

TOWNSHIP OF FRANKLIN  
COUNTY OF GLOUCESTER

O-6-09

ORDINANCE AMENDING CHAPTER 329 OF THE CODE  
OF THE TOWNSHIP OF FRANKLIN

WHEREAS, the Township Committee of the Township of Franklin is desirous of revising the Code of the Township of Franklin so that it complies with all New Jersey State statutes; and

WHEREAS, after due deliberation and consultation with the Superintendent of Public Works, the Township Committee has determined that the following revisions and amendments to Chapter 329 of the Franklin Township Code are necessary and appropriate.

NOW, THEREFORE, the Township Committee of the Township of Franklin, in the County of Gloucester, New Jersey, does hereby adopt and enact the following amendments to Chapter 329 of the Township' Code:

**ARTICLE I: Recycling and Solid Waste Disposal (§ 329-1 - § 329-25)**

A. There is hereby established a program for the mandatory source separation of recyclable materials within the Township of Franklin, Gloucester County, and the requirements of this article shall apply to all property owners and tenants of such property situated within the Township of Franklin. Such separation, collection and disposal of specified solid waste and recyclable materials shall be made under the supervision, guidance and scheduling of a New Jersey Certified Public Works Manager, Superintendent of Public Works, his designee, or a New Jersey Certified Recycling Coordinator.

B. There is hereby established a program to prohibit scavenging of recyclable materials within the Township of Franklin and the requirements of this article shall apply to all.

C. There is hereby established a program to prohibit littering and dumping within the Township of Franklin and the requirements of this article shall apply to all.

D. The Township Committee shall adopt regulations regarding the conduct, hours, regulations and requirements in conjunction with the Superintendent of Public Works to ensure a safe, environmentally effective and economical program to benefit the residents and tenants of the Township of Franklin.

E. This article shall be enforced by the Superintendent or his designee of the Township of Public Works department, the Township Code Enforcement Officer, any Township Police Officer or any other person(s) designated by resolution of the Township Committee.

**§ 329-2 Definitions.**

**Single Stream** – means a combining of all source-separated recyclable materials from the waste stream for the purpose of recycling and collection.

**Designated recyclable materials**-means those materials designated within the Township of Franklin, Gloucester County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: All ferrous and nonferrous metal products examples of which are washers, dryers, dishwashers, ovens, freezers, refrigerators, any metal heaters, metal lawn equipment, hot water tanks (with construction inspection sticker) any metal appliance, cold water tanks, air conditioners or any other related metal. All aluminum, steel, tin and bi-metal containers, including beverage and food containers. All glass bottles, jars, and jugs made from silica or sand, soda ash and limestone. Glass can be of any color shape or size. All plastic bottles and jugs commonly marked or known as (PET-1 HDPE-2) in any color shape or size. All uncontaminated boxes and panels, newspaper, magazines, books, junk mail, office and computer paper, copy paper, cereal boxes, pizza boxes and all other related paper type products must be included. Batteries to include auto, motorcycle, and boat wet cell found in 6,12, and 24 volt charges. All dry cell and rechargeable batteries contained in flashlights, radios, watches, etc. must be recycled. All motor, hydraulic and transmission oils must be containerized and recycled. All vegetative to be recycled will include, shrubs, limbs, branches, leaves, brush, bushes, trimmings, and Christmas trees.

**Electronic Waste**- Shall mean a computer central processing unit and all 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, c. 76 (C.55: 13A-1 et seq.);

**Municipal Recycling Coordinator**-means the person or persons certified by the State of New Jersey and 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 at residential, commercial, and institutional establishments within the boundaries of the municipality of the Township of Franklin.

**Recyclable material**-means 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 material or products;

**Source separation**-means the process by which recyclable materials is separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

## **CONTAINERS:**

Any container, bag or bundle in excess of the below-specified weight or capacity may not be subject to municipal collection and shall be the responsibility of the owner, occupant or lessee to properly dispose of the collected material(s).

### **A. Dumpsters**

— An all-metal container designed to hold solid waste or recyclable materials, solidly constructed to prevent spillage or leakage of its contents. These containers must be capable to be mechanically emptied by rear loading sanitation trucks. These containers shall be no larger than three (3) cubic yards with lids.

