

MOORESTOWN TOWNSHIP

ORDINANCE 2-2011

**THE LAND DEVELOPMENT ORDINANCES TO CREATE CHAPTER 158-25.1
PERTAINING TO THE DESIGN OF CONTAINMENT AREAS
FOR DESIGNATED RECYCLABLE MATERIALS ON RESIDENTIAL SITES**

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, amending Chapter 158-25 of the Land Development portion of the Township Code to add the following:

§ 158-25.1. Design of Containment Areas for Designated Recyclable Materials on Residential Sites.

(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. Areas for the collection of recyclables on residential properties should be designed to effectuate collection of material in a safe and sanitary manner and should be sized to meet current industry standards for volumes and containers.

(2) Statutory Authority for 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.

(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.

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.

CLASS A RECYCLABLE MATERIAL – shall mean source separated, non-putrescible, metal, glass, paper and plastic containers; and corrugated and other cardboard.

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.

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 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 Department of Solid Waste.

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).

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.

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.

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

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.

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.

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.

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.

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.

(4) Design of Containment Areas for Designated Recyclable Materials on Residential Sites.

I. Design Standards for Common Area Recycling Storage Locations.

A. In accordance with the municipal Recycling Ordinance located at Chapter 140-1, et seq., every Multifamily, Qualified Private Community and Mobile Home Park within the Township of Moorestown shall be required to provide, for the use of its residents, centralized and common locations on its property for the storage, prior to collection, of source separated recyclables generated by the residents of the property.

B. Each Common Area Recycling Storage Location shall, at a minimum, conform to the following standards:

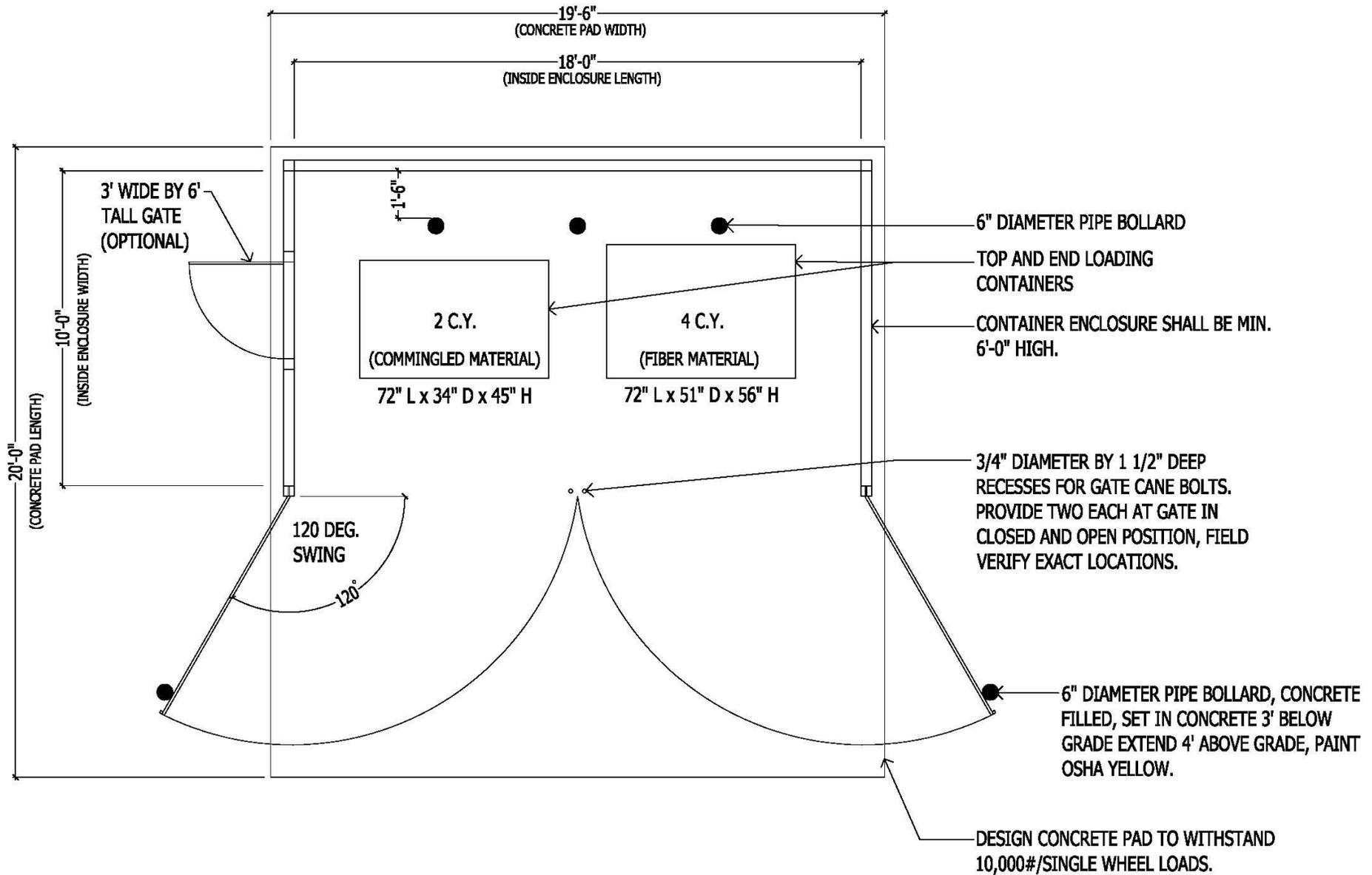
1. The dimensions of the recycling storage location shall be sufficient to accommodate recycling containers which are of size and number as required by the DSW and which are consistent with current methods of collection utilized by the Burlington County Regional Program or the private collection company

