

MOORESTOWN TOWNSHIP

ORDINANCE NO. 1-2011

**AMENDING CHAPTER 140-1 OF THE MOORESTOWN TOWNSHIP CODE
GOVERNING THE PROGRAM FOR THE RECYCLING OF DESIGNATED
RECYCLABLE MATERIALS AND MODIFYING FOR VIOLATIONS THEREOF**

WHEREAS, the New Jersey Solid Waste Management Act ("SWMA"), 13:1E -1 et seq., as amended by P.L. 1987, c. 102, requires each municipality within the State of New Jersey to adopt an ordinance or ordinances governing separation and collection of certain recyclable materials; and

WHEREAS, the Burlington County District Solid Waste Management Plan ("County Plan"), as adopted by the Burlington County Board of Chosen Freeholders ("County") and approved by the New Jersey Department of Environmental Protection ("DEP") pursuant to the SWMA, also requires each municipality within the County to adopt an ordinance governing separation and collection of recyclable materials as designated by the County Plan; and

WHEREAS, pursuant to the County Plan, the Department of Solid Waste (DSW) has prepared and distributed a model ordinance in a form substantially similar to this Ordinance;

NOW THEREFORE, it is hereby enacted and ordained by the Township of Moorestown, in the County of Burlington, State of New Jersey, that Chapter 140-1, et seq. of the Township Code is hereby amended as follows:

§ 140-1. Purpose of Ordinance.

The Township of Moorestown finds that reducing the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the SWMA and the County Plan. The recycling of certain materials from the residential, commercial and institutional establishments in this Municipality will conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery and conserve natural resources through reduced energy consumption, reduced water and air pollution as well as reduce the demand on raw material extraction.

§ 140-2. Statutory Authority for Recycling Ordinance.

This Ordinance is adopted pursuant to P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and any amendments adopted thereto.

§ 140-3. Definitions.

As used in this Ordinance, the following definitions shall apply:

ACT OR SWMA – shall mean the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., as amended and supplemented.

ALUMINUM CAN - shall mean empty food and beverage containers comprised of aluminum. Excluded from this definition are aluminum aerosol cans, aluminum foil and trays.

ANTIFREEZE - shall mean liquid used in a cooling system that is mixed with water and prevents the water from freezing. The solution serves as the engine coolant.

BURLINGTON COUNTY REGIONAL PROGRAM – shall mean the program utilized for the collection of those recyclable materials as designated by the Department of Solid Waste from residential curbside, participating multifamily and participating school collection programs.

CERTIFIED RECYCLING COORDINATOR – shall mean a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the Department of Environmental Protection.

CLASS A RECYCLABLE MATERIAL – shall mean source separated, non-putrescible, metal, glass and plastic bottles coded #1 & #2; and paper and corrugated and other cardboard.

CLASS B RECYCLABLE MATERIAL – shall mean source separated, non-putrescible waste concrete, asphalt, brick, block, asphalt based roofing, scrap and wood waste; source separated, non-putrescible waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction remodeling repair and demolition operations on houses, commercial buildings, pavements and other structures; source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted; source separated scrap tires; and source separated petroleum contaminated soils.

CLASS C RECYCLABLE MATERIALS – shall mean source separated compostable or anaerobically digestible material such as source separated food waste biodegradable plastic and yard trimmings.

CLASS D RECYCLABLE MATERIAL - shall mean used oil, antifreeze, latex paints, thermostats, fluorescent lamps (light bulbs), oil-based finishes, batteries, mercury containing devices and consumer electronics.

COMMERCIAL ESTABLISHMENT – shall mean all commercial and industrial activities that operate for profit and are involved in retail or manufacture of goods and services provided for sale.

COMMINGLED – shall mean a combining of source separated recyclable materials for the purpose of recycling.

COMMON AREA RECYCLING STORAGE LOCATION – shall mean a location designed in accordance with the land use ordinances of this municipality as required for multifamily dwellings with more than twenty (20) residential units where curbside collection is not provided under the Burlington County Regional Program.

CONDOMINIUM COMPLEX – shall mean a group of units, arranged horizontally or vertically, where the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

CONSUMER ELECTRONICS – shall mean computer equipment, including desktop and laptop computers and related components, including, monitors, circuit boards, terminals, and CPU's, and peripheral equipment including keyboards, printers, copiers, and fax machines. It shall also include VCRs, CD players, DVD players, and cellular phones. Consumer electronics shall not include televisions as defined herein until such time as such devices are banned at solid waste disposal facilities in accordance with the Electronics Waste Recycling Act, P.L 2008, c.130 et seq. and any amendments thereto.

