

**ORDINANCE #2160**

**An Ordinance amending and supplementing CHAPTER X of the “Revised General Ordinances of the Township of Ocean, 1965” entitled “REGULATIONS FOR HANDLING, GARBAGE, RECYCLABLES, VEGETATIVE WASTE, AND BULK TRASH”**

**10-1 Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter 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.

*Aluminum* shall mean recyclable containers made of aluminum used for canned food, soda, beer or other beverages. Specifically omitted from this definition are aluminum foil, and aluminum pie plates.

*Ashes* shall mean the solid matter remaining after the combustion of all wood, coal, coke and any and all other combustible material, except leaves.

*Batteries* shall be only re-chargeable batteries and “button batteries” which are used in many of the smaller electronic devices such as watches, calculators and toys and games.

*Brush* shall include collections of woody plants, logs, tree limbs, branches, hedges, shrub clippings and other similar vegetative materials. This shall exclude weeds, flowers and other vegetative matter resulting from clearing out flowers or vegetative beds.

*Bulk trash* shall consist of, but not limited to, old furniture, rugs, mattresses, household articles of an unwieldy nature, and other bulky waste usually disposed of by householders, excluding white goods, light metal, appliances.

*Cardboard* shall include cardboard of the type used to make corrugated cardboard boxes, cartons, etc used as shipping containers made with Kraft paper, linerboard, chipboard and corrugated medium.

*Carts* used for automated collection shall mean those containers issued by the Township of Ocean, and will remain as property of the Township unless otherwise indicated.

*Commingled recyclables* shall refer to the mixing of glass bottles and jars, aluminum cans, tin (steel) cans and plastic bottles, which have been rinsed and placed in the same container.

*Construction and demolition material* shall include concrete, dimensional wood waste and any other such waste material as associated with the alteration, addition, and construction or razing of any building, structure or any part thereof.

*Containerized* shall mean the placement of garbage, rubbish, recyclables or other waste material into a Township issued cart, so as to prevent the same from spilling or blowing out into the street and coming into contact with storm water.

*Curb line* shall be the line where street pavement meets curb line and/or lawn.

*Garbage* also known as municipal solid waste shall include all non-recyclable material and rubbish normally produced by the occupants of commercial, industrial and residential property and disposed of by private or public pick-up including food waste, non-recyclable materials and other articles of matter not heretofore or hereafter described specifically, and other articles as are usually thrown in waste baskets and rubbish receptacles. Bulk trash shall be excluded from this definition.

*Governmental/Public buildings* shall mean Township of Ocean buildings local fire departments, the local public school system.

*Grass* shall include vegetative material generated when lawns are cut and shall include lawn trimmings, sod, soil, and thatch.

*Hazardous waste* any discarded material that poses a potential hazard to human health or the environment when improperly stored or disposed of.

*Immediate* shall mean that solid waste is removed at once, without delay.

*Industrial waste* shall mean those materials and waste matters connected with industrial establishments within the Township and including, but not limited to, processed scrap materials, non-recyclable packing materials and certain hazardous and dangerous materials such as acids, paints, fluorescent tubes, large amounts of non-recyclable glass and toxic materials, and any other material that is a waste byproduct of an industrial manufacturing process.

*Leaves* are vegetative material, typically generated in the autumn when they fall from trees and raked or blown from resident's lawns.

*Light metal* shall mean steel, aluminum, tin and sheet metals, used for shelving, cabinets, swing sets, storage sheds, lawn furniture and the like. It shall not include large parts from automobile engines nor smaller items such as curtain rods and toaster ovens.

*Mixed paper* shall mean articles of paper such as, but not limited to, magazines, catalogs, envelopes, mail, school papers, computer paper, writing paper and similar kraft paper material, high-grade paper, office papers, real estate books, NCR paper, non-metallic wrapping paper, telephone books, advertisements/circulars, soft cover books, and non-newsprint newspaper inserts.

*Municipal separate storm sewer system (MS4)* shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by The Township of Ocean or other public body, and is designed and used for collecting and conveying Stormwater.