### **B. Automated cart**

— Each residential, multi-family, participating commercial and institutional units shall have one ninety six (96) gallon waste cart (supplied and owned by the Township of Franklin) for the purpose of bagged household solid waste removal. Above noted units shall also have recycling containers (as many as needed) in various sizes from fifteen (15) gallons to ninety six (96) gallons for the purpose of recycling all materials currently listed in a single stream manner.

### **C. Plastic bags**

— Each unit shall provide suitable bags for the collection and removal of all solid waste contained in Township automated cart. All bags must be contained in automated cart for removal. Any paper type bags may be used for the purpose of recycling. Absolutely no plastic bags are to be mixed with recycling.

### **D. Bulk items**

— Materials or products too large to fit in automated containers. This service provided to residential and multi-family unit once per month. Any and all limitations to amounts and sizes of materials to be removed are specified in yearly Township calendar.

### **E. Curb/right of way**

Area adjoining the edge line of all roadways typically used for placement of all solid waste and recycling materials to be picked up by the Township of Franklin.

## **DOCUMENTATION - Definitions**

A. Original or clear copies of receipts or letters in the form of certified weight receipts or a signed business form letter. It shall include the name of the solid waste and/or recycling market, the hauler, and the generator and shall show the dates and quantity/weight of each generated material. A separate summary sheet shall be provided for each of the materials.

- (1) Recycling market(s);
- (2) Solid waste facility;
- (3) Hauler(s); or
- (4) Letter from owner of property stating material(s) were processed with the municipal collection program; or
- (5) Letter from owner of property stating that no receipts were provided to them from the identified market(s) and/or hauler(s); or

(6) Letter from permit applicant stating that no material was generated.

B. Volume - A product disposed/sold by count, gallonage or yardage may be reported by volume instead of by weight.

C. Hazardous wastes - Documentation for recycled hazardous waste(s) (example: oil, solvents) must include a copy of the hazardous waste hauler's receipt, clearly showing the New Jersey Department of Environmental Protection hazardous waste hauler permit number.

#### **DUMPING:**

Placement of any form of solid waste or recyclables of more than .148 cubic yards of solids or 30 U.S. gallons of liquid not placed in a public receptacle or in authorized private receptacles for collection, upon any street, sidewalk, or public or private property.

**Establishment** - A place where people live or conduct business.

A. **Building** — A structure that contains one or more units.

B. **Complex** — A property that contains more than one building.

C. **UNIT** — A single commercial, municipal or residential establishment.

#### **GENERATORS:**

##### **A. Commercial sector**

— All dedicated commercial retail, wholesale, institutional, markets and manufacturing facilities including, but not limited to:

(1) Buildings: Taverns, restaurants, churches, offices, shops, professional offices, day-care schools and facilities, and strip stores.

(2) Complexes: Agricultural operations, private schools, construction and demolition projects and properties containing more than one building.

B. **Mixed use sector** — All residential buildings with an integrated commercial operation.

C. **Municipal sector** — All government buildings, parks, public events, public school facilities, fire and ambulance facilities.

D. **Residential sector** — All single-family buildings, multi-family buildings, apartments, trailer parks, group homes and farm labor housing.

**LANDFILL** - A facility designed exclusively to accept solid waste. This facility shall be designed and permitted to meet all Federal and New Jersey Environmental Protection Agency rules and standards.

**LITTERING** - Placement of any form of solid waste or recyclables of less than .148 cubic yards of solids or the equivalent of 30 U.S. gallons of liquid not placed in a public receptacle or in authorized private receptacles for collection, upon any street, sidewalk, or public or private property.

**RECEPTACLE** - A container designed to receive and accept solid waste and/or recyclable materials.

**RECYCLABLE MATERIALS** - Every generator of waste is encouraged to examine its disposal practices and operation for any additional item(s), including but not limited to food waste, and other plastic, that can be recycled, over and above those items mandated by these regulations.

**SOLID WASTE** - All other items shall be considered non-designated items and shall not be placed out for municipal collection.

##### **A. Commercial.**

(1) Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry nonhazardous chemical wastes).

(2) This shall not include hazardous and/or medical biohazardous waste.