CONTAMINANT – shall mean solid waste, food waste, or other material which adheres to, or which is otherwise contained on or in, source separated recyclable materials.

CORRUGATED AND OTHER CARDBOARD - shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, foil or wax-coated or soiled corrugated cardboard.

COUNTY – shall mean the Burlington County Board of Chosen Freeholders, and its successors and assigns, acting through the Burlington County Division of Solid Waste Management.

CURBSIDE DESIGNATED RECYCLABLES__- shall mean those designated recyclables that are placed for collection within the parameters of the curbside collection program as outlined herein.

CURBSIDE RECYCLING CONTAINER – shall mean a container(s) provided by the municipality or persons for the temporary storage of recyclable materials within the residential unit(s).

DE MINIMIS – shall mean less than 1% by volume.

DEP OR DEPARTMENT – shall mean the New Jersey Department of Environmental Protection.

DESIGNATED RECYCLABLE MATERIALS - shall mean those recyclable materials to be source separated in this municipality including but not limited to Aluminum Cans,

Antifreeze, Consumer Electronics, Corrugated Cardboard, Fluorescent Lights, Glass Containers, Lead Acid Batteries, Leaves, Metal Appliances, Paper, Plastic Bottles (coded #1), Rechargeable Batteries, Steel (tin) cans, Textiles, Tires & Used Motor Oil.

DISPOSITION OR DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS - shall mean the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal as solid waste.

DSW shall mean the Burlington County Department of Solid Waste, its successors and assigns.

FIBER - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books, chipboard, corrugated and other cardboard and similar cellulosic material whether shredded or whole, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

FLUORESCENT LIGHTS - shall mean a lighting system which works by creating electric arcs inside a gas rich tube to produce ultraviolet light, then converting this to visible fluorescent light by its passage through a layer of phosphor on the inside of the glass.

GENERATOR - shall mean any person(s) who causes solid waste to be produced for any purpose whatsoever.

GLASS - shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.

INK JET CARTRIDGE - shall mean a replaceable unit that holds ink and the print nozzles for inkjet printers.

INSTITUTIONAL ESTABLISHMENT - shall mean any entity, either public or private, either for profit or nonprofit, who operates for educational, charitable, religious, fraternal or other public purpose.

LEAD ACID BATTERY – shall mean storage batteries with lead electrodes and that contain dilute sulfuric acid as the electrolyte. These include starting batteries, such as vehicle batteries, marine batteries, small sealed lead acids and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.

LEAVES - shall mean vegetative material, typically generated in the autumn, which fall from trees and are collected for removal from a property.

METAL APPLIANCES – shall mean appliances composed predominantly of metal including stoves, washing machines, dryers and water heaters. Also included are all Freon containing appliances including air conditioners, freezers, refrigerators and dehumidifiers.

MOBILE HOME PARK - shall mean any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis as defined in N.J.S.A. 2A: 18-61.7 et seq.

MULTIFAMILY DWELLING - shall mean any building or structure or complex of buildings or structures in which three or more dwelling units are rented or leased or offered for rental or lease for residential purposes; whether privately or publicly financed, except 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.) & N.J.S.A 40:66-1.2 et seq.

MUNICIPALITY shall mean the Township of Moorestown located within the County of Burlington, State of New Jersey.

MUNICIPAL RECYCLING DEPOT - shall mean a site owned and operated by a municipality for the receipt and temporary storage of certain designated Class A Recyclable materials delivered by residents, small commercial and non-profit establishments for a period not exceeding two months, prior to their transport to a recycling center or end-market.

MUNICIPAL SOLID WASTE – shall mean residential, commercial and institutional solid waste generated within a community.

MUNICIPAL SOLID WASTE STREAM – shall mean residential, commercial and institutional waste in the context of the Statewide Solid Waste Management Plan Update, which constitutes the waste stream, used to calculate the State mandated 50% recycling rate. This waste stream includes waste types 10 and 23.

PAPER - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material whether shredded or whole, but excluding tissue and towel paper, wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated or soiled paper.

PERSON - shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency of any other entity or any group of such persons, which is recognized by law as the subject of rights and duties.

PLASTIC BOTTLES - shall mean all bottles that are labeled as made from polyethylene teraphthalate (PET) and coded as #1 and high - density polyethylene teraphthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint, solvents, motor oil and pesticides and herbicides.

PUTRESCIBLE WASTE – shall mean organic material which is capable of, and prone to, a rapid process of biological and biochemical decomposition, under anaerobic or aerobic conditions, resulting in the formation of malodorous byproducts.