being utilized. The following tables indicate the Minimum Container Capacity Requirements for Weekly Recycling Service and Common Container Dimensions.

Minimum Container Capacity Requirements for Weekly Recycling Service		
Dual Stream Collection	Fiber (paper and cardboard)	Commingled (bottles and cans)
Non-Age-Restricted Complex	One cubic yard of capacity for every 15 dwelling units	0.47 cubic yards (96 gallons) of capacity for every 18 dwelling units
Age-Restricted Complex	One cubic yard of capacity for every 20 dwelling units	0.47 cubic yards (96 gallons) of capacity for every 24 dwelling units
Single Stream Collection	Fiber and Commingled	--
Non-Age Restricted Complex	2 cubic yards of capacity for every 20 units	--
Age-Restricted Complex	1.4 cubic yards of capacity for every 20 units	--

Common Container Dimensions			
Size	Length	Width	Height
1 cubic yard	72"	24"	29"
2 cubic yards	72"	34"	45" (rear) / 34" (front)
3 cubic yards	72"	43"	48" (rear) / 40" (front)
4 cubic yards	72"	51"	56" (rear) / 46" (front)
6 cubic yards	80"	66"	71" (rear) / 47" (front)
8 cubic yards	80"	71"	86" (rear) / 53" (front)

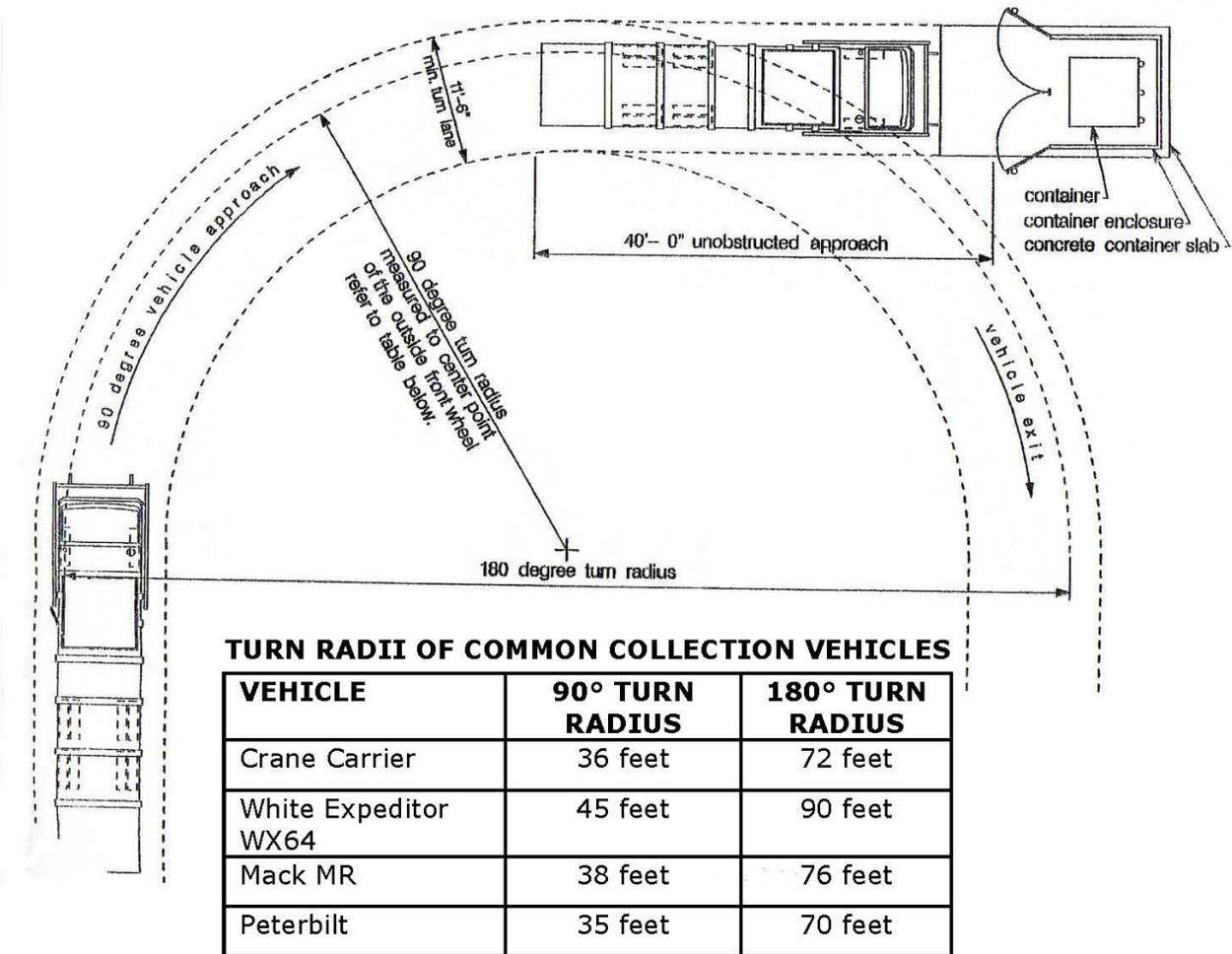
2. Unless expressly prohibited by a municipality, or not feasible due to existing site constraints, recycling containers for all Class A designated recyclables shall be co-located at all solid waste collection areas within the complex.
3. The recycling storage locations shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably co-located, but clearly separated from, refuse containers.
4. Outdoor recycling storage locations shall include a concrete pad of the size as specified herein. The dimensions of the recycling storage location shall provide sufficient area for the required container(s):