##### **B. Municipal.**

(1) Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry nonhazardous chemical wastes).

(2) This shall not include hazardous and/or medical biohazardous waste.

#### **C. Residential.**

(1) Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry nonhazardous chemical wastes).

(2) This shall not include hazardous and/or medical biohazardous waste.

#### **D. Mixed Use.**

(1) Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry nonhazardous chemical wastes).

(2) This shall not include hazardous and/or medical biohazardous waste.

#### **E. Hazardous.**

(1) Including, but not limited to, explosives, paints, paint thinners/cleaners, insecticides, pesticides and any other items so designated by the federal or state environmental protection agencies as to require special handling.

#### **F. Medical/biohazardous.**

(1) Including, but not limited to, any solid or nonsolid waste, which is generated in the diagnosis, treatment (for example: provision of medical service) or immunization of human beings or animals in research pertaining thereto or in the production of testing of biologicals. The term does not include any hazardous waste identified or listed under 40 C.F.R. part 261 or any household waste generated from home self-care as defined in this section.

### **SOLID WASTE INCINERATOR**

This may also be known as a resource recovery facility, and shall mean a facility designed exclusively to accept solid waste. This facility shall be designed and permitted to meet all Federal and New Jersey Environmental Protection Agency rules and standards.

### **STREETS**

Public highways, avenues, streets, lanes, boulevards, circles, terraces, and public places, whether dedicated or not, within the limits of the Township of Franklin and used for vehicular and/or pedestrian travel.

### **TRANSFER STATION**

A facility designed exclusively to accept solid waste. This facility shall be designed and permitted to meet all Federal and New Jersey Environmental Protection Agency rules and standards.

### **§ 329-3 Recyclable materials separation and placement for removal.**

#### **SOURCE SEPARATION**

- 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 municipality of the Township of Franklin for the purpose of separating 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 Township of Franklin in Gloucester County.

#### **PLACEMENT OF RECYCLABLES FOR REMOVAL**

- A. Metal and Appliances collected once per month at curbside. Can be placed at curbside on designated dates as posted in yearly Township calendar. Appliances must have doors removed for collection. These items may be co-mingled together. Refer to current Township calendar for procedures of collection.
- B. The following items will be collected single stream at curbside weekly. Single stream in effect means that all materials may be mixed together in one or more containers for removal. Any other trash type material shall not be placed in this container(s).
  - (1) Glass bottles, jugs, and jars of any shape and size. Window glass is not acceptable.
  - (2) Ferrous and non-ferrous cans of any shape and size.
  - (3) Plastic milk jugs, soda bottles, detergent bottles and all other similar type bottles or jugs commonly marked (PET – 1, HDPE -2) with a recycling triangle.
  - (4) Newspaper, cardboard, mixed paper, office paper, junk mail and all related type paper material. Large cardboard or boxes shall be flattened for placement in container.

#### **PLACEMENT OF VEGETATIVE RECYCLING**

- (A.) Limbs, branches (not more than five inches in diameter), shrubs, bushes, and hedge trimmings shall be tied into bundles no more than four feet long by four feet wide by four feet high.
- (B.) Christmas trees shall be collected curbside during the month of January.

#### **NON-COLLECTED RECYCLABLE MATERIALS**

- (A.) Wet cell automotive, motorcycle, boat and truck batteries commonly found in 6, 12 and 24 volt charges. Rechargeable dry cell batteries. All accepted at the Township Public Works yard.
- (B.) Motor, transmission and hydraulic oils accepted at Township Public Works yard. Containers limited to five (5) gallons or less size.
- (C.) Antifreeze, paints, and any hazardous materials must be disposed of at County of Gloucester hazardous cleanup days. These items not accepted by the Township of Franklin.

#### **§ 329-4 Collection Solid Waste**

##### **A. MUNICIPAL COLLECTION**

- (1) The collection, removal and disposal of all designated solid waste materials shall be supervised by the Superintendent of Public Works or his/her designee.
- (2) All designated solid waste shall be placed at the curb line for municipal collection no earlier than the night immediately preceding the day of collection, but no later than 6:00 am of the day of collection. Materials placed for collection shall not block public right of ways or access.
- (3) All municipal solid waste materials shall be placed in dumpsters in their specified loading/storage areas for collection.
- (4) Following curbside collection, all automated containers shall be removed from curbside as soon as possible, but no later than 8:00 pm day of collection.
- (5) Township of Franklin public parks, recreation complexes, buildings and sidewalk receptacles shall be cleaned and maintained by the Township of Franklin Public Works Department or such other party as may be designated.