QUALIFIED PRIVATE COMMUNITY - shall mean a residential condominium, cooperative or fee simple community or horizontal property regime, the residents of which

do not receive any tax abatement or tax exemption related to its construction comprised of a community trust or other trust device, condominium association, home owners association or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered a qualified private community. No "proprietary campground facility," as defined in section 1 of P.L.1993, c.258 (C.45: 22A-49), shall be considered to be a qualified private community.

RECHARGEABLE BATTERIES - shall mean batteries used in portable electronic devices composed of Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion) and Small Sealed Lead (Pb).

RECYCLABLE MATERIALS – shall mean materials that would otherwise become solid waste that can be separated, collected and/or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING - shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING CENTER – shall mean a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable material (Class A, Class B, Class C and/or Class D recyclable materials).

RESIDENT - shall mean shall mean any person residing within the Municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.

SCRAP METAL – shall mean bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous, can be recycled. Included are all ferrous and non-ferrous metals including appliances and appliances containing refrigerants.

SOLID WASTE – shall mean garbage, refuse and other discarded materials, as defined in N.J.S.A. 13:1E-1, et seq. and N.J.S.A. 48:13A-1, et seq.

SWMA - shall mean the New Jersey Solid Waste Management Act, as amended.

SOURCE SEPARATED – shall mean recyclable materials separated from the solid waste stream at the point of generation.

STEEL CAN - empty food, beverage and aerosol containers comprised of tin, steel or a combination thereof, which formerly contained only non-hazardous substances or such other substances as have been approved for recycling by Department of Solid Waste.

TELEVISION - shall mean a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.

TEXTILES - shall mean clean dry clothing or other fabric measuring at least one foot x one foot in size. It shall not include material that is wet or mildewed.

TIRES - shall mean rubber wheels used on motorized transport or equipment whether bias-ply, cross-ply or radial.

TONER CARTRIDGE – shall mean an exhausted replaceable cartridge containing toner powder and sometimes the photosensitive drum on which a laser printer generates the image to be printed.

TYPE 10 MUNICIPAL SOLID WASTE – shall mean waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments such as, restaurants, stores, markets, theatres, hotels and warehouses, and institutional waste material originated in schools, hospitals, research institutions and public buildings.

TYPE 13 BULKY WASTE – shall mean large items of waste material, such as appliances and furniture. Discarded automobiles, boats, trucks and trailers and large vehicle parts, and tires are included under this category.

USED OIL - shall mean any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

USED OIL COLLECTION CENTER - shall mean the municipal recycling center that manages used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under N.J.A.C. 7:26A-6.4 that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to N.J.A.C. 7:26A-6.4(e). Used oil accumulation centers may also accept used oil from household “do-it-yourselfer” used oil generators.

§ 140-4. Requirements Applicable to Source Separation of Designated Recyclables.

Notwithstanding the limitations to the Burlington County Regional Program (BCRP) or the Municipal Recycling Depot as outlined within this ordinance, every person is required to source separate and recycle each of the Designated Recyclable Materials outlined within this ordinance.

§ 140-5. Establishment of Curbside Program.

- A. In order to facilitate the collection of certain Designated Recyclable Materials, there is hereby established a curbside program for the collection of source separated recyclable material from residents of the Municipality.
- B. Designated Recyclable Materials for the curbside program are those materials designated by the DSW for collection within the BCRP. These materials are: Aluminum Cans, Corrugated Cardboard, Glass Containers, Paper, Plastic Bottles (Coded 1 & 2), Steel (Tin) Cans and other recyclable materials as may be designated from time to time by the DSW.
- C. Multifamily complexes of twenty (20) or more units, condominium complexes of twenty (20) or more units or mobile home parks of twenty (20) or more units, or any commercial or institutional establishment shall not receive collection under this program unless the collection location and type of containers meet the approval requirements of the DSW.
- D. Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates promulgated by DSW and publicly advertised by the Municipality or County.
- E. All residents served by the curbside program shall source separate all designated recyclables for curbside collection and shall place them at the side of the road fronting their residence in the manner designated by Section 6 of this Ordinance and on the date specified for collection.
- F. Residents who are physically unable to place recyclable materials out for collection within the Burlington County Regional Program shall be exempt from requirements for participation within the program.
 - a. Determinations for this exemption shall be at the discretion of this municipality.

§ 140-6. Requirements Applicable to Source Separation and Collection of Designated Recyclables for the Curbside Program.

