

City of Lambertville
ORDINANCE 2010-20
An Ordinance to Amend, CHAPTER XII, Section 12-3 Recycling

12-3 RECYCLING PROGRAM

12-3.1 General.

- A. The rules and regulations of this section are mandatory for all occupants of residential, commercial and institutional establishments located in the City of Lambertville.
- B. The City of Lambertville maintains, operates and manages the municipal single stream recycling program.
- C. Any recyclable placed at the curbside for pickup or deposited at a residential complex depot shall be and become the property of the City or its authorized agent. It shall be a violation of this section for any person or company unauthorized by the City to collect or pickup or cause to be collected or picked up any such recyclable. Each such collection or pickup in violation hereof is an offense subject to a fine of up to two hundred (\$250.00) dollars. Multiple collections or pickups are deemed multiple separate and distinct offenses.
- D. The provisions of this section may be enforced by the Recycling Coordinator and/or the Recycling Enforcement Specialist of Hunterdon County, the Municipal Building Code Official or a designated officer of the City.
- E. No recyclable that is being collected as part of the municipal recycling program may be donated or sold to or received by any person, partnership or corporation (whether operating for profit or not for profit) unless said person, partnership or corporation has first received written authorization from the Recycling Coordinator of the City of Lambertville.
- F. The Recycling Coordinator of the City is hereby authorized and directed to establish and promulgate reasonable rules and regulations as to the recycling plan for the City. The recycling plan shall include Appendices B, C, and D of this section. Such rules and regulations shall be effective no earlier than thirty (30) days nor later than ninety (90) days from the date of promulgation and publication of said rules and regulations. The Mayor and Council of the City may, by majority vote, change, modify, repeal or amend any portion of said rules and regulations.
- F. Prohibition of the Collection Solid Waste Mixed with Recyclable Materials
- 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.
 - 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.
 - Once placed in the location for collection, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle solid waste or designated recyclable materials.

-Failure of a solid waste collector to abide by the rules and regulations of this section may be fined not less than fifty (\$50) dollars and not more than one thousand (\$1,000) dollars. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or their enforcement officer shall issue one (1) warning to any commercial, industrial or institutional establishment which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

G. Solid Waste Transporter Requirements

A minimum of once a year or when necessary to reflect program or regulatory modifications, notify all customers:

-What materials are designated to be source separated from solid waste and must be recycled in Hunterdon County or an alternate recycling vendor and that these items are prohibited in solid waste.

-That discovery of designated recyclable items in solid waste may result in the waste not being collected and that the generator of the subject to a monetary fine.

-solid waste transporters are prohibited by law to collect solid waste containing mandated recyclable materials.

-That documentation of proof of solid waste and recycling collection service must be maintained and that this documentation must be made available to the property owner, municipality or County upon request.

H. No later than February 15 of each year, all solid waste companies will provide a detailed report of all recycling activities to all commercial and institutional solid waste customers. The report will include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

I. No later than February 15 of each year, all solid waste transporters will provide each municipality and the County with a summarization of recycling activity in that municipality including totals of all residential, commercial and institution recycling. The report will include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

J. Failure of the solid waste transporter to comply with the provisions of this Amendment to the Solid Waste Management Plan and pertinent municipal recycling ordinance shall constitute a violation and subject the solid waste transporters to those penalties as prescribed in the pertinent municipal recycling ordinance and State recycling regulations.

K. Appendix A creates the position of Recycling Coordinator and contains the Recycling Coordinator's job description.

L. Appendix B establishes a collection schedule and collection requirements for the City of Lambertville.

***Editor's Note:** Prior ordinances codified herein include portions of Ordinance No. 88-13.

M. Proof of Provision of Solid Waste and Recycling Collection Services: Unless the solid waste and recycling collection services have otherwise provided for by the municipality, pursuant to N. J.S.A. 40:66-5.1 all residential, commercial, industrial and institutional generators of solid waste must, upon request by the municipality supply proof that solid waste and recycling collection services have been contracted by the generator. The information requested for proof of service may include provision of weight receipts or billing statements. The procedure by which the municipality may request receipts or other documentation must be detailed in a process approved by the governing body of the municipality.

N. Appendix C designates materials that are required to be recycled by the occupants of residential, commercial and institutional premises pursuant to the Hunterdon County Recycling Plan.