## **B. NON-MUNICIPAL COLLECTION**

- (1) The owner, occupant, or lessee shall arrange for separate timely collection, transportation and disposal, at his or her expense of all solid waste generated or collected. This shall be on an as needed basis, but must be done so as to protect and promote the health and safety of the owner, occupant, lessee and the Township of Franklin community.
- (2) All solid waste shall be removed from special events within 24 hours of their completion.
- (3) All generators shall complete a form provided by the Township indicating the destination of collected materials.

### **§ 329-5 Collection Container Limits.**

#### **A. MUNICIPAL COLLECTION**

- (1) Commercial sector participants shall be limited to one (1) ninety six (96) gallon automated solid waste cart collected weekly owned by the Township of Franklin placed curbside. Automated cart provided only when participant owns their own solid waste dumpster.
- (2) For the purpose of single stream recycling, commercial sector participants shall use a rear loading three (3) cubic yard dumpster when possible. Any other container used must be approved by the Township of Franklin Certified Recycling Coordinator prior to collection.
- (3) Municipal sector participants shall be limited to one (1) ninety six (96) gallon automated solid waste cart collected weekly owned by the Township of Franklin placed curbside.
- (4) For the purpose of single stream recycling, municipal sector participants shall have no limit to the number of containers placed curbside.
- (5) Residential sector participants shall be limited to one (1) ninety six (96) gallon automated solid waste cart collected weekly owned by the Township of Franklin placed curbside.
- (6) For the purpose of single stream recycling, residential sector participants shall have no limit to the number of containers placed curbside.
- (7) Residential solid waste bulk items shall be limited to three (3) large items per month or six (6) to eight (8) extra bags of solid waste placed at curbside. Refer to current Township of Franklin calendar. In the event that there is more than the specified items contact the Public Works so that proper arrangements can be made to accommodate the excess volume.
- (8) Mixed use sector participants shall follow all residential sector guidelines.

#### **Residential Dwelling Compliance Requirements**

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.

#### **Non-Residential Establishment Compliance Requirements**

- (A) All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- (B) 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.

(C) Every business, institution, or industrial facility shall report on an annual basis to the Certified Recycling Coordinator of the Township of Franklin, 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.

(D) All food service establishments, as defined in the County 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 record as may be prescribed, for inspection by any code enforcement officer.

**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 Township of Franklin 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:

(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 municipal recycling coordinator.

(B) Prior to the issuance of a Certificate of Occupancy by the municipality of Franklin, 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.

**NON-MUNICIPAL COLLECTION**

**(A) Commercial.**

(1) Containers or items that exceed the limits noted in § 329-5A shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements as set forth above if their leases designate the owner of the building as responsible for this service.

(2) Owners or operators of commercially zoned shopping center buildings shall provide separately labeled trash and recycling containers for the public at a minimum of one set of containers for every two entrances.

(a) Residential containers or items that exceed the limits noted in § 329-5A shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements as set forth above if their leases designate the owner of the building as responsible for this service.

**(3) Mixed use.**

(a) Containers or items that exceed the limits noted in § 329-5A shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements as set forth above if their leases designate the owner of the building as responsible for this service.

(b) Owners or operators of commercially zoned shopping center buildings shall provide separately labeled trash and recycling containers for the public at a minimum of one set of containers for every two entrances.

**§ 329-6 Container storage.**

A. All waste disposal containers must be stored in a protected area or enclosure so as not to allow debris to blow onto the streets or adjacent properties. No enclosure shall be erected in a public right-of-way or easement.

B. All solid waste shall be placed in waste disposal containers (Automated carts, bags, dumpsters) and secured so as to prevent easy access of vermin, pests and household pets.

