

**ORDINANCE 2018 - 13
FRANKLIN TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 265,
"SOURCE SEPARATION AND RECYCLING," OF THE CODE OF THE TOWNSHIP
OF FRANKLIN TO UPDATE REMOVE ANY REFERENCE TO A MUNICIPAL
RECYCLING CENTER .**

WHEREAS, the Committee of the Township of Franklin, County of Hunterdon, State of New Jersey, has determined that it no longer feasible to operate a municipal recycling center; and

WHEREAS, the Committee of the Township of Franklin, County of Hunterdon, State of New Jersey, wishes to amend Chapter 265 to remove any reference to a municipal recycling center.

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Franklin, County of Hunterdon, State of New Jersey that Chapter 265 "Source Separation and Recycling," of the Code of the Township of Franklin shall be deleted in its entirety and replaced with the following:

Section 1:

Chapter 265. Source Separation and Recycling

§ 265-1. Applicability

The rules and regulations of this Chapter are mandatory for all occupants of residential, commercial and institutional establishments located in the Township of Franklin.

§ 265-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Commercial, Industrial and Institutional Establishments

All entities which operate or conduct any business whatsoever which cannot be included within the definitions of a residential premises or complex.

County

The implementing agency for the Hunterdon County Solid Waste Management Plan, the Hunterdon County Utilities Authority.

Designated Recyclable Materials

Those materials designated within the Hunterdon County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

A. DESIGNATED RECYCLABLE MATERIALS FOR THE GENERATORS OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL and INSTITUTIONAL WASTE:

(1) **Corrugated**

Cardboard containers and similar cardboard-type paper items usually used to transport supplies, equipment parts or other merchandise.

(2) **Mixed Office and Computer Paper**

Any and all types of "office-type" paper, including, but not limited to, computer paper, high-grade white paper, typing paper, copier paper, onionskin, tissue paper, notepad, envelopes, manila folders and colored paper, or any mix thereof.

(3) **Newspaper**

All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Forest and Paper Association grades No. 6, No. 7 and No. 8 news).

(4) **Other Paper/Magazines/Junk Mail**

All paper which is not defined as corrugated, mixed office paper, computer paper or newspaper.

(5) **Glass Containers**

All glass containers used for packaging food or beverages.

(6) **Aluminum Cans**

Food and beverage containers made entirely of aluminum.

(7) **Steel Cans**

Rigid containers made exclusively or primarily of steel or tin-plated steel and steel and aluminum cans used to store food, beverages, and a variety of other household and consumer products.

(8) **Plastic Containers**

Containers including polyethylene terephthalate (PETE No. 1) soda bottles, high-density polyethylene and (HDPE No. 2) milk, water or detergent.

B. ADDITIONAL DESIGNATED RECYCLABLE MATERIALS FOR THE GENERATORS OF COMMERCIAL, INDUSTRIAL and INSTITUTIONAL WASTE:

(1) **White Goods and Light Iron**

All 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 nonstructural ferrous scrap.

(2) **Antifreeze**

All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

(3) **Batteries, Lead-Acid**

Batteries from automobiles, trucks, other vehicles and machinery and equipment. This does not include consumer batteries.

(4) **Used Motor Oil**

Petroleum-based or synthetic oil which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

(5) **Tires**

Rubber-based scrap automotive, truck or specialty (e.g., forklift) tires. The tires must be recycled at a facility approved by the New Jersey Department of Environmental Protection.

C. DESIGNATED RECYCLABLE MATERIALS FROM GENERATORS OF RESIDENTIAL WASTE THAT ARE COLLECTED BY HUNTERDON COUNTY:

(1) **Antifreeze**

All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

(2) **Batteries, Lead-Acid**

Batteries from automobiles, trucks, other vehicles and machinery and equipment.

(3) **Used Motor Oil**

Petroleum-based or synthetic oil which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

(4) **Mercury-Containing Devices**

Fluorescent and compact fluorescent tubes (CFTs), high-intensity discharge (HID) and neon lamps, electrical switches, thermostats and any batteries containing mercury.

(5) **Petroleum-Contained Soil**

Nonhazardous soils containing petroleum hydrocarbons resulting from spills, leaks or leaking underground storage tanks used for gasoline or any other commercial fuel and which are recycled in accordance with the requirements of N.J.A.C. 7:26A-1.1 et seq. Note: This material can be recycled at "Class B" facilities (for example, authorized asphalt manufacturers).

Franklin Township Recycling Coordinator

The person or persons appointed by the Mayor of the Township of Franklin and with consent by the Township Committee and who shall be authorized to, among other things, enforce the provisions of this chapter and any rules and regulations which may be promulgated hereunder.

Municipal Solid Waste (MSW) Stream

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Franklin.

Nonresidential Establishment

Commercial, industrial and institutional establishments that operate or conduct any business or operations which cannot be included within the definitions of "residential dwelling" or "residential dwelling complex."

