

ORDINANCE 8 -2022

**AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS
AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE BOROUGH
CODE ENTITLED "GARBAGE, REFUSE AND WASTE MATTER"**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., permits local units of this State to enter into a contract with any other governmental unit for shared services; and

WHEREAS, the Township of Logan agrees to provide municipal trash and recyclable collection to the Borough of Woodbury Heights pursuant to the terms and conditions set forth in a Shared Services Agreement as memorialized in Resolution R-132-2021; and

WHEREAS, the Township of Logan has agreed to serve as the Lead Agency for trash and recyclable collection and marketing for the Borough; and

WHEREAS, such Shared Services Agreements are encouraged by the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, in order to effectively implement the collection of trash and recycling by the Township of Logan in accordance with the Shared Service Agreement the Borough must amend and supplement the existing code; and

WHEREAS, the Borough Council of the Borough of Woodbury Heights intends that the Shared Services Agreement shall be for the benefit of Borough residents, by way of improving trash and recycling service, thereby creating a cleaner and healthier community;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Woodbury Heights, County of Gloucester, State of New Jersey that Chapter 59 of the Borough Code be and hereby is repealed and amended and supplemented, as follows:

SECTION I:

Chapter 59 of the Borough Code entitled "Garbage, Refuse, and Waste Matter", Sections 59-1 through 59-6, are hereby repealed, in their entirety, and amended and supplemented by the following Chapter to be entitled "Solid Waste and Recycling"

§ 59-1. Programs established; applicability.

- A. There is hereby established a program for the mandatory source separation of recyclable materials within the Borough of Woodbury Heights, and the requirements of this article shall apply to all property owners and tenants of such property situated within the Borough. Such separation, collection and disposal of specified recyclable materials shall be made under the supervision and guidance of the Coordinator of

Recycling.

- B. There is hereby established a program to prohibit scavenging of recyclable materials within the Borough of Woodbury Heights, and the requirements of this article shall apply to all.
- C. There is hereby established a program to prohibit littering and dumping within the Borough, and the requirements of this article shall apply to all.
- D. The owner of any property shall be responsible for compliance with this article. 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 six months during their occupancy.

§ 59-2. Definitions.

For the purpose of this and succeeding sections, the following words shall have the meanings respectively ascribed to them by this section:

BUILDING— A structure that contains one or more units.

CART — A container designed to be mechanically emptied by an automated or semi-automated collection vehicle.

COMMERCIAL SECTOR — All designated commercial retail, wholesale, institutional, markets and manufacturing facilities including, but not limited to: taverns, restaurants, churches, offices, professional offices, daycare and private schools and facilities, strip stores, farms, private schools and construction and demolition projects buildings or complexes.

COMPLEX — A property that contains more than one building.

CONTAINER or RECEPTACLE — A roll-off, dumpster, cart, can or bag designed to receive and accept solid waste or recyclable materials and prevent spillage of its contents.

CURB — The area adjoining the curb line of the streets.

DOCUMENTATION — Original or clear copies of receipts or letters in the form of certified weight receipts or a signed business form letter that shall include the name of the recycling market, the hauler and the generator and shall show the dates and quantity/ weight of each recycled material. It is recommended that a separate summary sheet be provided for each recycled material. These receipts or letters shall be acceptable from a recycling market(s) or solid waste facility or hauler(s) or a letter from construction or demolition permit applicants stating that no receipts were provided to them from the identified market(s) and/or hauler(s) or a letter from construction or demolition permit applicant stating that no material was generated.

- A. **AMOUNT** — A product disposed/sold by weight, count, gallonage or yardage.

B. HAZARDOUS WASTE — Documentation for recycled hazardous waste(s) (for example, oil, solvents, etc.) 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 equal to or more than 0.148 cubic yard 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.

DUMPSTER — A container designed to be mechanically emptied. These dumpsters must have lids.

