall be maintained in a clean and safe manner.
- C. "Waste Oil" shall be dropped off in a closed container not exceeding one (1) gallon in size at the municipal recycling dept located on Industrial Park Road. There shall be no charge associated with the disposal of waste oil.

Sec. 20.5-2 RESIDENTIAL DWELLING COMPLIANCE REQUIREMENTS

The owner of each property shall be responsible for compliance with this Ordinance. For multifamily units, including but not limited to condominium complexes and season hotel/motels and guesthouses, the management or owner is responsible for setting up and maintaining the recycling system, including collection of Source Separated Recyclable Materials. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every six (6) months during their occupancy.

Sec. 20.5-3 COMMERCIAL ESTABLISHMENT COMPLIANCE REQUIREMENTS

- A. All commercial, business or industrial facilities shall be required to comply with the provisions of this ordinance.
- B. The arrangement for collection of all categories of Designated Mandatory Recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, except for those specific Designated Recyclable Materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees, or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.
- C. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at their premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.
- D. 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.

Sec. 20.5-4

**NEW DEVELOPMENTS OF MULTI-FAMILY RESIDENTIAL UNITS
OR COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL
PROPERTIES**

- A. Any application to the Pennsville Planning Board for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of three or more units or any commercial, institutional or industrial development of 1,000 square feet or more, must include a recycling plan. This plan shall 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 applicant'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 issuance of a Certificate of Occupancy by the Township of Pennsville, 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 Designated Recyclable Materials for those locations or properties where the municipality does not otherwise provide this service.
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ARTICLE 6

PROHIBITION OF THE COLLECTION OF WASTE MIXED WITH RECYCLABLE MATERIALS

Sec. 20.6-1

PROHIBITION OF THE COLLECTION OF 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 owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. All materials placed for collection shall be placed at curbside not sooner than 6:00 p.m. on the day prior to the day of collection and not later than 6:00 a.m. on that date. The containers for such materials shall be promptly removed from curbside after collection. Allowing such unseparated solid waste and recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this Ordinance 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 any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.
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ARTICLE 7

**CONSTRUCTION, RENOVATION AND DEMOLITION DEBRIS
RECOVERY PLAN**

Sec. 20.7-1

DESIGNATED RECYCLABLE MATERIALS PLAN

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials Plan shall be filed along with all other required permit conditions. The Plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

Sec. 25.7-2

COMPLIANCE WITH DIVERSION REQUIREMENT

The Municipal Recycling Coordinator shall review all information submitted pursuant to this Section of this Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not complaint, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

ARTICLE 8

ENFORCEMENT

Sec. 20.8-1

ENFORCEMENT

This section empowers the Municipal Recycling Coordinator, the Municipal Recycling Enforcement Officer, other designees as determined by the Township and the Salem County Health Department to enforce the Ordinance and conduct inspections. The Township may, if required, modify the enforcement language empowering Township employees; however, the language setting forth the enforcement provisions for the Salem County Health Department serving in a secondary enforcement role, which includes inspection of commercial establishments, must be incorporated as presented.

ARTICLE 9

SEVERABILITY

Sec. 20.9-1

SEVERABILITY

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

ARTICLE 10 **RULES AND REGULATIONS**

Sec. 20.10-1 **RULES AND REGULATIONS**

The Township Committee is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the Source Separation, preparation, placement and collection of Recyclable Materials pursuant to the provisions of this program and Article, provided however, that such rules and regulations shall not be inconsistent with terms and provisions of this Article and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

ARTICLE 11

Reserved for future use

ARTICLE 12 **PENALTY**

Sec. 20.12-1 **PENALTY**

Any person or entity violating, or failing to comply with, any of the provisions provided in this Ordinance shall, upon conviction thereof, be punishable by a fine of not less than \$50 and not more than \$1,000 or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the municipal judge. The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded warnings at the discretion of the enforcement designees before the issuance of any fines.

Sec. 20.12-2 **MISUSE OF STICKERS**

Any person who attempts to duplicate or counterfeit a sticker, reuse a cancelled sticker, provide a sticker to an unqualified user, or transfer a sticker to any person to whom such sticker was not issued shall be in violation of this Article and be subject to prosecution in the Municipal court. Any person determined guilty shall be subject to the payment of a fine not to exceed \$500 or imprisonment for a period of up to 90 days, or both, for each violation