*Newspaper* shall include paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon news and opinions and containing advertisements and other matter of public interest. Newspaper may include glossy inserts which come with the paper.

*Owner/keeper* shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

*Person* shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

*Pet* shall mean a domesticated or exotic animal kept for amusement, companionship or disability assistance.

*Pet solid waste* shall mean waste matter expelled from the bowels of the pet.

*Plastic bottles* shall include all size plastic pourable containers where the neck is narrower than the body with the symbol #1 and #2, caps removed. Examples are milk, soda, juice, water, laundry detergent, bleach, fabric softeners, shampoo and conditioner

*Proper disposal* shall mean placement in a designated waste receptacle, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

*Recyclable* shall refer to any and all items listed for mandatory separation from garbage, bulk trash and yard waste for the purpose of recycling.

*Recyclable glass* shall include all products made from silica or sand, soda ash and limestone, the product being clear, brown, amber or green in color and being used for packaging or bottling of various materials, and similarly being known as "container glass", excluding, but not

limited to the following "glass-like" materials: blue, flat glass commonly known as window glass, dishes, ceramics, drinking glasses, light bulbs, crystal, heat-resistant ovenware (ex: Pyrex®), clay pots, mirrors, and other non-container glass.

*Recycling coordinator* shall be the Director of Public Works or such person designated by him/her to carry out the Township's recycling program.

*Refuse container* shall mean any container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

*Residential* shall refer to structures constructed for habitation of four or less units not connected to any structure used by or for commercial enterprise.

*Rubbish* shall include waste such as rags, broken glass, mirrors, drinking glass, crystal, ceramics, dishes, clay pots, light bulbs, aerosol cans and paint cans and other articles of matter not heretofore or hereafter described specifically, and including such other articles as are usually thrown in waste baskets and rubbish receptacles.

*Single Stream* shall mean that all recyclable corrugated cardboard, office paper, newspaper, junk mail/other paper, glass, aluminum; steel and plastic containers are all mixed in one cart for collection.

*Stormwater* shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

*Street* shall mean 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, curb lines, sidewalks, parking areas, and other areas within the street lines.

*Tin (steel) cans* shall mean recyclable containers of steel or bi-metal, used for food or beverages.

*Vegetative waste* shall mean yard waste materials generated from residential properties only. Vegetative waste shall include tree waste, tree parts, shrubbery and garden waste.

*Waters of the State* shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

*White goods* shall mean large appliances composed primarily of metal and may include, but not be limited to, washing machines, dryers, dishwashers, and stoves for example. Also included are air conditioners, refrigerators freezers, water coolers and dehumidifiers, if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited under the Federal Clean Air Act from being knowingly vented, the refrigerant must be recovered by the generator with signed proof from a certified expert and presented to the Department of Public Works for approval prior to placement at the curb line for disposal.

*Yard waste* shall mean weeds, flowers and other vegetative waste, sod and soil.

## **10-2 Certified Recycling Coordinator.**

a. The position of certified recycling coordinator is hereby created and established within the Township of Ocean.

b. The certified recycling coordinator, within the parameters of Monmouth County Solid Waste Plan and the ordinances set by the Township Council, shall establish, promulgate and enforce rules and regulations as to the manner, days and time for the collection, sorting, transportation, sale and/or marketing of said recyclable material in order to encourage the preservation of material resources while minimizing the net cost of the recycling program to the Township of Ocean.

## **10-3 Garbage.**

### **10-3.1 Preparation and Handling.**

Any person who is the owner or their agent, lessee, tenant or other occupant of any building, private dwelling, apartment house of four or less units, restaurant, motel, store, school, public building or business of any kind shall thoroughly and completely drain garbage of all liquids and place in Township issued cart as hereinafter set forth.

One cart will be issued by the Township of Ocean and will remain as the property of the Township. Additional carts may be leased from the Township for a one time fee to be established by the Township governing body. Garbage shall not be mixed with ashes, recyclables and bulk trash or any matter not specifically permitted.

All garbage shall be stored and held in the Township issued carts.