Recyclable Material

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.

Residential Dwelling

Any building or structure, or complex of buildings, in which fewer than three dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a).

Residential Dwelling Complex

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 N.J.S.A. 13:1E-99.13a) and shall include hotels, motels, apartments or other guest houses serving regular, 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 (N.J.S.A. 55:13A-1 et seq.).

Source-Separated Recyclable Materials

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Source Separation

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.

§ 265-3. Franklin Township Recycling Coordinator.

- A. In order to carry out the requirements of the New Jersey Mandatory Source Separation and Recycling Act ("Act") and the Hunterdon County District Solid Waste Management Plan ("Plan"), the position of Franklin Township Recycling Coordinator is hereby

established, who shall be responsible for compliance with said Act, Plan and applicable Township regulations.

- B. The Franklin Township Recycling Coordinator will be appointed annually by the Mayor and with consent by the Township Committee and will serve a term of one year. The Mayor will annually affirm in writing the name of the person holding the position of Township Recycling Coordinator.
- C. The Franklin Township Recycling Coordinator will report to the Township Committee and Township Clerk at least once annually on the status of the municipal recycling program and shall from time to time advise and make recommendations as to how the requirements set forth in this chapter may be effectuated.
- D. The Franklin Township Recycling Coordinator will attend all meetings that the Township Committee deems to be important. This includes meetings that may be conducted by the state, the county or other appropriate organizations.
- E. The Franklin Township Recycling Coordinator shall promote the municipal recycling program by educating citizens, businesses, institutions, and organizations of the need to participate in the municipal recycling program and shall explain to citizens, businesses, institutions and organizations the provisions of this chapter and assist in the enforcement thereof.

§ 265-4. Mandatory source separation.

- A. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential 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 Township of Franklin, 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 or occupants of such premises and shall be placed separately at the curb for third-party commercial pickup in a manner and on such days and times as may be hereinafter established by regulations adopted by the Township of Franklin.
- B. Unless the Municipality provides otherwise for the collection of designated recyclable materials, every owner and/or occupant of residential or nonresidential premises must contract for the removal and disposition of recyclable materials as set forth in this chapter with a licensed private contractor. Residential recycling contracts must comply with the provisions of this chapter and must further provide for not less than monthly pickup.
- C. In the event that a municipal, county or state facility, accepts mandatory recyclable material as set forth in this chapter, then the residential and/or nonresidential owner or occupant may utilize such facility, to the extent permitted by the owner or operator of such facility.

§ 265-5. Residential dwelling compliance requirement.

- A. The occupant(s) and owner(s) of any residential property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining a 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 occupant. In instances where the violator is not easily identifiable, violations and penalty notices will be directed to the owner/management. The owner/management shall issue notification and collection rules to occupants when they arrive and at least twice annually during their occupancy.
- B. Failure of occupant(s) and/or owner(s) of any residential property to abide by the rules and regulations of this section may be fined not less than \$50 nor more than \$250 for each violation of noncompliance. Prior to taking enforcement action pursuant to this section, the Recycling Coordinator or other enforcement officer shall issue one warning to any occupant which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

§ 265-6. Residential dwelling complex compliance requirement.

- A. The occupant(s) and owner(s) of any residential property shall be responsible for compliance with this chapter. Unless the municipality provides for the collection of designated recyclable materials, the owner of each residential complex is responsible for providing a recycling depot for the entire complex. The depot shall be equipped with owner- or contractor-supplied receptacles for each category of designated recyclable material.
- B. An occupant within a residential complex who fails to comply with the requirements of this chapter may be fined not less than \$50 nor more than \$250 for each violation of noncompliance.
- C. The owner/management shall issue notification and collection rules to new tenants when they arrive and at least twice annually during their occupancy.
- D. Unless the municipality provides for the collection of designated recyclable materials, the owner of each residential complex shall report to the Municipal Recycling Coordinator, by February 15 of each year, the recycling activity of the prior year. The report shall include the amount of recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.
- E. An owner (or his/her agent) who fails to abide by the rules and regulations of this section may be fined up to \$250 for each violation of noncompliance. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or

other enforcement officer shall issue one warning to the owner who is in violation of this section. The warning shall include educational information regarding proper procedures for recycling including instruction as to how the owner can reasonably provide adequate recycling facilities to ensure compliance with this chapter.

§ 265-7. Nonresidential establishment compliance requirements.