C. No waste disposal containers shall be filled to the point of overflowing.

D. Debris or litter on or around trash containers shall not be allowed to accumulate or be stored in such a manner that it is likely to be removed by natural forces onto adjacent property.

E. Debris or litter on or around construction or demolition projects shall not be allowed to accumulate or be stored in such a manner that it is likely to be removed by natural forces onto adjacent property.

F. Hazardous waste shall be disposed of separately according to Federal (40 C.F.R. 261) or New Jersey Department of Environmental Protection (N.J.A.C. 7:26-7) disposal regulations.

G. Medical/biohazard waste shall be disposed of separately according to Federal (40 C.F.R. 261) or New Jersey Department of Environmental Protection (N.J.A.C. 7:26-7) disposal regulations.

**§ 329-7 Collection sites.**

**A. Recycling.**

**(1) Commercial sector.**

(a) All materials shall be placed for municipal collection along the curb before each building.

(b) All mechanically rear-loading dumpsters may be collected by the municipality from their loading/storage area after the property owner and the generator sign a liability waiver provided by the Township of Franklin.

(2) Municipal sector. All materials shall be placed for collection along the curb or in a loading/storage area at each municipal building, park, event, public school or fire or ambulance facility. Dumpsters shall be collected from their loading/storage area.

**(3) Residential sector.**

(a) All materials shall be placed for collection along the curb before each building.

(b) Multifamily buildings of 10 or more shall have a designated off-street contained area where recycling will be placed for pickup.

**(4) Mixed used sector.**

(a) All materials shall be placed for collection along the curb before each building.

(b) All mechanically rear-loading dumpsters may be collected by the municipality from their loading/storage area after the property owner and the generator sign a liability waiver provided by the Township.

**B. Solid waste.**

**(1) Commercial sector:** All materials shall be placed for municipal collection along the curb before each building.

**(2) Municipal sector:** All materials shall be placed for collection along the curb or in a loading/storage area at each municipal building, park, event, public school or fire or ambulance facility. Dumpsters shall be collected from their loading/storage area.

### **(3) Residential sector.**

(a) All materials shall be placed for collection along the curb before each building.

(b) Multifamily buildings of 10 units or more shall have all mechanically rear-loading dumpsters which may be collected by the municipality from their loading/storage area if the property owner and the generator sign a liability waiver provided by the Township.

(1) The property owner/manager must sign the building up for collection between October 1 and December 1 for collection to start on a calendar year basis effective the following January 1 through December 31.

(2) The mechanically rear-loading dumpsters are limited to a maximum size of three cubic yards. They must have lids and may be lockable.

(3) Mixed use sector. All materials shall be placed for collection along the curb before each building.

### **§ 329-8 Collection sources.**

A. Commercial sector. All designated commercial retail, wholesale, institutional, manufacturing facilities, taverns, restaurants, churches, offices, shops, professional offices, day-care facilities, private schools, malls, strip store buildings/complexes, and construction and demolition sites.

B. Municipal sector. All designated government buildings, parks, public events, public school facilities, fire, and ambulance facilities.

C. Residential sector. All designated single and multifamily buildings.

D. Mixed use sector. All designated residential structures with an integrated commercial operation.

### **§ 329-9 Commercial establishments: solid waste and recyclable materials reporting and documentation.**

A. All commercial establishments or such private hauler responsible for removal of solid waste and/or recyclable materials must file completed reports with the Municipal Certified Recycling Coordinator.

B. All construction, demolition and street opening projects shall be required to complete a recycling form and submit it along with a request for a permit. The person who signs the recycling form regarding the project shall be responsible for filing solid waste and recycling documentation when the project is completed or at the end of the calendar year, whichever is first.

C. All documentation shall be included with the report.

D. Reports shall be submitted to the Township's Municipal Certified Recycling Coordinator no later than the 31st day of January for the previous year.

### **Definitions:**

**Covered project**-means a construction, renovation, or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

**Construction, Renovation and Demolition Debris Recovery Plan** - A debris recovery plan shall be filed with the certified municipal recycling coordinator prior to the commencement of any activity for which approval as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

### **Review of Debris Recovery Plan**

A. Approval: A debris recovery plan shall be reviewed by the certified municipal recycling coordinator, and approved if it provides for all of the information required by this Ordinance. An approved debris recovery plan shall be marked "Approved" and returned to the owner of the entity which submitted the plan.