All receptacles shall be kept covered and in an upright position, shall be regularly disinfected and shall at no time be filled any higher than three inches below the top of the container.

### **10-3.2 Placement of:**

No garbage carts shall be placed at the curb line prior to 6:00 p.m. on the day prior to the scheduled collection or after 6:00 a.m. on the scheduled collection day. The cart must be placed with handles facing the residence.

Businesses, placement of; Businesses utilizing municipal cart collection service may will be issued two (2) 95 gallon Township owned carts. A third cart can be leased from the Township for a one time fee to be established by the Township governing body. Carts must be removed from any enclosed storage area and placed at the curb unless a suitable, accessible parking lot area is available for collection by automated vehicles. For business locations where suitable access is not feasible the Director of Public Works or his designee shall determine an appropriate collection site or notify the business that collection service can not be safely or properly accomplished.

Any business needing service of more than the three 95 gallon carts limit per week shall require the use of a private contractor to collect their garbage.

### **10-3.3 Storage and Removal of Carts**

Carts awaiting collection between collection days shall not be stored on the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as to become a nuisance to the occupants of any neighboring dwelling or property.

No owner or their agent, lessee, tenant or other occupant of any building shall allow or permit empty receptacles, cans, carts, containers or barrels to remain on the curb line or any part of the street or sidewalk or front yard of the property past 8:00 a.m. following the day of collection.

### **10-3.4 Prohibited Conduct**

Any person who controls, whether owned, leased ,or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm systems(s) operated by the Township of Ocean.

### **10-3.5 Exceptions to Prohibited Conduct**

- a. Permitted temporary demolition containers
- b. Litter receptacles ( other than dumpsters or other bulk containers)

- c. Individual homeowner garbage and recycling containers
- d. Refuse containers at facilities authorized to discharge Stormwater under a valid NJPDES permit
- e. Large bulky items(e.g., furniture, bound carpet and padding, white goods placed curbside for pick-up)

#### **10-4 Ashes.**

Ashes shall be held, or stored separately from all other materials for a minimum cooling period of ten days. Ashes must be securely bagged and placed in a covered Township issued cart, at the curb line, for pickup on regular garbage days.

#### **10-5 Bulk Trash.**

##### **10- 5.1 Preparation and Handling.**

The owner or their agent, lessee, tenant or other occupant of any residential private dwelling or apartment of four units or less, shall place bulk trash items at the curb line in accordance with subsection 10-5.2. Large items, such as couches and other furniture may be placed to the curb line, as is. Material such as, but not limited to sheet rock, asphalt shingles, and empty paint cans, must be containerized in a secure receptacle, no greater than 45 gallons in size in a manner so as not to produce spillage. All receptacles shall not exceed 50 pounds in weight when filled or tied and shall be kept covered and in an upright position. Empty latex paint cans must be air dried with lids removed. Tires must have rims removed. Tire rims may be recycled with light metal per section 10-6. All rugs must be rolled, tied and shall be no longer than five feet or greater than 18 inches in diameter. Up to 1 cubic yard of dimensional wood (lumber) shall be cut no longer than four feet in length and width, neatly stacked, or securely tied, or containerized with nails or screws removed. Stockade fencing may be cut in four by four foot sections and neatly stacked for collection.

##### **10-5.2 Placement Of.**

All bulk trash disposed of by residents shall be placed at the curb line, but in no case within the street or gutter line. No bulk trash shall be placed at the curb line prior to 6:00 p.m. on the day prior to the scheduled collection or after 6:00 a.m. the day of the scheduled collection.

##### **10-5.3 Storage and Removal of Receptacles.**

Bulk trash awaiting collection between collection days shall not be stored on the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as not to become a nuisance to the occupants of any neighboring dwelling.

No owner or their agent, lessee, tenant or other occupant of any building shall allow or permit empty receptacles, cans, containers or barrels to remain on the curb line or any part of the street or sidewalk or front yard of the property past 8:00 a.m. of the day following collection.

##### **10-5.4 Exceptions/Exclusions.**

Materials generated by a contractor in which a building permit is required, such as excavating, construction and demolition, alterations or repair of any building or premises does not apply to this section and shall not receive collections by municipal services.