- A. Commercial, industrial and institutional establishments are defined as all entities which operate or conduct any business whatsoever but are not defined as a residential dwelling, multifamily residential property or residential complex.
- B. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this chapter.
- C. Unless the property owner provides for the collection of designated recyclable materials, arrangement for collection of designated recyclables shall be the responsibility of the commercial, institutional or industrial occupant(s) or tenant(s). All commercial, institutional or industrial property owners which provide outdoor litter receptacles and trash disposal shall also provide receptacles 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.
- D. Unless the property owner or municipality provides for the collection of designated recyclable materials, every occupant of a commercial, industrial or institutional facility or their designee (including solid waste and recycling transporters) shall cooperate in communicating recycling activity. Such communication shall include reporting to the Franklin Township Recycling Coordinator, by February 15 of each year, the occupants' recycling activity of the prior year. The report shall include the amount of recycled material-by-material type and the vendor or vendors providing recycling service. The information must be supplied to the Franklin Township Recycling Coordinator and directed to the attention of the Franklin Township Recycling Coordinator by name and address. The county must also be copied on this information.
- E. If the property owner provides recycling collection services for the occupants of the property, the owner or his or her designee (including solid waste and recycling transporters) shall cooperate in communicating recycling activity. Such communication shall include reporting to the Municipal Recycling Coordinator, by February 15 of each year, the recycling activity on the property in the prior year. The report shall include the amount of recycled material-by-material type and the vendor or vendors providing recycling service. The information must be supplied to the Franklin Township Recycling Coordinator and directed to the attention of the Franklin Township Recycling Coordinator by name and address. The county must also be copied on this information.
- 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.

- G. A commercial, industrial or institutional occupant or owner who fails to abide by the rules and regulations of this section may be fined not less than \$50 nor more than \$250 for each violation of noncompliance. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one warning to any commercial, industrial or institutional establishment which is in violation of each section, which warning shall include education information regarding proper procedures for recycling.

§ 265-8. New developments of multifamily residential dwelling units and commercial, institutional, or industrial properties.

- A. Any application to the Land Use Board of the Township of Franklin, for subdivision or site plan approval for the construction of multifamily 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 source separation and 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 Franklin Township Recycling Coordinator.
- B. Prior to the issuance of a certificate of occupancy by the Township of Franklin, the owner of any new multifamily 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 Township Engineer and Township Planner.

§ 265-9. Collection of solid waste mixed with recyclable materials prohibited.

- 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 chapter and the Health Code.

- C. Once placed in the location for collection, no person, other than those authorized by the Township, shall tamper with, collect, remove, or otherwise handle solid waste or designated recyclable materials.
- D. A solid waste collector who fails to abide by the rules and regulations of this section may be fined not less than \$50 nor more than \$250. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one warning to any commercial, industrial or institutional establishment which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

§ 265-10. Solid waste transporter requirements.

- A. A minimum of once a year or when necessary to reflect program or regulatory modifications, solid waste transporters shall notify all customers:
 - (1) What materials are designated to be source separated from solid waste and must be recycled in Hunterdon County and that these items are prohibited in solid waste.
 - (2) That discovery of designated recyclable items in solid waste may result in the waste not being collected and that the generator is in violation of these Franklin Township ordinances and subject to a monetary fine.
 - (3) That solid waste transporters are prohibited by law to collect solid waste containing mandated recyclable materials.
 - (4) That documentation of proof of solid waste and recycling collection service must be maintained and that this documentation must be made available to the property owner, Township or county upon request.
- B. No later than February 15 of each year, all solid waste companies will provide a detailed report of all recycling activities to all commercial and institutional solid waste customers. The report will include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be supplied to the Franklin Township Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The county must also be copied on this information.
- C. No later than February 15 of each year, all solid waste transporters will provide each municipality and the county with a summarization of recycling activity in the Township, including totals of all residential, commercial and institutional recycling. The report will include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials

collected. The information must be supplied to the Franklin Township Recycling Coordinator and directed to the attention of the Franklin Township Recycling Coordinator by name and address. The county must also be copied on this information.

- D. Failure of the solid waste transporter to comply with the provisions of the Solid Waste Management Plan, as amended, and this chapter shall constitute a violation and subject the solid waste transporters to those penalties as may be prescribed by Franklin Township by rules and regulations adopted pursuant thereto.

§ 265-11. Proof of provision of solid waste and recycling collection services.

Unless the solid waste and recycling collection services have been otherwise provided for by Franklin Township, pursuant to N.J.S.A. 40:66-5.1, all residential, commercial, industrial and institutional generators of solid waste must, upon request by the Franklin Township Municipal Recycling Coordinator, supply proof that solid waste and recycling collection services have been contracted by the generator. The information requested for proof of service may include provision of weight receipts or billing statements. The procedure by which the Township may request receipts or other documentation must be detailed in a process approved by the Township Committee.

§ 265-12. Enforcement

The Municipal Recycling Coordinator and/or the Recycling Enforcement Specialist of Hunterdon County or a designated officer of the Township of Franklin are hereby individually and severally empowered to enforce the provision of this chapter. An inspection may consist of sorting through the containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material. Each day for which a violation of this chapter occurs shall be considered a separate offense. Fines levied and collected pursuant to the provisions of this chapter shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used solely for the expenses of the municipal recycling program.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on June 28, 2018 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on August 9, 2018 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Adopted: 8/9/18

Ursula V. Stryker

Township Clerk