**B. Denial:** A debris recovery plan shall not be approved if it does not provide all of the information required by this Ordinance. If a debris recovery plan is not approved, the owner of the entity which submitted the plan shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity which will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the debris recovery plan to the certified municipal recycling coordinator.

#### **Diversions requirement adjustment**

**A. Application:** If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this Ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

**B. Review:** The certified municipal recycling coordinator shall review the information supplied by the owner. If warranted the certified municipal recycling coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

**C. Granting of an adjustment:** If the municipal recycling coordinator determines that it is infeasible for the entity carrying out a covered project to divert 50% of the generated C&D debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C&D debris required by the adjustment.

**D. Denial of adjustment:** If the certified municipal recycling coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this Ordinance, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

#### **Debris recover plan reporting requirements**

**Documentation:** Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the certified municipal recycling coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

- (1) A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed.
- (2) Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project, and
- (3) Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

#### **Compliance with diversion requirement**

The certified municipal recycling coordinator shall review the information submitted pursuant to this Ordinance and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

#### **Appeal**

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Ordinance to the municipality within 30 days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the certified recycling coordinator shall be final.

#### **enforcement**

The Code Enforcement Official, the Police Department, the County Department of Health, the Certified Recycling Coordinator, the Property Maintenance Official, and the Housing Officer are hereby

individually and severally empowered to enforce the provisions of this Ordinance. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

**Gloucester County Improvement Authority**  
**Office of Recycling**  
Gloucester County Solid Waste Complex  
503 Monroeville Road  
Swedesboro, NJ, 08085  
Phone: (856) 478-6045  
FAX: (856) 478-4858  
[www.gciamj.com](http://www.gciamj.com)

**Recycling Compliance Advisory Notice**

This notice is to inform you of the implementation of recycling enforcement pertaining to commercial/institutional facilities and multi-family dwellings. This is a mandatory program initiated through the Gloucester County Health Department in cooperation with the Gloucester County Improvement Authority/Office of Recycling.

On April 20, 1987, Governor Thomas H. Kean signed into law the Mandatory Source Separation and Recycling Act. It required each municipality to recycle at least 25% of its waste. Governor James J. Florio established a goal of 60% by 1996. Governor Christine Todd Whitman supports this goal.

The Gloucester County Board of Chosen Freeholders adopted a district recycling plan for Gloucester County on November 4, 1987. This plan was certified by the New Jersey Department of Environmental Protection (NJDEP) on September 7, 1988.

The Gloucester County Recycling Plan designates the materials that must be recycled at a minimum within the County. However, many municipalities have expanded the list of materials that are required to be recycled. Also, some municipalities will pick up recyclable materials. The Municipal Recycling Coordinator for your municipality is:

\_\_\_\_\_ and can be reached at \_\_\_\_\_.

Additional information is also available from the Gloucester County Improvement Authority. Questions concerning recycling should be directed to Monica Gismondi, Gloucester County Recycling/HSW Coordinator at 478-6045. Questions concerning recycling enforcement should be directed to Al Nardi, Recycling Enforcement Officer at 478-6045.

Your facility must comply with applicable recycling ordinances. This advisory notice is considered a warning. Failure to implement an adequate recycling program may result in a fine of up to \$500.00 per day of violation in accordance with the Mandatory Source Separation and Recycling Act. A follow-up inspection of your facility will be conducted after a period of sixty (60) days to insure your compliance.

Your cooperation in developing and implementing a recycling program is greatly appreciated.

Facility inspected by: \_\_\_\_\_  
Al Nardi, GCIA Recycling Enforcement Officer

(Exhibit C-2)

17

**§ 329-10 Recycling collection by unauthorized person(s).**

- A.** From the time of placement at the curb or in a loading/storage area described herein for the collection by the Township of Franklin, in accordance with the terms hereof, items shall be and become the property of the Township of Franklin or its authorized agent.
- B.** It shall be a violation of this article for any person, firm, charity, corporation, partnership, or employee to collect, pick up or cause to be collected or picked up any recyclable items placed for collection by the Township or its authorized agent without the authorization of the owner.
- C.** Any and each collection in violation hereof from one or more properties shall constitute a separate and distinct offense.