All recyclables placed for collection pursuant to the Curbside Program established within Section 5 of this Ordinance shall be source separated and prepared for collection in accordance with the following conditions:

- A. Cardboard and paper shall be set out in carts provided by this municipality.
 - a. Boxes shall be flattened as to fit into the cart.
 - b. Where cardboard boxes are too large to be placed in the cart and where there are too many boxes to fit within the cart, cardboard boxes must be flattened and placed alongside the cart for collection.
 - c. Carts shall be placed at the curb with the lid opening facing the street.
 - d. Carts shall be placed in such a manner so as to leave at least two (2) feet of clear space around each side of the cart.
 - i. Carts shall be placed in such a manner so as to avoid interference from overhead obstructions.
 - e. Carts shall be maintained in a neat and sanitary condition so as to deter vermin and odors.

- f. Carts are the property of the municipality and may not be used for any other purpose or to contain any other material.
- B. Glass containers, aluminum cans, steel cans and plastic bottles:
 - a. Remove all caps and lids and dispose of as solid waste.
 - b. Glass containers, aluminum cans, steel cans and plastic bottles shall be rinsed free of contaminants.
 - c. Glass containers, aluminum cans, steel cans and plastic bottles shall be placed in a recycling container provided by the Municipality.
 - d. Plastic and/or paper garbage bags shall not be utilized as containers for glass containers, aluminum cans, steel cans and plastic bottles.
 - C. Municipally provided recycling carts/containers may not be used for any other purpose whatsoever.
 - D. Removal of recycling carts/containers provided by the municipality by any person is prohibited.
 - E. Recyclables shall not be placed for collection earlier than the evening of the day preceding a scheduled collection day. Recyclables must be placed at the roadside by 6:00 A.M. on the scheduled collection day.
 - F. All other terms and phrases shall be as defined in the SWMA and regulations promulgated thereunder and the County Plan, unless content clearly requires a different meaning.

§ 140-7. Establishment of a Municipal Recycling Depot Program.

There is hereby established a Municipal Depot Program for the convenience of the residents. Source Separated Recyclables listed below may be brought to the Public Works Center, 601 East Third Street, during the times and days advertised.

- A. The following source separated recyclables will be accepted at the Municipal Recycling Depot:
 - a. Aluminum Cans
 - b. Corrugated Cardboard
 - c. Glass Containers
 - d. Paper
 - e. Plastic Bottles (Coded 1 & 2)
 - f. Steel (Tin) Cans
 - g. and other recyclable materials as designated by the Municipality.

§ 140-8. Requirement to provide Common Area Recycling Storage Locations.

- A. It shall be the responsibility of the owner or manager of every Multifamily, Qualified Private Community and Mobile Home Park to construct and maintain, in a neat and sanitary condition, Recycling Storage Location(s) and recycling containers on their property in accordance with Chapter 158-25.1 of the Land Development ordinances of

the Township of Moorestown entitled “**Design of Containment Areas for Designated Recyclable Materials on Residential Sites**” and in accordance with the requirements of the Burlington County Department of Solid Waste Management.

B. Designated Source Separated Recyclables:

Aluminum Cans
Corrugated Cardboard
Glass Containers
Paper
Plastic Bottles (Coded 1 & 2)
Steel (Tin) Cans

and other recyclable materials as designated by the Municipality.

C. The owner or manager of each and every one of the above referenced locations shall notify all new residents within thirty (30) days of occupancy and all other residents no less than two (2) times each calendar year of the recycling location(s), the list of materials that is required to be recycled, the location of all recycling containers and the requirements of recyclable material preparation.

D. The owner or manager of each and every one of the above referenced locations who elects not to participate in the Burlington County Regional Program shall arrange for the collection and recycling of the designated recyclable materials outlined within this section at their own expense as allowed by law.

E. The owner or manager of each and every one of the above referenced locations shall be required to report recycling tonnages as described in Section 10, Recycling Reporting Requirements, except where collection services are provided by the Burlington County Regional Program.

§ 140-9. Mandatory Commercial and Institutional Source Separation Program.

All persons generating municipal solid waste within this Municipality through the operation of a commercial or institutional establishment shall source separate and arrange for collection of all designated recyclables within thirty (30) days of the effective date of this Ordinance.

A. Designated Recyclable Materials for the mandatory commercial and institutional source separation program shall consist of the following materials:

Aluminum Cans
Antifreeze
Consumer Electronics
Corrugated Cardboard
Fluorescent Lights
Glass Containers
Lead Acid Batteries
Leaves
Metal Appliances
Paper
Plastic Bottles (Coded 1 & 2)

Rechargeable Batteries
Steel (Tin) Cans
Textiles
Tires
Used Motor Oil
Ink Jet Cartridge
Toner Cartridge
and other recyclable materials as designated by the Municipality

- B. The owner or manager of each and every Commercial and Institutional Source shall be required to report recycling tonnages as described in Section 10.
- C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.

