

Mr. Nolan offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-10-6
ORDINANCE AMENDING CHAPTER III, SECTION 3-7
OF THE ORDINANCES OF THE
BOROUGH OF HIGHLANDS

WHEREAS, on March 9, 2009, Monmouth County adapted an update to the Solid Waste Management Plan designed to increase recycling and improve compliance and enforcement; and

WHEREAS, the County of Monmouth has set out various deadlines for towns to make necessary changes to their individual recycling ordinance and provisions in order to come into compliance with the County's updated Solid Waste Management Plan; and

WHEREAS, the Borough of Highlands is desirous of making those updates to its Municipal Recycling Ordinance so as to bring it into compliance with the updated Solid Waste Management Plan put in place by the County of Monmouth.

NOW THEREFORE, BE ORDAINED, as follows:

3-7.1 Within the definition of the term, *Trash*:
Delete "grass cuttings and clippings"

3-7.2 The entirety of the existing section shall be deleted, and shall be replaced by the following subparts:

a – There is hereby established a program for the mandatory separation for aluminum, glass, metal and non-metal objects, paper, trash, cardboard, building materials debris, garbage, and other debris within the Borough of Highlands. All recyclable materials shall be separated from other garbage, debris and trash and recycled consistent with this ordinance.

b – Any multi-family complex, business or institution that is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclable collection services, including the size, number and location of storage containers, frequency of pick up services, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.

3-7.4(g) The word "Tires" shall be deleted from this section.

3-7.4(h) The following shall be deleted:

“The collection of and disposal of grass cuttings and clippings shall be included in the collection of and disposal of garbage and trash.”

3-7.4(l) The first sentence shall be deleted and replaced with the following:

“All business, industrial, institutional and residential properties shall separate clean and unsoiled corrugated cardboard.

All business, industrial, institutional and residential cardboard shall be separated and tied and placed curbside on the appropriate pick up day. No pizza boxes or food soiled boxes shall be allowed with residential pick up.”

3-7.4(m) Is hereby created and shall read as follows:

“Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in a manner and schedule as shall be published and distributed by the municipality. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.”

3-7.4(n) Is hereby created and shall read as follows:

“Automotive and other vehicle or wet cell 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, scrap yards or publicly operated recycling facilities designed and permitted to handle such products.”

3-7.4(o) Is hereby created and shall read as follows:

“Liquid and hazardous waste shall not be disposed of as solid waste. No liquids of any type shall be placed with recyclables, or other solid waste for collection and disposal. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products or other hazardous waste shall be placed with recyclables, or with solid waste for collection and disposal.”

3-7.6(a)subparts, (1) and (2) Are hereby created and shall read as follows:

(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 the various types of recyclables, as appropriate.”

(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 for specific recyclables, as may be appropriate.”

3-7.7 The entirety of this section shall be deleted and replaced by the following:

3-7.7 Debris Management Plan for Construction Permits.

a. The municipality shall issue construction and demolition permits only after the applicant has provided a debris management plan identifying the estimated number and types of containers to be used for the handling of all solid waste and recyclables generated during the project, and arrangement for the proper disposition of the generated materials.

b. A refundable deposit of \$50.00 to \$1,000.00 shall be submitted with the debris management plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid waste and recyclables. Inadequate or incomplete documentation may result in a refundable deposit of \$1,000.00.

3-7.8 The entirety of this section shall be deleted and replaced by the following:

3-7.8 Title, Appointment and Duties of Recycling Coordinator:

a. The position of recycling coordinator is hereby created and established within the municipality, to be appointed by the Governing Body of the Borough of Highlands, for a term of one year expiring on December 31st of each year.

b. The duties of the recycling coordinator shall include, but are not limited to: the preparation of annual or other reports as required by State and County Agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies and conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation and local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, reports to the Governing Body on the implementation and enforcement of the provisions of this Ordinance, and such other reports and activities as may be requested by the Governing Body.

c. The recycling coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators as established by the State of New Jersey, the Recycling Coordinator shall have completed or be in the process of completing the requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

3-7.9 The entirety of this section shall be deleted and replaced with the following:

3-7.9 Collection by Unauthorized Persons.

From the time of placement at the curb by anyone described herein, items shall become the property of the Borough of Highlands or its authorized agent. It shall be a violation of this section for any person not authorized by the Borough of Highlands to collect or pick up or caused to be collected

or picked up any such items. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

3-7.10 The entirety of this section shall be deleted and replaced by the following:

3-7.10 Enforcement.

a. The duly appointed Municipal Recycling Coordinator, the Monmouth County Health Department and the Monmouth County Solid Waste Enforcement Team are hereby jointly and severely empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this Ordinance, by issuance of warnings, notices, summons and complaints. A typical inspection may consist of sorting through containers and opening bagged solid waste to detect the presence of recyclable materials.

b. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection, with a follow up visit to determine compliance within a stated period of time.

3-7.11 Is hereby created and Shall state the following:

Violations and Penalties

a. Violations or Non-compliance with any of the provisions of this ordinance, or the rules and regulations promulgated hereunder, shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00.

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

c. Fines levied and collected in Municipal Court pursuant to the provisions of this Ordinance shall be deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the Municipal Recycling Program.

3-7.12 Is hereby created and Shall state the following:

Repealer

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect immediately upon its passage and publication in accordance with the Law.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

DATE: April 21, 2010

Carolyn Cummings
Borough Clerk

Intro: March 17, 2010

Publish: March 26, 2010 – Two River Times

2nd Reading: April 21, 2010

PH/Adoption: April 21, 2010

Publication:

I, _____ Clerk/Deputy Clerk do hereby certify this to be a true copy of Ordinance # O-10-6 as adopted by the Governing Body of the Borough of Highlands on April 21, 2010.