Materials from excavating, construction and demolition, alterations or repair of any building or premises generated by the owner residing in the household of any residential private dwelling and who generates less than three (3) - 45 gallon garbage receptacles or the equivalent of less than 1 cubic yard of material, weighing not more than 50 pounds each, will receive collections by municipal services.

#### **10-6 Mandatory Recycling - Residential.**

##### **10-6.1 Mandatory Separation.**

It shall be mandatory for all persons who are owners or their agent, lessees, tenants or other occupant of any residential private dwelling or apartments of four units or less and occupants of residential property within the township to separate cardboard, chipboard,

newspapers, glass bottles and jars, aluminum cans, tin (steel) cans, used motor oil, mixed paper, plastics bottles, grass, brush, leaves, rechargeable and button batteries, light metal, construction and demolition material and white goods herein defined from all other garbage as produced by such residents for the purpose of recycling.

All apartment and other multi family complexes, schools, businesses and institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors for trash and the various categories of recyclables.

### **10-6.2 Single Stream Materials**

a. *Preparation and Handling:* All recyclable materials must be placed out for collection in the Township issued cart. Commingled recyclables must be rinsed and thoroughly drained of all liquids with lids removed. Newspaper and/or mixed paper, cardboard and chipboard must be free of garbage or other debris.

One recycling cart will be issued by the Township of Ocean and will remain as the property of the Township. An additional cart will be available for lease from the Township for a one time fee to be established by the Township governing body. Single Stream materials shall not be mixed with garbage, ashes, and bulk trash of any matter not specifically permitted

Single Stream recyclables shall be stored and held in a Township issued cart. Shredded paper shall be stored in securely tied clear plastic bags and placed in recycling cart. All carts shall be kept in an upright position and shall be regularly disinfected.

Old corrugated cardboard shall be kept free of all other debris, flattened and placed in Township issued cart with single stream recyclables. Cardboard boxes may not be used as containers for any type of garbage, rubbish, trash, or debris, including yard and/or vegetative waste.

Exceptions: Any waxed boxes of the type used for frozen foods, pizza or other food products. These types are to be placed in your regular garbage.

b. *Placement of:* The owner or their agent, lessee, tenant or other occupant of any residence shall, on scheduled days for collection, place Township issued cart containing single stream recyclables at curb line for collection. Recyclables, with the exception of shredded paper, are not to be placed in plastic bags. No recycling carts shall be placed at the curb line prior to 6:00 p.m. of the day prior to the scheduled collection or after 6:00 a.m. on the scheduled collection day.

c. *Storage and Removal of Carts.*

Carts awaiting collection between collection days shall not be stored on the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as not to become a nuisance to the occupants of any neighboring building. Carts must be stored in a manner to keep all recyclable materials dry and free of any garbage or debris.

No owner or their agent, lessee, tenant or other occupant of any building shall allow or permit empty Township issued carts to remain on the curb line or any part of the street or sidewalk or front yard of the property past 8:00 a.m. of the day following collection.

d. *Discarding of Newspaper as Garbage.* Anything herein to the contrary notwithstanding, any person who is owner, lessee or occupant of a residential single family dwelling, may wrap garbage or rubbish in used newspapers and discard same with the regular garbage.

### **10-6.3 Brush.**

a. *Preparation and Handling.* During the months of April, May, June, July, August, September and October only, brush may be placed loose at the curb line, in accordance with leaf/brush zones collection schedule established by the Department of Public Works. No piece shall exceed four feet in length in piles not to exceed three feet in height and extend more than four feet from the curb line into the roadway and shall at no time create a traffic hazard. Trees and stumps shall not exceed 24 inches in diameter. No other debris or trash shall be mixed in with the brush. Quantities of brush of less than 1 cubic yard or the equivalent of no more than 3 – 45 gallon containers, with each limb or branch less than 3 inches in diameter, weighing 50

pounds or less, shall be bundled or containerized and placed at the curb line for collection on bulk day.

b. Throughout the year residents will be required to put small amounts of brush, no more than one cubic yard with diameter no greater than 3" which can fit into the Township issued garbage carts and placing it out on regularly scheduled garbage collection days. Residents will have the option of leasing an additional Township cart for this purpose.

c. During the months of January, February, March, November and December brush shall not be placed loose at the curb line or in the street and will not be collected by the township crews. Containerized or tied brush, meeting the regulations of subsection 10-6.3a, 6.3b may continue to be placed out for collections by township sanitation crews. Weather related brush collections will be provided following any major storms that may occur during the year.