§ 140-10. Recycling Reporting Requirements.

Pursuant to N.J.A.C. 7:26A-10.3 all multifamily housing owners, mobile home parks, commercial and institutional housing owners or their agents shall report the tonnage of designated recyclable materials collected for recycling from their business or premises, as follows:

- A. The management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company, shall submit to the Municipal Recycling Coordinator by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled.
- B. Documentation shall take the form of a letter or report issued by the recycling service provider or end market to the generator of the recycled material. The generator must maintain weight slips or paid invoices and make such records available for inspection by this Municipality, County or State for a period not to exceed five (5) years.
- C. Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled as prescribed by the DSW.
- D. At a minimum, all reporting shall detail the municipality of origin, the name and location of the market or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from the municipality of origin. Those persons specifying this information in cubic yards shall also indicate the conversion ratio utilized for calculating the materials from cubic yards to tons.

§ 140-11. Unlawful Activities; Nuisance.

It shall be unlawful for:

- A. Any person, other than those persons authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling depot pursuant to this Ordinance;
- B. Any person to violate, cause, or assist in the violation of any provision of this Ordinance or any provision of the County Plan concerning recycling;
- C. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling depot.
- D. Any person to hinder, obstruct, prevent or interfere with this Municipality, the County or any other authorized persons in the performance of any duty under this Ordinance or in the enforcement of this Ordinance.
- E. Any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.
- F. Any person required to provide a report as required under this ordinance to fail to do so.

All unlawful conduct set forth in this section shall constitute a public nuisance.

§ 140-12. Non-collection of Solid Waste.

- A. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has failed to source separate recyclables designated under any applicable section of this Ordinance.
- B. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has placed solid waste into a municipally issued recycling container.

§ 140-13. Other Means of Disposal.

- A. Notwithstanding anything herein to the contrary, any resident of the Municipality may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling depot without prior written permission from this Municipality for such collection.
- B. Permission for such collection shall not be given for any day other than a Saturday or Sunday and, in no case, shall such permission be given to collect recyclables from a recycling depot.

§ 140-14. Non-interference with Existing Contracts.

- A. Nothing contained in this Ordinance shall be construed to interfere with or in any way

modify the provisions of any existing contract which is consistent with N.J.S.A. 13:1E 29 and in force in the Municipality on the effective date of this Ordinance.

- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Ordinance, unless such renewal or such contract shall conform to the requirements of this Ordinance.

§ 140-15. Enforcement.

- A. Enforcement of this Ordinance shall be the responsibility of Municipal Recycling Coordinator and/or Zoning Officer.
- B. In addition, the Burlington County Health Department and the DSW are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.
- C. Enforcement of this Ordinance shall be commenced in the Superior Court or in the municipal court of the Municipality, and penalty or fine shall be collected with costs in a summary civil proceeding.
- D. Any penalties or fines collected in an enforcement action shall be paid to the Municipality when the Municipality brings such action.
- E. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department or the DSW.

§ 140-16. Schedule of Penalties.

Any person who violates the provisions of this Ordinance shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

- A. Misuse of recycling containers for trash, theft of containers: A fine of not less than sixty – five dollars (\$65.00) and not more than one hundred dollars (\$100.00).
- B. Residential Recycling Violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).
- C. Scavenging: A fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1000.00).
- D. Commercial or Institutional Violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).
- E. For any person who offers to collect recyclable materials in any manner except as prescribed within this ordinance: A fine of not less than one thousand dollars (\$1000.00) and not more than four thousand five hundred dollars (\$4500.00).

- F. For any solid waste or recycling service provider who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).
- G. For any management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company who fails to report as required within this ordinance: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1000.00).

Each continuing day of violation of this Ordinance shall constitute a separate offense.

§ 140-17. Injunctions; Concurrent Remedies.

In addition to any other remedy provided in this Ordinance, the Municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or the County Plan. In addition to an injunction, the court may impose penalties as authorized by Section 16 hereof. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence, exercise or any remedy shall not prevent the Municipality or the County from exercising any other remedy provided by this Ordinance or otherwise provided by law or equity.

§ 140-18. Construction.

The terms and provisions of this Ordinance are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Ordinance shall be construed in pari materi with the SWMA and the County Plan.

§ 140-19. Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of this Ordinance.

§ 140-20. Repealer.

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

§ 140-21. Effective Date.

This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on February 7, 2011. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Media Center of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on February 28, 2011 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk