

ORDINANCE NO. O-_____-2009

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF HARRISON,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 185
ENTITLED "SOLID WASTE" OF THE CODE OF THE TOWNSHIP OF HARRISON**

WHEREAS, the Mayor and Committee, Township of Harrison, have determined that certain amendments and additions to Chapter 185 entitled "Solid Waste" are necessary; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 185 entitled "Solid Waste" shall be deleted in its entirety and replaced with the following text:

**CHAPTER 185
MUNICIPAL SOURCE SEPARATION AND RECYCLING**

**ARTICLE I
RECYCLABLES**

§185-1. Program established.

- A. There is hereby established a program for the mandatory source separation of recyclable materials within the Township of Harrison, and the requirements of this chapter shall apply to all property owners, occupants and tenants of such property situated within the Township of Harrison. 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 Township of Harrison and the requirements of this chapter shall apply to all.
- C. There is hereby established a program to prohibit littering and dumping within the Township of Harrison, and the requirements of this chapter shall apply to all.

§185-2. 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.

BUNDLES - A bundle shall be tied when placed for collection.

CARTS - A container designed to be mechanically emptied by an automated collection vehicle.

COMMERCIAL SECTOR - All designated commercial retail, wholesale, institutional, markets and manufacturing facilities including, but not limited to:

- A. **COMPLEX** – Farms, apartments, private schools, construction and demolition projects.

B. BUILDINGS – Taverns, restaurants, churches, offices, professional offices, day-care facilities, strip stores and multifamily buildings containing five or more units.

COMMINGLED – A combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

COMPLEX - A property that contains more than one building.

CONTAINERS or RECEPTACLES - A roll-off, dumpster, cart, can, or bag designed to receive and accept solid waste or recyclable materials and prevent spillage or leakage of their contents.

CURBS - The area adjoining the curblines of the streets.

DESIGNATED RECYCLABLE MATERIALS - Those materials designated within the Gloucester County District Solid Waste Management Plan to be source separated for the purpose of recycling. The following materials shall be designated recyclables from the commercial, municipal, and residential sectors: ozone-depleting compound appliances, metal, glass, cans, plastic, paper, vegetative, wood, batteries, oil, used oil filters, tires, masonry, and asphalt roofing shingles.

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 summary sheet be provided for each recycled material. These receipts or letters shall be acceptable from recycling market(s) or solid waste facility or hauler(s) or a letter from the construction or demolition permit applicant stating the material(s) were processed with the municipal collection program or a letter from the construction or demolition permit applicant stating that no receipts were provided to them from the identified market(s) and/or hauler(s) or a letter from the construction or demolition permit applicant stating that no material was generated.

DUMPING - Placement of any form of solid waste or recyclables of or more than .148 cubic yards of solids or 30 United States 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.

DUMPSTERS - A container designed to be mechanically emptied. These dumpsters must have lids.

ELECTRONIC WASTE - This shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

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.

ITEMS - A product too large to fit into a container or plastic bag.

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 .148 cubic yards of solids or 30 United States 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 - Placement of any form of solid waste or recyclables of less than .148 cubic yards of solids or 30 United States 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.

METAL OR PLASTIC CANS - A container made of metal or plastic.

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

MULTIFAMILY DWELLING - Multifamily dwelling- means any building or structure, or complex of buildings in which

three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55: 13A-1 et seq.).

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

MUNICIPAL SOLID WASTE (MSW) STREAM - All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of Harrison Township.

PLASTIC BAGS - 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 products.

- A. FERROUS AND NONFERROUS METAL - Examples of which are washers, dryers, dish washers, 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 a "white goods."
- B. OZONE-DEPLETING COMPOUNDS (FREON) - Items containing chlorofluorocarbon (CFC) and other ozone-depleting compounds (ODC). Examples of which are air conditioners, refrigerators, and freezers.
- C. CANS - Aluminum, steel, tin and bimetal containers and foil.
- 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), HDPE(2), and PVC(3). 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 contaminated so as to be 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 - Petroleum-based 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. VEGETATIVE - Leaves, trees, branches, shrubs, stumps, bushes, hedge trimmings, weeds, and grass.
- L. WOOD - Lumber, pallets, and wood that is not painted, chemically treated, creosoted, CCA pressure treated.
- M. MASONRY - All products generally used in construction including, but not limited to, bricks, cinder block, asphalt, concrete, rock and stone.
- N. ROOFING - All asphalt-based roof shingles, tar paper, built-up roofing, stone, slag, asphalt saturated insulation and slate.
- O. FOOD - This shall include, but not be limited to, dairy, vegetable, meat, breads, grease, and fat.

RESIDENTIAL SECTOR - All designated single-family buildings and multifamily buildings of four units or less.

ROLL-OFFS - 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 (RESOURCE RECOVERY 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 RECYCLABLE 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 purposes of recycling.

STREETS - All public highways, avenues, streets, lanes, boulevards, circles, terraces, and public places, whether dedicated or not, within the limits of the Township of Harrison.

UNIT - A single commercial, municipal or residential establishment.

§185-3. Designated Recyclable Materials.

The following materials shall be designated recyclables from the commercial, municipal, and residential sectors: ozone-depleting compound appliances, metal, glass, cans, plastic, paper, vegetative, wood, batteries, oil, used oil filters, tires, masonry, and asphalt roofing shingles.

§185-4. Collection.

- A. Municipal collection. The collection, removal and disposal of all designated materials shall be supervised by the Coordinator of Recycling and such other party as may be designated by the Township Committee. All designated solid waste and recyclable materials shall be placed at the curblineline for municipal collection no earlier than 6:00 a.m. of the day immediately preceding the specified day. Materials placed for collection may not block public ways or access. All containers shall be removed by 9:00 a.m. of the day immediately following the collection day. Harrison Township public parks and sidewalk receptacles shall be collected and maintained by the Harrison Township Public Works Department or such other party as may be designated for municipal collection.

- B. Nonmunicipal collection. The owner, occupant, or lessee shall arrange for separate collection, transportation and disposal, at their expense, of all collected solid waste and/or recyclables. All solid waste shall be removed from special events within 24 hours of their completion.

§185-5. Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

§185-6. Non-Residential Establishment Compliance Requirements.

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

§185-7. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.).

- A. Any application to the planning board of the municipality of Harrison, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
 - 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
 - 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.

- B. Prior to the issuance of a Certificate of Occupancy by the municipality of Harrison, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

§185-8. Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§185-9. Placement of Recyclable Materials for Removal.

- A. Municipally collected recyclable materials.
 - (1) All designated collected recyclable materials shall be placed at the curblineline or in their loading/storage areas.
 - (2) Collected recyclable materials.
 - (a) Ozone-depleting-compound appliances, ferrous and nonferrous metals. Gas tanks must be empty and appliances may contain freon or other ozone-depleting compounds.
 - (b) Glass, cans, and plastic. These materials may be placed in a single container.
 - (c) Paper.
 - [1] Corrugated shall be flattened and tied or placed in a bag, box or container.
 - [2] Newspaper and mixed paper shall be tied, placed in a bag, box or container.
- B. Nonmunicipally collected recyclable materials. It shall be the responsibility of the business owner or property owner, if no arrangements are made in the lease, to make arrangements for the collection and removal of the designated recyclables.
- C. Noncollected recyclable materials. Batteries, oil, oil filters, tires, vegetative, wood, masonry building materials, roofing shingles and food.

§185-10. Container Limits.

- A. Municipal collection. All cans, bags and bundles shall not exceed 35 gallons or 50 pounds in weight. Bundles shall not exceed four feet in length or 50 pounds in weight. Dumpsters shall not exceed six cubic yards in capacity and shall be collectible by a rear-loader.
 - (1) Commercial sector.
 - (a) Recycling. No limit to number of cans, bags, bundles or volume.
 - (b) Solid waste. A limit of eight cans, bags, bundles or items per individual building/complex. A limit of four additional cans, bags, bundles or items in excess of this limit shall be collected only if each additional can, bag, bundle or item has an approved Township tag attached. Cans, bags, bundles or items that don't have a Township tag or are exceeding these limits shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste.
 - (2) Municipal sector.
 - (a) Recycling. No limit to number of cans, bags, bundles or volume.
 - (b) Solid waste. No limit to number of cans, bags, bundles or volume.
 - (3) Residential sector.
 - (a) Recycling. No limit to number of cans, bags, bundles or volume.
 - (b) Solid waste. A limit of four cans, bags, bundles or items per residential building. Any cans, bags, bundles or items in excess of this limit shall be collected only if each additional can, bag, bundle or item has an approved Township tag attached. Cans, bags, bundles or items that don't have a Township tag shall be the responsibility of the owner, occupant or lessee to properly dispose of collected materials.
- B. Nonmunicipal collection; commercial sector. Containers or items that don't have a Township tag or are exceeding the container limits or from construction and demolition projects shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements set forth above if their lease designates the owner of the building responsible for this service. Owners or operators of commercially zoned buildings shall provide separately labeled trash and recycling containers at a minimum of one set of containers every single linear 1/4 mile (i.e. approximately 1,300 feet).

§185-11. Container Storage.

- A. All waste disposal containers must be stored in a protected area or enclosure so as not to allow debris to blow onto the streets or adjacent properties. No enclosure shall be erected in a public right-of-way or easement.
- B. All solid waste shall be placed in waste disposal containers (trash cans, bags, dumpsters, etc.) and secured so as to prevent easy access of vermin, pests and household pets.
- C. No waste disposal containers shall be filled to the point of overflowing.

- D. Debris or litter on or around trash containers 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/biohazard 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.

§185-12. Collection Sites.

- A. Municipal collection.
 - (1) Municipal sector. All materials shall be placed for collection along the curb or in a loading/storage area at each municipal building, park, event, public school or fire or ambulance facility. Dumpsters shall be collected from their loading/storage area.
 - (2) Residential and commercial sector. All materials shall be placed for municipal collection along the curb before each building/complex.
- B. Nonmunicipal collection. All materials shall be placed in a loading/storage area.