#### **10-6.4 Leaves.**

a. *Collection Time Period and Placement of.* During the period from March 1 through April 30 and October 1 through December 31 leaves shall be placed loose at the curb line or along the street. The collection schedule will be set by the Director of Public works by August 15 for the upcoming collection season.

Sweeping, raking, blowing or otherwise placing loose leaves at the curb line or along the street is only allowed during the ten (10) business days prior to the scheduled collection date. Said piles shall not exceed five feet in width and shall not be placed closer than ten feet from any storm drain inlet. Leaf piles may not be set out in such a manner as to create a traffic hazard. No other debris, brush or vegetation shall be mixed with the leaves. Leaves shall not be placed out to the street or curb line at any other time of the year. Leaves in containers will not be collected at any time.

b. *Leaf Drop-Off and Fee Schedule.* Leaves shall be dumped loose and free from all other debris only during posted hours at the Township Leaf Compost Facility located off of Whalepond Road at the Joe Palaia Park. Licensed landscapers and gardeners shall purchase ten prepaid tickets per vehicle at the rate of five (\$5.00) dollars per cubic yard. Residents may use the drop-off at no charge. Landscapers and gardeners may only bring leaves originating from Ocean Township.

#### **10-6.5 Grass, Soil, Sod, Thatch, and Brush**

a. *Exclusion from Pickup.* Grass clippings, thatch, and lawn trimmings are banned from the Monmouth County landfill, therefore this material will not be collected by the Township. Grass clippings, thatch and lawn trimmings shall at no time be placed loose or in containers at the curb line or in the street for collection. Up to 2 – 5 gallon containers of sod and/or soil may be placed at the curb line during bulk collections made by sanitation crews provided each 5 gallon container is kept under 50 pounds.

b. *Grass Drop-Off and Fee Schedule.* The Township may provide a grass drop-off facility. If provided, grass, sod, soil and thatch must be separated as required and dumped loose and free from all other debris only during posted hours into the dumpsters marked for same. The drop-off is located at the Sunset Avenue Public Works Garage. Licensed landscapers and gardeners utilizing this facility shall pay an annual fee of five hundred (\$500.00) dollars per vehicle for use of Township drop-off from April 1 through November 30. Residents may use the drop-off at no charge. Landscapers and gardeners may only bring vegetative materials listed above originating from Ocean Township to the drop-off.

#### **10-6.6 Concrete and Brick**

Any concrete and brick, free of garbage and other debris removed by a homeowner, and not a contractor on behalf of a homeowner, may be brought to the Sunset Ave Recycling Center when operational and placed in marked containers.

Asphalt must be transported by the homeowner to a New Jersey Department of Environmental Protection certified recycling processor for disposal.

### **10-6.7 White Goods and Light Metal.**

a. *Appointment for Pickup.* White goods and light metal shall only be collected on a call-in basis. All owners, lessees, tenants or other occupants of residential properties within the Township shall call the Public Works office for the scheduled pickup date.

b. *Appliances Containing Freon.* All appliances which contain freon including but not limited to refrigerators, freezers, air conditioners, dehumidifiers and water coolers, shall not be collected as defined under the Federal Clean Air Act unless a resident shows proof or verification that the freon has been removed by a certified technician.

c. *Preparation and Handling.* Long pieces of light metal such as, but not limited to, pipe, basketball stanchions, or swing sets, shall be cut so that they are no longer than four feet in length. Metal should be bundled or containerized when practicable and placed at the curb line on the day assigned for collection.

d. *Storage and Placement Of.* White goods and metal awaiting collection between collection days shall not be stored at the curb line or any part of the street or sidewalk or front yard of the property or kept in such place or places so as not to become a nuisance to the occupants of any dwelling.