COMMON AREA RECYCLING STORAGE LOCATION (DUAL STREAM) DETAIL

SCALE: 1/4" = 1'-0"

- The recycling storage locations shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling areas without interference from parked cars or other obstacles. The following turning template can be used to plan vehicular accessibility to recycling storage locations:



COLLECTION VEHICLE APPROACH DETAIL

- Reasonable measures shall be taken to protect the recycling areas and the bins or containers placed therein against theft of recyclable materials or the bins or containers themselves.
- Signs as approved by the DSW clearly identifying the recycling areas and the materials accepted therein shall be posted adjacent to all points of access to the recycling areas.

8. Each recycling area shall be enclosed on three sides by a solid fence or masonry enclosure six (6) feet in height and shall be surrounded by landscaping. A durable closable access gate on the fourth side should be provided.

II. Recycling Container Storage Design Standards; New Residential Construction.

In order to facilitate recycling in all new construction, and to avoid the creation of unhealthful or cramped storage situations, sufficient storage shall be available for recycling containers within all new construction of residential housing.

- A. Recycling Storage Locations – Curbside recycling container storage locations shall not include basements that require the negotiation of stairs, or any location either above or below finished grade. Locations shall be on a hard-wearing, smooth continuous surface with access to a path with a width no less than three (3) feet and headroom of not less than seven (7) feet.
- B. Single-family and two-family dwellings - Each residential dwelling unit shall be designed to provide a curbside recycling storage container storage location containing at a minimum, dimensions (l x w x h) of no less than 36” x 32” x 84” per unit. The location shall be clearly marked as such on floor plans of the dwelling unit if to be located inside the dwelling unit. If to be located outside the dwelling unit, adequate storage space for the container shall be identified on the property survey. This shall be done at the time of subdivision approval, if applicable, or at the time of zoning or building permit application.
- C. Multifamily and condominium complex dwellings – Curbside recycling container storage locations shall be provided for each multifamily and condominium complex dwelling where Common Area Recycling Storage Locations are not otherwise provided. Each multifamily and condominium complex dwelling unit shall be designed to provide a curbside recycling container storage location containing at a minimum, dimensions (l x w x h) of no less than 36” x 32” x 84” per unit. The location shall be clearly marked as such on floor plans of the dwelling unit if to be located inside the dwelling unit. If to be located outside the dwelling unit, adequate storage space for the container shall be identified on the site plans or subdivision plans.

(5) 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.

I. 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.

II. Repealer.

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

III. 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