

ORDINANCE
#2009-06

**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
AMENDING CHAPTER XIV (STREETS AND SANITATION) SECTION 14-3 ENTITLED,
“RECYCLING”, IN ORDER TO BRING SAID ORDINANCE IN COMPLIANCE WITH STATE
RECYCLING RULES**

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey, as follows:

SECTION 1. Section 14-3.2 of the Code of the Borough of Beachwood is hereby supplemented by the inclusion of the following definitions:

Dual Stream –

Commingled – all plastic bottles; aluminum and steel cans.

Paper – magazines, catalogues, junk mail, used writing paper, newsprint, cardboard, office and school paper. No chipboard or pizza boxes.

Single Stream –

The combination of commingled and paper listed above in one container. Do not include plastic bags, food waste, paper towels, paper napkins, pizza boxes, egg cartons, aluminum foil, plastic cups and utensils. No plastic other than bottles. No juice boxes or bags. No garbage.

Designated recyclable materials – means those materials designated within the Ocean County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials are set forth in Section 14-3.3 herein.

Electronic Waste – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

Multifamily dwelling – means 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 NJSA 13:1E-99.13a) and shall include 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, c76 (C55:13A-1 et seq).

Municipal Recycling Coordinator – means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.

Municipal solid waste (MSW) stream – means all solid waste generated as residential, commercial, and institutional establishments within the boundaries of the Borough of Beachwood.

Source-separated recyclable materials – means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purpose of recycling.

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.

SECTION 3. Section 14-3.3 of the Code of the Borough of Beachwood entitled,

“Establishment of Programming,” is hereby supplemented by the inclusion of the following:

“v. **Electronic Waste** – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones”.

SECTION 4. Section 14-3.4 of the Code of the Borough of Beachwood entitled, “Separation of Recyclables and Placement for Disposal” is hereby amended at Subsection a to delete from the first sentence the words, “excluding newspapers.”

SECTION 5. Section 14-3.6 of the Code of the Borough of Beachwood entitled, “Alternative Collection of Recyclable Materials” is hereby deleted and in its place the following shall be inserted:

“Section 14-3.6. **Source Separation: Exemption from Source Separation Requirements:**

a. **Mandatory source separation:** It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential 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 Borough of Beachwood, 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, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Beachwood.

b. **Exemptions.** Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose.

The form shall include, at a minimum the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

SECTION 6. Section 14-3.7 of the Code of the Borough of Beachwood entitled “Collection by Unauthorized Persons ” is hereby deleted and in its place the following shall be inserted:

“14-3.7.

- a. **Residential and Non-Residential Compliance Requirements; Collection by Unauthorized Persons.** The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the 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 owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.
- b. **Non-Residential Compliance Requirements.**
 - i. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
 - ii. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents 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.
 - iii. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
 - iv. 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.
- c. **New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c).**
 - a. Any application to the planning board of the Borough of Beachwood for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 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 recycling plan. This plan must contain at a minimum, the following:

- i. A detailed analysis of the expected composition and amount of solid waste and recyclables generated at the proposed development; and
 - ii. 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 municipal recycling coordinator.
- b. Prior to the issuance of a Certificate of Occupancy by the Borough of Beachwood, 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 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 municipal engineer.
 - d. **Collection by Unauthorized Persons.**

It shall be a violation of this section for any unauthorized person or organization to collect, pick up or cause to be collected or picked up within the boundaries of the municipality any of the recyclable materials designed in subsection 14-3.3 of this section. Each such collection in violation of this section shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. #88-6, subsection 7).

SECTION 7. Section 14-3.9 through Section 14-3.10 of the Code of the Borough of Beachwood are hereby deleted and in its place the following shall be inserted:

Section 14-3.9. Tires

The Borough of Beachwood will accept up to four (4) motor vehicle tires per household per year as part of its normal recycling program. In the event that it is determined by the Director of Public Works that a greater number of tires should be accepted from any property, then the Borough's Public Works Department may do so at a cost of one dollar and fifty cents (\$1.50) per tire or a price matching the actual rate being charged to the Borough of Beachwood at the time that the tires are accepted. (Ord. #93-09, Subsection 1; Ord. #2000-16, Subsection 13).

SECTION 8. Section 14-3.10 of the Code of the Borough of Beachwood entitled, "Exemptions" is hereby deleted.

SECTION 9. Section 14-3.11 of the Code of the Borough of Beachwood entitled, "Tires" is hereby deleted and in its place the following shall be inserted:

Section 14.3-11. Violations and Penalties.

- a. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of Section 14-3.1, et seq., known as the "Recycling Ordinance of the Borough of Beachwood", or any of the rules and regulations promulgated

hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250.00, nor more than \$1,000.00.

- b. Each and every day in which a violation of any the provisions of this Section exists shall constitute a separate offense.

SECTION 10. If the provisions of any subsection paragraph, subdivision or clause of this Section shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of this Section.

SECTION 11. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 12. This ordinance shall take effect immediately.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 20th day of May, 2009 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the 3rd day of June , 2009 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same will be given an opportunity to be so heard.

ELIZABETH A. MASTROPASQUA, Clerk

Adopted; June 3rd , 2009

E.A.Mastropasqua

Ronald W. Jones, Jr.

Mayor

Date: _____