No white goods or light metal shall be placed at the curb line without a prescheduled date. Metal may not be placed out prior to 6:00 p.m. on the day prior to scheduled collection date or after 6:00 a.m. of the scheduled collection date.

### **10-6.8 Collection by Unauthorized Persons Prohibited.**

a. Any and all recyclables as defined herein shall be the property of the Township once placed at the curb line or brought to a drop-off site.

b. It shall be a violation of this subsection for any person unauthorized by the Township to collect or pick up or to cause to be collected or picked up, any said recyclable(s). Any and each such collection in violation hereof from one or more residences shall constitute a separate offense.

### **10-6.9 Township Authorized to Dispose.**

The Township Manager or his/her designee is hereby authorized and directed to negotiate and to enter into contracts to dispose of all recyclables collected by the township as herein described or to place same out to bid if required by the local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

### **10-6.10 Permit Required.**

Anything herein to the contrary notwithstanding, any person may donate or sell any and all recyclables to any person, whether operating for profit or not for profit. It shall be further permissible under the terms of this subsection for any such person to obtain a permit from the Township of Ocean to collect said recyclables within the township. Said person shall provide weight reports to the township, on letterhead and signed by a representative of the company or business. Reports must be submitted on a quarterly basis. Any person obtaining a permit to collect said recyclables within the township shall not, however, pick up or collect said recyclables from the curb line in the township or utilize the Township drop off site.

Prior to February 1 of each year said person shall provide to the municipality written documentation of the name and address of the hauler and the total amount of recyclable material by type collected and recycled during the preceding year

### **10-6.11 Batteries.**

Rechargeable and button batteries must be separated from household trash and disposed of at a proper recycling center.

## **10-7 Placement of All Materials.**

All materials such as metals, recyclables, concrete, brick, brush, leaves or garbage collected by the township must be separated from each other when placed at the curb line. They must be separated by a minimum distance of three feet between each different type of material.

Any company or agency providing dumpsters, rolloff or other containers to multifamily residential complexes with shared disposal/recycling areas, businesses, institutions, or construction/demolition job sites, shall be responsible for clearly marking such containers for 'trash' or for specific 'recyclables', as may be appropriate.

## **10-8 Mandatory Recycling - Nonresidential.**

### **10-8.1 Mandatory Separation of Recyclable Materials.**

It shall be mandatory for all owners or their agent, lessees and occupants of businesses, apartment houses of more than four units and industrial property and of private, public and governmental institutions and buildings to separate newspapers, leaves, glass bottles and jars, aluminum cans, tin cans, light metal, used motor oil, mixed paper, pourable plastics, grass, automotive batteries, rechargeable and button batteries, cardboard, chipboard, computer paper, white goods and construction and demolition material, as herein defined from all other garbage, as produced by said nonresidential establishments for collection and the ultimate recycling of said materials.

All apartment and other multi family complexes, schools, businesses and institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors for trash and the various categories of recyclables.

### **10-8.2 Storage.**

Recyclables awaiting collection shall be deposited in a covered container(s), which shall be kept in an upright position and regularly disinfected. Containers shall be stored in enclosures, in accordance with the requirements of the Township of Ocean Land Development Ordinance.

### **10-8.3 Collection of Nonresidential Properties.**

All businesses, apartment house of more than four units and institutions, except municipal buildings, shall provide for the removal of any and all recyclable material. Prior to February 1 of each year all occupants of commercial and institutional establishments shall provide to the municipality written documentation of the name and address of the hauler and the total amount of recyclable material by type collected and recycled during the preceding year. Said reports shall be filed directly with the Township recycling coordinator. All entities within the township shall use only Monmouth County registered and approved recycling haulers and/or facilities. A waiver may be obtained from the requirement for any entity that uses the municipal drop-off site.