ELECTRONIC WASTE — A computer central processing unit and associated hardware, including keyboards, modems, printers, scanners, fax machines, vcr's and DVD players, radios, rechargeable batteries, TVs, electronic components and the like.

ESTABLISHMENT — A place where people live or conduct business.

HAZARDOUS — Including, but not limited to, 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.

ITEM, BULK — A product too large to fit into a container and/or household furniture.

LANDFILL — A facility designed exclusively to accept solid waste, 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 0.148 cubic yard 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.

MEDICAL/BIOHAZARDOUS — Including, but not limited to, any solid 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 CFR Part 261 or any household waste generated from home self-care as defined in this section.

METAL OR PLASTIC CONTAINER — These containers shall be made of metal or plastic.

MULTIFAMILY DWELLING — 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 N.J.S.A. 13:1E-99.13a) and shall include motels, hotels 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 (N.J.S.A. 55:13A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR — The person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this article, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SECTOR — All designated municipal government buildings, parks, public events, public school facilities, fire and ambulance facilities.

OCCUPANT — A person(s), partnership(s), corporation(s) or any other entity due to his or its status as an owner or lessee of a property in Township of South Harrison.

PERSON — Includes any and all person(s), partnership(s), corporation(s) or any other entity.

PLASTIC BAG — A bag designed to hold solid waste or recyclable materials.

RECYCLABLE MATERIAL — 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 materials or product.

- A. FERROUS AND NONFERROUS METAL AND APPLIANCES — Washers, dryers, dishwashers, ovens, hot-water tanks, hot and cold-water tanks, gas/oil/ electric heaters, gas tanks, bicycles, metal shelves, storage cabinets, auto parts, metal lawn equipment or other large appliances commonly referred to as "white goods."
- B. OZONE DEPLETING COMPOUNDS (FREON)— Items containing chlorofluorocarbon (CFC) and other ozone depleting compounds (ODCs), examples of which are air conditioners, refrigerators and freezers.
- C. CANS — Aluminum, steel, tin and bimetal containers and foil. Labels may be left on.
- D. GLASS — All bottles, jars and jugs made from silica or sand, soda ash and limestone and used for packaging or bottling or the holding of various matter. Clear, green, brown and other colors are included. This shall not include ceramics, window glass, light bulbs, cooking ware or mirrors.
- E. PLASTIC — All bottles, jugs and jars commonly marked or known as "PET (1)" and "HDPE (2)." Rings, caps and labels may be left on. This shall not include tubs or other items not considered a bottle, jug or jar.
- F. PAPER — All uncontaminated corrugated boxes and panels, newspaper, magazines, books, junk mail, chipboard, computer paper, office paper, copy paper, school paper, etc. This shall not include paper that is treated, waxed or contaminated so as to be a health concern or problem.
- G. BATTERIES — Wet cell automotive, motorcycle and boat batteries. Commonly found in six-, twelve- and twenty-four-volt charges.
- H. OIL — Motor and transmission oil.
- I. OIL FILTERS — Motor and transmission filters made in a metal container.
- J. TIRES — Passenger and truck tires and tubes.
- K. MASONRY — All products generally used in the construction of buildings, including, but not limited to bricks, cinder block, asphalt, concrete, rock and stone.
- L. Additionally, each business is encouraged to examine its operation for any

additional item(s), including but not limited to food waste and other plastic, which can be recycled over and above those items mandated by these regulations.

RESIDENTIAL SECTOR — All designated single-family buildings and multifamily buildings of two or more separate living units.

ROLL-OFF CONTAINER — A container that is designed to be removable from a vehicle or chassis.

SOLID WASTE — Consisting of solid waste Types 10, 13, 23, 25 and 27, as defined by New Jersey Department of Environmental Protection, N.J.A.C. 7:26-2.13.

SOLID WASTE INCINERATOR (also known as "resource recovery facility" and "waste to energy facility") — A facility designed exclusively to accept solid waste for incineration and designed and permitted to meet all federal and New Jersey Environmental Protection Agency rules and standards.

SOURCE-SEPARATED RECYCLING MATERIALS — Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION — The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purpose of recycling.

STREETS — All public highways, avenues, streets, lanes, boulevards, circles, terraces, drives and public roads, whether dedicated or not, within the limits of the Borough of Woodbury Heights.

TIED BUNDLE — A bundle should be used for the collection and removal of solid waste or recyclable materials.

UNIT — A single commercial, municipal or residential establishment.

§ 59-3. Contract procedure; places served; exceptions.

- A. The Borough of Woodbury Heights Council shall have the power, if in its opinion it is more advantageous to have the garbage, recycling and other refuse collected, removed and disposed of by persons other than authorities of the municipality, to make a contract or contracts for such work or any portion thereof with any individual or individuals, municipal corporation, or corporations. Before making such contract or contracts, the Borough Council shall first adopt specifications for the doing of the work in a sanitary and inoffensive manner. Unless exempt, said contract shall be entered into and made only after bids therefor have been advertised according to law, and then only to the lowest responsible bidder or bidders. The bidder or bidders to whom the contract is awarded shall give satisfactory bond or other security for the faithful performance of the work. The contract shall include, and in all respects conform to the specifications adopted for the doing of the work.
- B. Combined trash and recycling collection, removal and disposal will be available from all municipal and residential sectors.
- C. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants or occupants of residential and nonresidential premises, which shall include, but not be limited to, retail and other commercial establishments and locations, as

well as government, schools and other institutional locations within the Borough of Woodbury Heights, 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.

D. 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 article, which requires a person 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:

- (1) The name of the commercial or institutional entity;
- (2) The street address location and block and lot designation;
- (3) The name, official title and phone number of the person making application on the behalf of the commercial or institutional entity;
- (4) The name, address and official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and
- (5) 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.

§ 59-4. Designated recyclable materials.

The following materials shall be designated recyclables from the commercial, municipal and residential sectors: ozone-depleting compound appliances, ferrous and nonferrous metals, glass, cans, plastic, paper, newspaper, glass bottles and jars, aluminum cans, bimetal cans, plastic containers (PET No. 1 and HDPE No. 2 plastics), paper, corrugated cardboard, cereal boxes, junk mail, magazines and catalogs, office paper, and electronic waste.

§ 59-5. Collection.

A. Municipal Collection. The collection, removal and disposal of all designated

materials shall be conducted by a contractor, as designated by the Borough Council, at a schedule determined by the contracting unit upon consultation and approval with the Mayor and Borough Council. Borough of Woodbury Heights public parks and sidewalk receptacles shall be cleaned and maintained by the Borough of Woodbury Heights Public Works Department, or such other party as may be designated by the Borough Council.

B. Owners, occupant's or lessee's residing within the Borough of Woodbury Heights shall place containers curbside after 6:00 p.m. prior to the collection day, and all containers shall be removed from the curbside as soon as practical after collection or by no later than 9:00 p.m. on the date of the collection. All solid waste shall be removed from special events within 24 hours of their completion.

C. All receptacles or dumpsters shall be maintained in a clean and safe manner.

§ 59-6. Container limits.

A. Automated trash collection. Two ninety-five-gallon containers (also referred to herein as "containers") will be assigned by serial number recorded by the Borough of Woodbury Heights Public Works Department to each residential taxable property and will remain the property of the Borough at all times. One container shall be designated for recyclable material and one container shall be designated for nonrecyclable refuse.

(1) If a resident vacates the premises, the container(s) assigned to that residence must be left behind for the new resident. It is a precondition of obtaining a certificate of occupancy to account for all leased containers registered to that residence.

(2) At the sole discretion of the Borough of Woodbury Heights or their designee, and if all real property taxes are current, residents, after following all recycling rules and regulations, may lease a second trash or recycling container (not to exceed a total of 285 gallons per household for trash and recycling containers combined) at the following prices, which may be amended by the Township of South Harrison from time to time by Resolution:

(a) Ninety-five gallon containers: \$100 annually

(3) Containers requiring repair. Residents shall immediately notify the Borough of Woodbury Heights Public Works Department if containers are damaged and need repair. At the sole discretion of the Borough, containers deemed to be damaged beyond repair may be replaced provided that the resident pays for the replacement container as outlined in § 59-6A(2)(a).

(4) All containers are owned and belong to the Borough of Woodbury Heights and not the lessee/property owner.

(5) Residents may mark their addresses on the lids of the containers at a maximum font of three inches in height.

B. Nonmunicipal collection.

- (1) Commercial.
 - (a) It shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste and recyclables.
 - (b) 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 responsible for this service.
 - (c) Owners or operators of commercially zoned buildings shall provide separately labeled trash and recycling containers for the public at a minimum of one set of containers every single linear 1/4 mile (i.e., approximately 1,300 feet).
- (2) Residential. It shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste and recyclables.

§ 59-7. Container storage and placement; hazardous waste.

- 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 (trash cans, bags, dumpsters) and secured 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 or around construction or demolition projects shall not be accumulated or stored in such a manner that it is likely to be removed by natural forces onto adjacent property.
- E. Hazardous waste shall be disposed of separately according to federal (40 CFR 261) or New Jersey Department of Environmental Protection (N.J.A.C. 7:26-7) disposal regulations.
- F. Medical/bio-hazard waste shall be disposed of separately according to federal (40 CFR 261) or New Jersey Department of Environmental Protection (N.J.A.C. 7:26-7) disposal regulations.

§ 59-8. Recyclable materials; separation and placement for removal.

- A. Municipally collected recyclable materials.
 - (1) Municipally collected
 - (a) Commercial sector. All solid waste and recyclables placed for collection shall be placed at the curb.
 - (b) Municipal sector. All solid waste and recyclables placed for collection shall be placed at the curb or in the loading/storage area.

(2) Collected recyclable materials.

- (a) Ozone-depleting compounds, appliances, ferrous and nonferrous metals. Gas tanks must be empty, and appliances may contain Freon or other ozone depleting compounds.
 - (b) The following items may be placed in a single container: Glass, metal and bimetal cans, recyclable plastic and plastic containers with rings and caps removed, newspaper, mixed paper, office paper, junk mail, magazines and catalogs, cereal boxes, glass bottles and jars with rings and caps removed, aluminum cans, and corrugated cardboard.
 - (c) Electronic waste.
- B. Nonmunicipally collected recyclable materials. It shall be the responsibility of the commercial, municipal and residential sectors to make arrangements for the collection and removal of the designated recyclable materials.
- C. Nonmunicipally collected recyclable materials. Nonmunicipally collected recyclable materials shall consist of vegetative waste, leaves, batteries, motor oil, oil filters, tires and masonry building products.

§ 59-9. 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 or not-for-profit. However, this source must be listed on the Recycling Report.
- B. Said person, partnership, corporation or charity may not, however, under any circumstances collect any recyclable materials placed for collection by the Borough of Woodbury Heights.

§ 59-10. Solid waste; placement for removal.

Trash containers shall be placed out with metal lift bar facing the center of the street and with at least four feet of clearance on either side so that the mechanical arm can easily lift the container without interference. All containers must be placed in such a fashion as to allow for unencumbered access by the refuse and recyclable collection equipment. The

Borough is under no obligation to empty any containers which, under the sole discretion of the Borough and/or their designee(s), is deemed to be inappropriately placed or encumbered.

§ 59-11. Solid waste disposal.

- A. All solid waste must be properly contained and disposed. No commercial or residential solid waste shall be disposed of in public or within unauthorized private containers.
- B. All contractors, construction and demolition projects must provide their own solid waste removal and disposal service.

§ 59-12. Commercial establishments; recyclable materials reporting and documentation.

