

## ORDINANCE 2020-03

### **ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 164 OF THE BOROUGH CODE, ENTITLED "SOLID WASTE," SO AS TO UPDATE THE BOROUGH'S SOURCE SEPARATION AND RECYCLING REGULATIONS IN ACCORDANCE WITH OCEAN COUNTY HEALTH DEPARTMENT RECOMMENDATIONS.**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Section 164-3 of the Borough Code of the Borough of Barnegat Light, entitled "Establishment of program," is hereby amended and supplemented to provide as follows:

#### **§ 164-3. Establishment of program.**

There is hereby established a program for the mandatory separation of the following recyclable materials from the municipal solid waste stream by all persons within the Borough of Barnegat Light, hereinafter referred to as the "municipality":

- A. Aluminum cans.
- B. Ferrous containers.
- C. Glass containers.
- D. Newspapers.
- E. Plastics.

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 Barnegat Light, 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.

**SECTION 2.** Section 164-8 of the Borough Code of the Borough of Barnegat Light, entitled "Enforcement and administration," is hereby amended and supplemented to provide as follows:

#### **§ 164-8. Enforcement and administration.**

The Recycling Coordinator is hereby authorized and directed to establish and promulgate reasonable regulations detailing the manner, days and times for collection of the recyclable materials designated in § 164-3 of this article and such other matters as are required to implement this article. Such regulations shall take effect only upon the approval of the Borough Council by adoption of a resolution implementing the same. The Recycling Coordinator is hereby authorized and directed to enforce the provisions of this article and any implementing regulations adopted hereunder. In addition, the Ocean County Department of Health is 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.

**SECTION 3.** There is hereby created and established a new Section 164-8.1 of the Borough Code of the Borough of Barnegat Light, to be entitled "Responsibility for compliance with ordinance," to provide as follows:

#### **§ 164-8.1. Responsibility for compliance with ordinance.**

The owner of any property shall be responsible for compliance with this chapter. 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.

All commercial and institutional generators of solid waste shall be required to comply with the provisions of this chapter. 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. 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. 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.

**SECTION 4.** There is hereby created and established a new Section 164-8.2 of the Borough Code of the Borough of Barnegat Light, to be entitled “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.),” to provide as follows:

**§ 164-8.2. 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 or zoning board of adjustment of the Borough of Barnegat Light 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 Borough, 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. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Borough engineer.

**SECTION 5.** There is hereby created and established a new Section 164-8.3 of the Borough Code of the Borough of Barnegat Light, to be entitled “Prohibition of the collection of solid waste mixed with recyclable materials,” to provide as follows:

**§ 164-8.3. 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 chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

**SECTION 6.** Section 164-10 of the Borough Code of the Borough of Barnegat Light, entitled “Exemptions,” is hereby amended and supplemented to provide as follows:

**§ 164-10. Exemptions.**

The Borough Council may exempt persons occupying commercial and institutional establishments from the source separation requirements of § 164-4 of this article if those persons have otherwise provided for the recycling of recyclable materials designated in § 164-3 of this article. To be eligible for an exemption under this section, the person seeking the same shall, prior to June 1 of each year, provide written documentation to the municipality of the total amount of materials recycled during the preceding calendar year and the manner provided for its disposal. To be eligible for an exemption, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator. The application 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 7.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed

**SECTION 8.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 9.** This ordinance shall take effect after second reading and publication as required by law.

**INTRODUCTION:**

**Passage on First Reading:   Date:** February 12, 2020

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington						X
Alloway						X
Reynolds	X		X			
Foley		X	X			
Mikuletzky			X			

Attest:

\_\_\_\_\_  
**BRENDA L. KUHN**, Municipal Clerk

**ADOPTION:**

**Final Passage:               Date:** March 11, 2020

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark						X
Wellington			X			
Alloway			X			
Reynolds			X			
Foley	X		X			
Mikuletzky		X	X			

Attest:

\_\_\_\_\_  
**BRENDA L. KUHN**, Municipal Clerk

**Approved:**

\_\_\_\_\_  
**Date:** March 11, 2020

**KIRK O. LARSON**, Mayor

Attest:

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**BRENDA L. KUHN**, Municipal Clerk