**§ 329-11 Solid waste placement for removal.**

A. All solid waste placed for municipal collection shall be placed at the curb or in the loading/storage area.

B. All items shall be prepared in accordance with regulations for collection.

**§ 329-12 Solid waste disposal.**

A. All solid waste must be properly contained and disposed.

B. No commercial or residential solid waste shall be disposed of in public or unauthorized private containers.

**§ 329-13 Littering and dumping prohibited.**

A. No person shall throw or deposit or dump solid waste upon any street, sidewalk, or other property.

B. No person, while an operator or a passenger in any vehicle, shall throw, deposit, liner or dump solid waste upon any street, sidewalk, or other property.

**§ 329-14 Unlawful acts.**

A. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source-separate designated materials for recycling is a violation of this article.

B. It shall be unlawful for solid waste collectors to collect solid waste that 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 and/or recyclables which visibly display a warning notice, indicating that the load of solid waste contains designated recyclable materials and therefore should not be removed for disposal.

C. It shall be the responsibility of any person, firm, corporation, or partnership whose solid waste is not removed because it contains recyclable materials, to properly segregate the uncollected waste for proper recycling. Allowing such nonseparated refuse to accumulate shall be considered a violation of this article and the Public Health Nuisance Code of New Jersey (1953).

D. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of grass clippings, leaves, or other matter except for recycling collection.

E. No person shall burn trash or designated recyclables without a permit issued by the New Jersey Department of Environmental Protection or their authorized agent.

F. No person shall place or deposit household or commercial solid waste or recyclable material in sidewalk receptacles or in unauthorized private or municipal containers.

G. No person shall bring, import or solicit any solid waste or recyclable material(s) generated from outside the Township of Franklin to be brought into the Township of Franklin for public collection and disposal or marketing.

**§ 329-15 Unauthorized receptacles.**

A. Private receptacle. Any privately owned/leased receptacle used by any person other than the owner/lessor without the express permission of the owner/lessor.

B. Public receptacle. Any publicly owned/leased receptacle used by any person other than the owner/lessor without the express permission of the owner/lessor.

**§ 329-16 Unauthorized landfill.**

**Unauthorized landfills include:**

A. Any facility not licensed by the New Jersey Department of Environmental Protection.

B. Any public or private property used for littering or dumping, with or without the property owner's permission.

**§ 329-17 Scavenging of source-separated recyclable materials.**

No person, firm, charity, corporation, partnership, or employee shall collect, pick up, or cause to be collected or picked up any recyclable item placed at the curb line for collection by the Township or its authorized agent without authorization of the owner.

**§ 329-18 Additional methods of disposal.**

**A.** Any resident or commercial establishment may donate or sell any recyclable materials to any person, partnership, corporation or charity whether operating for profit. This source must be listed on the recycling report for businesses.

**B.** Said person, partnership, corporation, or charity may not, however, under any circumstances, pick up any recyclable materials set out for collection by the Township of Franklin without authorization of the owner

**§ 329-19 Enforcement.**

**Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

**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 article and the local sanitary code.

**C.** Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

It shall be the responsibility of the Superintendent of Public Works and/or the Township Code Enforcement Officer and/or the Police Department and/or Health Department and their designated agents to enforce all provisions of this article.

The Code Enforcement Official, the Certified Recycling Coordinator, the Property maintenance Official, the Housing Officer, and the Gloucester County Department of health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

**§ 329-20 Violations and penalties.**

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1,000. Each day for which a violation of this Ordinance occurs shall be considered a separate offense. (Note- municipalities are empowered to incorporate the provisions of N.J.S.A. 40:49-5 into their Ordinance. This provision may be viewed at the New Jersey legislative website).

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program, including but not limited to; education, recycling equipment, recycling pails, and advertisement.

**Severability, Effective Date**

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

**A. Placing trash or recyclables out for collection early.**

**(1)** First offense: \$100.

(2) Second offense committed within one year of the written warning infraction: \$250. Each day such violation is committed or permitted to continue a separate offense and shall be punishable as such.