- A. All documentation shall be included with the Recycling Report. All commercial establishments, cleaning firms or such private hauler responsible for removal of recyclable materials must file completed Recycling Reports with the Coordinator of Recycling. Recycling Reports shall be submitted to the Township's Coordinator of Recycling as per the following schedule:

Report Period	Due Date
January 1 to December 31	February 1, for previous year

- B. All construction and demolition projects shall be required to complete a form and submit it along with a request for a permit. The person who signs the 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 of recycled materials and solid waste from special events shall be submitted to the Borough's Coordinator of Recycling no later than 24 hours of their completion.

§ 59-13. Nonresidential establishment compliance requirements.

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this article.
- B. The arrangements for the collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or its designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor 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 those contents.
- C. 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 its premises, including the amount of recycled materials, by material

type, collected and recycled and the vendor or vendors providing recycling service. Recycling reports shall be submitted to the Recycling Coordinator as per the following schedule:

Report Period	Due date
January 1 to December 31	February 1, for previous year

- D. All construction and demolition projects shall be required to complete an ORM form and submit it along with a request for a permit. The person who signs the 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.
- E. 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 to maintain such records as may be prescribed, for the inspection by any code enforcement officer.

§ 59-14. Recycling collection by unauthorized persons.

- A. From the time of placement at the designated municipal loading/storage area described herein for the collection by the Borough of Woodbury Heights, in accordance with the terms hereof, items shall be and become the property of the Borough 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 Borough or its authorized agent.
- C. Any and each collection in violation hereof from one or more properties shall constitute a separate and distinct offense.

§ 59-15. Littering and dumping prohibited.

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

§ 59-16. 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. Once placed in the location identified by this article, or any rules or regulations promulgated pursuant to this article, no person, other than those authorized by the Borough, shall tamper with, collect, remove or otherwise handle designated recyclable materials.
- 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 material from any public or private sidewalk or driveway.
- E. No person shall burn trash or designated recyclables without a permit issued by the New Jersey Department of Environmental Protection or its 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. It shall be unlawful for any unauthorized person to deposit any unauthorized trash or recyclables at the Borough Public Works facility.
- H. It shall also be unlawful to violate any other provision of this article.

§ 59-17. Unauthorized use of receptacle.

- 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 shall constitute an unauthorized use.
- 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 shall constitute an unauthorized use.

§ 59-18. Unauthorized landfill.

The following shall constitute an unauthorized landfill:

- 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.

§ 59-19. 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 for collection by the Borough or its authorized agent.

§ 59-20. New development of multifamily residential units or commercial, institutional, or industrial properties (pursuant to N.J.S.A. 13:1E-99.13a and 13:1E-99.16c).

- A. Any application to the Joint Planning Board of the Borough of Woodbury Heights for subdivision or site plan approval for the construction of multifamily dwelling units 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) Detailed analysis of the expected composition and amount of solid waste and recyclables generated at the proposed development.
 - (2) Locations documented on the applicant's site plan that provides 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 Planning Board and/or Board Professionals, as well as the Municipal Recycling Coordinator.
- B. Prior to the issuance of a certificate of occupancy by the Borough of Woodbury Heights, the owner of any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purpose of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Borough Engineer.

§ 59-21. Enforcement.

It shall be the responsibility of the Borough Coordinator of Recycling and/or Zoning Officer and their designated agents or designees to enforce all provisions of this article.

§ 59-22. Violations and Penalties.

The following fines for violation of this article shall apply:

- A. Failure to separate recyclables from solid waste.
- (1) Municipal collection.
 - (a) First offense: \$50.
 - [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 may be left for the owner to properly separate.
 - (b) Second and subsequent offenses: \$100.
 - [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 may be left for the owner to properly separate.

(2) Nonmunicipal collection.

(a) First offense: \$50.

[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: \$100.

[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. Failure to recycle.

(1) Municipal collection.

(a) First offense: \$50.

(b) Second and subsequent offenses: \$100.

(2) Nonmunicipal collection.

(a) First offense: \$250.