## **10-9 Restriction on the Issuance of Building and Demolition Permits.**

As a prerequisite for the issuance of a building or demolition permit the chief construction official shall require that all applicants provide a Debris Management Plan for handling solid wastes and recyclables generated during such activity, including the estimated number and types of containers to be used and the disposition of such materials. A refundable deposit of \$250.00 shall be submitted with the Debris Management Plan. This deposit will be returned after completion of the project and submittal of receipts and other documentation demonstrating the proper disposal or recycling of all solid waste and recyclables.

## **10-10 Prohibited Matter.**

### **10-10.1 Exclusion.**

Nothing of high volatile or explosive matter either in liquid, gaseous or solid form, any industrial waste, or liquid paint shall be placed or set out for collection either by itself or in connection with garbage, recyclables, bulk trash, ashes or other refuse material.

## **10-10.2 Hazardous waste.**

Hazardous waste such as, but not limited to, asbestos, paint, pesticides, insecticides, herbicides, motor oil, anti-freeze, gasoline, medical waste, anything containing mercury, and the like, shall not be placed out for collection with recyclables, garbage, bulk trash, or any other debris for collection by the township. The owner or their agent, lessee, tenant or other occupant of any building, private dwelling, apartment house, restaurant, motel, store, school, public building or business of any kind shall be responsible to bring any hazardous materials to the Monmouth County Hazardous Waste Facility by appointment. Syringes and needles must be prepared in accordance with State Law N.J.S.A.2A:170-25.17.

## **10-11 Origin of Garbage, Recyclables, Ashes and Bulk Trash:**

No owner or their agent, lessee, tenant or other occupant of any building, private dwelling, apartment house, restaurant, motel, store, school, public building or business of any kind shall permit any garbage, rubbish, recyclables, ashes, building or demolition debris and bulk trash not originally generated at said premises to be placed at said premises for collection by municipal or private trash collection. No person shall transport any garbage, rubbish, ashes, building or demolition debris and bulk trash from its point of original generation to premises within the Township of Ocean for the purpose of disposal by municipal or private trash collection.

## **10-12 Prohibition of Use of Garbage Disposal Devices**

No person shall use any device for the disposal of garbage through any drain, waste, soil or other pipe in or on any premises in the Township of Ocean not connected to the sewer system of the Township of Ocean Sewerage Authority.

## **10-13 Used Motor Oil.**

On or after the adoption of this section and in accordance with existing state regulations (N.J.A.C. 14A:3-11), all service stations, all retailers and motor vehicle re-inspection stations with "used oil holding tanks" shall accept up to five gallons at a time of used motor oil from individuals changing oil from cars, lawn mowers or motorcycles and shall post a sign informing the public that they are a "Used Oil Collection Site." Used motor oil may be taken to the Monmouth County Household Hazardous Waste Facility.

## **10-14 Township Recycling Drop-off Center**

The Township may provide a recycling drop-off center, which shall be accessible to Township residents and licensed businesses per the following:

### **10-14.1 Hours of Operation.**

The Director of Public Works shall establish and post recycling drop-off center hours of operation.

### **10-14.2 Materials Accepted.**

The following materials may be accepted at the recycling drop-off center: commingled recyclables, newspaper, mixed paper, cardboard, light metal, appliances free of Freon, brush, grass, concrete and brick. All recyclable material shall be free of debris, garbage and any bag or box utilized to transport said material to the drop-off center.

### **10-14.3 Illegal Dumping**

Improper disposal of any material or prohibited material in the recycling dumpsters or dumpster area shall be treated as illegal dumping and therefore may result in the issuance of a summons and/or forfeiture of vehicle per State of New Jersey statutes.

### **10-14.4 Use by Commercial Businesses**

Local Ocean Township businesses may utilize the recycling drop-off center on a limited basis. A maximum of 15 cardboard boxes may be brought to the center on a weekly basis. Boxes shall be flattened and tied. A maximum of one 45 gallon container of commingled recyclables, newspaper or mixed paper may be brought to the center on a daily basis. At no time shall

newspaper distributors or carriers utilize the drop-off center for recycling of uncirculated newspapers.