(3) Third and subsequent offenses committed within one year of the written warning infraction: \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**B. Failure to separate recyclables from solid waste.**

**(1) Municipal collection.**

**(a) First offense: \$250.**

**(1)** Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Said materials shall be left for the owner to properly separate.

**(b) Second and subsequent offenses committed within one year of the written warning infraction: \$500.**

**(1)** Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Said materials shall be left for the owner to properly separate.

**(2) Non-municipal collection.**

**(a) First offense: \$250.**

**(1)** Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Said materials shall be left for the owner to properly separate.

**(b) Second and subsequent offenses: \$500.**

**(1)** Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Said materials shall be left for the owner to properly separate.

**(c) Failure to file a recycling form or report.**

**(1)** First offense: \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Second and subsequent offenses: \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**C. Burning solid waste or recyclable materials.**

**(1) First offense: \$500.**

**(2) Second and subsequent offenses: \$1,000.**

**D. Failure to contain solid waste.**

**(1) Municipal collection.**

**(a)** First offense: \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(b)** Second and subsequent offenses: \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2) Non-municipal collection.**

**(a)** First offense: \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(b)** Second and subsequent offenses: \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**E. Placing household or commercial solid waste or recyclables in public receptacles.**

**(1)** First offense: \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Second and subsequent offenses: \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**F. Accepting solid waste or recyclable materials for disposal in an unlicensed disposal facility.**

**(1)** First offense: \$1,000 and perform the cleanup or be responsible for the cleanup costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Second and subsequent offenses: \$5,000 and perform the cleanup or be responsible for the cleanup costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**G. Littering.**

**(1)** First offense: \$250.

**(2)** Second and subsequent offenses: \$500 plus community service.

**H. Littering from a moving vehicle.**

**(1)** First offense: \$500 plus community service.

**(2)** Second and subsequent offenses: \$1,000 plus community service.

**I. Dumping.**

**(1)** First offense: \$500 to \$1,000 and perform the cleanup or pay for cleanup costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Second and subsequent offenses: \$1,000 to \$5,000 and perform the cleanup or pay for cleanup costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**J. Scavenging.**

**(1)** First offense: \$250 plus confiscation of all collected recyclable materials and/or up to five days of community service.

**(2)** Second and subsequent offenses: \$500 plus confiscation of all collected recyclable materials and/or up to 15 days of community service.

**K. Importing out of Township generated solid waste or recyclables for public collection.**

**(1)** First offense: \$1,000 and perform the cleanup or pay for cleanup costs and/or subject to non-collection of material. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(2)** Second and subsequent offenses: \$2,500 and perform the cleanup or pay for cleanup costs and/or subject to non-collection of material. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**TAX REIMBURSEMENT CERTIFICATION**

**WHEREAS,** The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS,** Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the (name of municipality) that (name of municipality) hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2008 in the amount of (\$ . ). Documentation supporting this submission is available at (address of location) and shall be maintained for no less than five years from this date.

Tax reimbursement certified by:

Name of official:

Title of official:

Date:

TAX REIMBURSEMENT STATEMENT MUST BE CERTIFIED USING MUNICIPAL SEAL

**[Adopted 11-14-2006 by Ord. No. O-13-2006]**

**§ 329-21 Purpose.**

The purpose of this article is to establish a yard waste collection and disposal program in the Township of Franklin, County of Gloucester, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 329-22 Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**CONTAINERIZED**

The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm-water.

## **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

## **STREET**

Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

## **YARD WASTE**

Leaves and grass clippings.

### **§ 329-23 Yard waste collection.**

A. Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet.

B. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this article. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.

### **§ 329-24 Enforcement.**

The provisions of this article shall be enforced by the Township of Franklin Police Department.

### **§ 329-25 Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$250.

**BE IT ORDAINED** that this ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

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CAROLYN K. TOY, CLERK

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JOSEPH C. PETSCH, MAYOR

CERTIFICATION

I, Carolyn K. Toy, Clerk of the Township of Franklin, in the County of Gloucester, do hereby certify that the foregoing is a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, May 26, 2009, with a subsequent second public reading held on June 23, 2009, at which time any person interested therein was given an opportunity to be heard.

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Carolyn K. Toy, Clerk