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

C. Placing containers curbside before the authorized collection day and time and/or failure to remove containers from the curbside before the time prescribed in Section 59-5(B) of this Article: \$50. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

D. Failure to file a construction, demolition and diversion form for a construction or demolition project.

(1) First offense: \$50 to \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(2) Second offense: \$250 to \$1,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(3) Third offense: \$500 to \$2,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(4) Fourth offense: \$1,000 to \$3,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

- (5) Fifth offense and thereafter: \$2,000 to \$5,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

E. Failure to file a recycling report.

- (1) First offense: \$100. 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: \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

F. Failure to file documentation.

- (1) First offense: \$100. 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: \$250. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

G. Failure to properly dispose of solid waste.

- (1) First offense: \$250 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: \$500 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.

H. Removal of tagged solid waste containers.

- (1) First offense: \$50.
- (2) Second and subsequent offenses: \$250.

I. Burning solid waste or recyclable materials.

- (1) First offense: \$500.
- (2) Second and subsequent offenses: \$1,000.

J. Failure to contain solid waste.

- (1) Municipal collection.
 - (a) First offense: \$50. 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: \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(2) Nonmunicipal collection.

- (a) First offense: \$50. 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: \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

K. Placing household or commercial solid waste or recyclables in public receptacles.

- (1) First offense: \$50. 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: \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

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

- (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.

M. Littering.

- (1) First offense: \$50.
- (2) Second and subsequent offenses: \$250.

N. Dumping.

- (1) First offense: \$250 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: \$500 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.

O. Unauthorized use of a receptacle.

- (1) First offense: \$50, plus the costs of disposal of the contents of the container.
- (2) Second and subsequent offenses: \$100, plus the costs of disposal of the contents of the container.

P. Scavenging.

- (1) First offense: \$100, plus confiscation of all collected recyclable materials and/or up to five days of community service.
- (2) Second and subsequent offenses: \$250, plus confiscation of all collected recyclable materials and/or up to 15 days of community service.

Q. Fines levied and collected pursuant to the provisions of this article 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 Borough recycling program.

§ 59-23. Reward for information on violators.

- A. The first person or business who provides information leading to the arrest and conviction of anyone dumping shall be eligible for a reward of an amount not to exceed \$50, exclusive of court fees.
- B. The person or business who provides the information must complete a form, to remain confidential, by the Borough of Woodbury Heights.
- C. The person or business who provides the information must be able to appear in court to testify.
 - (1) The confidentiality of the person providing testimony will be provided, with the courts permission, when requested by the informant.
 - (2) Notwithstanding the above, nothing shall limit the defendant from being able to question the witness.
- D. The information award shall be awarded after the fine has been collected.

SECTION II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION III. Codification:

This ordinance may be renumbered for codification purposes.

SECTION IV. Effective Date:

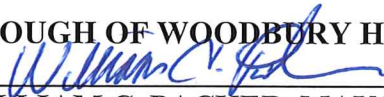
This Ordinance shall be in full force and effect from and after its final adoption and publication as required by law.

SECTION V.

All Ordinances or Code provisions or parts thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION VI.

If any section, subsection, part, clause or phrase of the Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

BOROUGH OF WOODBURY HEIGHTS
By: 
WILLIAM C. PACKER, MAYOR

ATTEST:



SHANNON ELTON, BOROUGH CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Borough Council of the Borough of Woodbury Heights held on the 16th day of March 2022 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 20th day of April 2022, at the Borough Hall, 500 Elm Ave, Woodbury Heights, New Jersey.



SHANNON ELTON, BOROUGH CLERK

NOTICE

**AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS
REPEALING, AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE
CODE OF THE BOROUGH OF WOODBURY HEIGHTS**

NOTICE is hereby given that the foregoing Ordinance 8-2022 was finally adopted at a meeting of the Borough of Woodbury Heights Council held on the 20th day of April 2022 at 7:30 p.m. in the Borough Hall, 500 Elm Avenue, Woodbury Heights, New Jersey.



SHANNON ELTON, BOROUGH CLERK