## **10-15 Schedule for Collection**

### **10-15.1 Schedule for Collection - Residences**

a. All residences shall receive curb line garbage, bulk trash and recyclable pickup. The schedules for collections of all materials shall be established by the Director of Public Works.

b. Exceptions may be made for those who can prove a need based on criteria established by the Township.

### **10-15.2 Schedule for Collection - Businesses**

Businesses shall have collections of up to three (3) 95 gallon Township carts. Carts will be placed for collection in accordance with section 10-3.2 of this chapter. The schedule for these collections will be determined by the Director of Public Works. There shall be no fee for this service.

### **10-15.3 Schedule for Collection - Government Buildings**

Government buildings shall receive municipal garbage collection as needed. For any situation where a public/government building is being leased by a private entity, that private entity shall arrange for solid waste collection and disposal through a properly licensed solid waste collection firm.

### **10-15.4 Reserved.**

### **10-15.5 Schedule Changes**

The Director of Public Works may change the collection schedule in the event of an emergency.

## **10-16 Regulation of Vehicles Used for Private Collection.**

Every private collector of garbage, rubbish, recyclables, ashes and bulk trash materials and every collector authorized by contract by the township to collect garbage shall do so in vehicles approved by the Township of Ocean which shall be watertight motor vehicles, commonly known as load packers. Said vehicles are to be kept clean and inoffensive. Such contractors will present the vehicle for inspection at times and places designated by the health officer or his designated agent one time each month or at such other intervals as may be set by the health officer or his designated agent. No garbage, rubbish, recyclables, ashes, or bulk trash shall be placed for public collection which was not generated from the point of collection.

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load or contents from being blown or deposited upon any street, alley or other public place in the Township.

## **10-17 Pet Waste**

### **10-17.1 Requirements for Disposal**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. Pet waste shall be double bagged, securely tied and placed in the Township issued cart at the curb line for collection with regular garbage.

### **10-17.2 Exemptions**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose providing the nature of the disability precludes the ability to reasonably comply with this requirement.

## 10-18 Powers of Enforcement

### 10-18.1 Powers of the Director of Public Works

The Director of Public Works and/or his/her designees are hereby authorized and directed to enforce this section. He or she is further authorized and directed to establish and promulgate reasonable regulations to the manner, days and times for the collection of recyclables, garbage bulk trash and vegetative waste in accordance with the terms of this section.

### 10-18.2 Violations and Penalties

Violations and Penalties will be in conformance with the General Penalty Provision as set forth in the Township of Ocean Codified Ordinances.

The Director of Public Works and/or the recycling coordinator and his or her designee(s), public works personnel, code enforcement officials, violations inspectors, Monmouth County Regional Health Department personnel, Monmouth County Solid Waste Enforcement Team and police personnel shall all be authorized to make inspections and enforce the provisions of this chapter.

Any person, firm or corporation who violates or neglects to comply with any provisions of this chapter or any rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof, by a fine not to exceed one thousand five hundred (\$1,500.00) dollars and up to 90 days in jail or both. As an alternate penalty, a convicted person may be ordered to perform community service in the clean communities and/or recycling program, for a period not to exceed 90 hours. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

| Record of Vote    | Deputy Mayor<br>Hiers | Councilman<br>Garofalo | Councilwoman<br>Schepiga | Councilman<br>Siciliano | Mayor<br>Larkin |
|-------------------|-----------------------|------------------------|--------------------------|-------------------------|-----------------|
| Motion To Approve |                       |                        |                          |                         |                 |
| Motion to Second  |                       |                        |                          |                         |                 |
| Approved          |                       |                        |                          |                         |                 |
| Opposed           |                       |                        |                          |                         |                 |
| Not Voting/Recuse |                       |                        |                          |                         |                 |
| Absent/Excused    |                       |                        |                          |                         |                 |

#### **CERTIFICATION**

*I hereby certify that this is a true copy of a Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **October 18, 2010**.*

\_\_\_\_\_  
Vincent Buttiglieri, RMC/CMC  
Township Clerk