O. Appendix D designates materials that are to be recycled in the City of Lambertville.

P. If any section, sentence or other part of this section is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this section but shall be confined in its effect to the section, sentence or other part of this section directly involved in the controversy in which such judgment shall have been rendered.

Q. All ordinances or parts of ordinances which are inconsistent with the provisions of this section are hereby repealed to the extent of such inconsistency.

R. This section shall take effect after final passage and publication according to law.

S. Upon adoption this section shall become part of the Revised General Ordinances of the City of Lambertville.

12-3.2 Designation of Recyclable Materials. The Single Stream Recycling Program is a municipal managed program. Recyclable materials include newspapers, business paper and junk mail, cardboard paper and chipboard, glass, plastics (triangle #1 through #7), aluminum, tin, steel and bimetal. A list of items and the method for collection is maintained by the Recycling Manager, printed annually, and available on the website to all residents, businesses, and property owners in the City of Lambertville. A list of items recyclable items by the Hunterdon County Utilities Authority will also be available on the website and for pick up at City Hall.

12-3.3 Recycling Residences.

A. Residences are defined as single dwellings designed for occupancy of one family.

B. Each family within a residence is required to recycle all materials designated by Appendix C and appendix D as "residential recyclables".

C. Each category of recyclable material must be prepared for collection as specified in Appendix B.

D. Failure of a family within a residence to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. (Ord. #92-06, paragraph C)

i. Recycling in Residential Complexes.

E. Residential complexes are defined as single or multiple dwellings designed for occupancy by more than four (4) families.

F. Each family within a residential complex is required to recycle all materials designated by Appendix C and Appendix D as “residential recyclables”.

G. Each category of recyclable material must be prepared for collection specified in Appendix B.

H. The owner of each residential complex is responsible for providing a recycling depot for the entire complex. The depot shall be equipped with owner or contractor supplied receptacles for each category of designated recyclable material. Access to the depot shall be controlled by the owner or his agent(s); however, access to the depot for the families of the residential complex must be scheduled at least once a week for at least a two (2) hour period and access to the depot must be made available to the recyclables collector between 7:00 a.m. and 4:00 p.m. on collection days.

I. Failure of a family within a residential complex to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. Failure of an owner (or his agent) to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. (Ord. #92-06, paragraph D)

12-3.5 Recycling by Commercial, Industrial and Institutional Establishments.

A. Commercial, industrial and institutional establishments are defined as all entities which operate or conduct any business whatsoever which cannot be included within the definitions of a residential premises or complex.

B. Each commercial, industrial and institutional establishment is required to recycle all materials designated by Appendix C and Appendix D as “commercial, industrial and institutional recyclables”.

C. Commercial, industrial and institutional establishments may be exempted from recycling all materials designated by Appendix C and Appendix D as “commercial, industrial and institutional recyclables” provided at least one (1) commodity is recycled. This exemption must be applied for and approved by the Recycling Coordinator and must be made in writing. Included with the request must be evidence showing that the applicant will implement an individual establishment’s alternate recycling plan identifying the material(s) that will be recycled and presents that an excess of fifty (50%) percent of the solid waste generated by the applicant will be recycled. A temporary one (1) time three (3) month exemption may be granted without supporting evidence at the discretion of the Recycling Coordinator; however, at the end of the three (3) month period the establishment must reapply for exemption with evidence collected during the three (3) month period. All regular exemptions (non temporary exemptions) will expire December 31st of each year. Exemptions must then be reapplied for no later than January 31st of the next year.

D. Designated recyclables as described in Appendix C and Appendix D must be delivered to a State approved recycling facility at least once a month. Weight slips detailing the date, type of recyclables and the weight (in pounds or tons) must be delivered to the Borough Clerk no later than the 15th of the month for the preceding month.

E. Failure of a commercial or industrial establishment to abide by the rules and regulations of this Ordinance may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. (Ord. #92-06, paragraph E)

APPENDIX A

ESTABLISHMENT OF THE POSITION OF MUNICIPAL RECYCLING COORDINATOR

A. In order to carry out the requirements of the New Jersey Mandatory Source Separation and Recycling Act and the Hunterdon County Recycling Plan, the position of Municipal Recycling Coordinator is hereby established.

B. The Municipal Recycling Coordinator will be annually appointed by the Mayor and will serve a term of one year. The Mayor will annually affirm in writing the name of the person holding the position of Municipal Recycling Coordinator.

JOB DESCRIPTION FOR THE POSITION OF MUNICIPAL RECYCLING COORDINATOR

A. The recycling coordinator will report to the governing body and/or the Municipal Clerk at least once annually on the status of the Municipal recycling program including: Tonnages that have been recycled by the Municipal program since the last report.

B. Any additional materials that can reasonably be considered to be recycled as part of the Municipal program.

C. The impact that the Municipal recycling program has had upon the amount of solid waste generated within the Municipality.

D. Report on financial or technical assistance that is available to the Municipal recycling program.

E. Recommending revisions of the rules and regulations of the Municipal recycling program as developed by the recycling coordinator in Appendices B, C, and D of this section.

F. The Municipal Recycling Coordinator will attend all Municipal Recycling Coordinator meetings that the governing body deems to be important. This includes meetings that may be conducted by the State, the County or other appropriate organizations.

G. Promotes the Municipal recycling program by educating citizens, businesses, institutions and organizations to the need to participate in the Municipal recycling program.

H. Explain to citizens, businesses, institutions and organizations the provisions of the mandatory recycling ordinance and assist in the enforcement thereof.

APPENDIX B

1. Recycling Schedule for Tuesday or Wednesday Trash Collection Areas which are South of Church Street, Cottage Hill, Connaught Hill and Music Mountain: First and Third Monday of each month.
2. Recycling Schedule for Thursday and Friday Trash Collection Areas which are North of Church Street and Blair Tract: Second and Fourth Monday of each month.
3. There may be Recycling collection on a 5th Monday when the budget and staffing can support it as determined by Resolution of Mayor and Council.
4. If the regular collection day is a holiday, the area collected on the either the day preceding the holiday or the following Monday. The schedule shall be made public via the website of the City of Lambertville and a mailing to all residential property owners annually.

APPENDIX C

MATERIALS THAT MUST BE RECYCLED AS REQUIRED BY THE HUNTERDON COUNTY RECYCLING PLAN

The City of Lambertville maintains and operates an independent, single stream recycling program for the City of Lambertville. However, residents participate in the household hazardous waste cleanup and the computer and electronics collections scheduled by the Hunterdon County Utilities Authority. The City of Lambertville recognizes that the items recycled by the Hunterdon County Utilities Authority vary and may change. The list of items collected by the Hunterdon County Utilities Authority will be made available to residents and shall be posted on the website of the City of Lambertville

APPENDIX D

Materials that are not required to be recycled but may be considered mandatory by a municipality and/or alternate recyclables for residential, commercial and industrial and institutional establishments. A fee for the collection of the following recyclable materials may be established by resolution of Mayor and Council, and is subject to items approved by the Hunterdon County Utilities Authority, Division of Solid Waste & Recycling Services or the vendor used by the City of Lambertville.

- Food Waste
- Batteries – Low voltage and rechargeable
- Batteries – Lead acid motor vehicle
- Waste oil

Construction/Demolition Debris** (components resulting from the construction and/or demolition of a building or structure, both residential and commercial, including but not limited to brick, sheetrock, glass, wood, tree stumps, logs, branches, and other like material found in the demolition and/or construction industry.)

Any material that can be unquestionably be recycled of a non-traditional nature that is generated by a commercial/industrial or institutional establishment provided that there is a proven, viable market for the said materials.

**Should be mandatory for commercial, industrial and institutional establishments.

**The construction and building permits that are issued may require performance bonds and/or escrow accounts that are returned to the permit holder when receipts are show documenting the proper disposal at the appropriate solid waste facility or approved recycling center.

Introduced: July 19, 2010

Public Hearing: August 16, 2010

Adopted:

The foregoing Ordinance was introduced at a Regular Meeting of the Mayor and City Council of the City of Lambertville held on July 19, 2010 and was read for the first time. Notice of pending Ordinance was advertised on _____ in the Times.

This ordinance was considered for second reading and finally adopted after a public hearing at the regularly scheduled meeting of Mayor and Council of August 16, 2010, held at the Justice Center, 25 South Union Street, in the City of Lambertville in the County of Hunterdon in the State of New Jersey. Notice of Adoption was advertised on _____, 2010 in the Times.

After a passage of 20 days, with no record of protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Lambertville this _____th day of _____, 2010.

Cynthia L. Ege, Acting City Clerk