§185-13. Separation and placement of recyclable materials for removal.

- A. Municipally collected recyclable materials.
 - (1) All designated collected recyclable materials shall be placed at the curblines or in their loading/storage areas.
 - (2) Collected recyclable materials.
 - (a) Ozone-depleting-compound appliances, ferrous and nonferrous metals. Gas tanks must be empty and appliances may contain freon or other ozone-depleting compounds.
 - (b) Glass, cans, and plastic. These materials may be placed in a single container.
 - (c) Paper.
 - [1] Corrugated shall be flattened and tied or placed in a bag, box or container.
 - [2] Newspaper and mixed paper shall be tied, placed in a bag, box or container.
- B. Nonmunicipally collected recyclable materials. It shall be the responsibility of the business owner or property owner, if no arrangements are made in the lease, to make arrangements for the collection and removal of the designated recyclables.
- C. Noncollected recyclable materials. Batteries, oil, oil filters, tires, vegetative, wood, masonry building materials, roofing shingles and food.

§185-14. Source Separation; Exemption from Source Separation Requirements.

- A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Harrison, 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 Township of Harrison.

- B. 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 ordinance which requires persons 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: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.
- C. 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 chapter.
- D. 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.
- E. It shall be the responsibility of any person, firm, corporation, or partnership whose solid waste is not removed because it contains recyclable materials to properly segregate the uncollected waste for proper recycling. Allowing such nonseparated refuse to accumulate shall be considered a violation of this chapter and the Public Health Nuisance Code of New Jersey (1953).
- F. 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.
- G. No person shall burn trash without a permit issued by the New Jersey Department of Environmental Protection.
- H. No person shall place or deposit household or commercial solid waste or recyclable material in sidewalk receptacles or in unauthorized private or municipal containers.

§185-15. 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 for businesses.
- B. Said person, partnership, corporation, or charity may not, however, under any circumstances pick up any recyclable materials set out for collection in the Township of Harrison.

§185-16. Solid Waste Placement for Removal.

All materials must be placed in a container.

- A. Municipal collection. All solid waste placed for collection shall be placed at the curb or in the loading/storage area.
- B. Nonmunicipal collection. It shall be the responsibility of the business owner or property owner, if no arrangements are made in the lease, to make arrangements for the collection and removal of solid waste, hazardous, medical and/or biohazardous waste.

§185-17. Solid Waste Disposal; Construction Projects.

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

§185-18. Reporting and Documentation by Commercial Establishments.

- 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. Reports shall be submitted to the Township's Coordinator of Recycling as per the following schedule:

Report Period	Due Date
January 1 to June 30	July 31
July 1 to December 31	January 31

- B. All construction, demolition and street opening projects shall be required to complete a tracking form and submit it along with a request for a permit. The person who signs the tracking form regarding the project shall be responsible for filing solid waste and recycling documentation when the project is complete 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 Township Coordinator of Recycling no later than 24 hours of their completion.
- D. Amount. A product disposed/sold by weight, count, gallonage, or yardage.
- E. Hazardous wastes. Documentation for recycled hazardous waste(s) (example: oil, solvents) must include a copy of the hazardous waste hauler's receipt, clearly showing the New Jersey Department of Environmental Protection hazardous waste hauler permit number.

§185-19. Municipal Recycling Collection by Unauthorized Persons.

- A. From the time of placement at the curb or in a loading/storage area described herein for the collection by the Township of Harrison, in accordance with the terms hereof, items shall be and become the property of the Township of Harrison or its authorized agent.
- B. It shall be a violation of this chapter for any person, firm, charity, corporation, partnership, or employee to collect, pick up or cause to be collected or picked up any recyclable items placed for collection by the Township or its authorized agent.

- C. Any and each collection in violation hereof from one or more properties shall constitute a separate and distinct offense.

§185-20. Littering and Dumping Prohibited.

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

§185-21 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 chapter.
- B. It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste and/or recyclables which visibly display a warning notice, indicating that the load of solid waste contains designated recyclable materials and therefore should not be removed for disposal.
- C. It shall be the responsibility of any person, firm, corporation, or partnership whose solid waste is not removed because it contains recyclable materials to properly segregate the uncollected waste for proper recycling. Allowing such nonseparated refuse to accumulate shall be considered a violation of this chapter and the Public Health Nuisance Code of New Jersey (1953).
- D. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of grass clippings, leaves, or other material from any public or private sidewalk or driveway.
- E. No person shall burn trash without a permit issued by the New Jersey Department of Environmental Protection.
- 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.

§185-22. Unauthorized Receptacles.

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

§185-23. 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.

§185-24. Scavenging of Source Separated Materials.

No person, firm, charity, corporation, partnership, or employee shall collect, pick up, or cause to be collected or picked up any recyclable item placed at the curblin for collection by the Township, or its authorized agent.

§185-25. Enforcement.

It shall be the responsibility of the Coordinator of Recycling and/or the Police Department and/or the Director of Public Works and/or the Health Department and their designated agents to inspect and enforce all provisions of this chapter by issuing warnings and citations.

§185-26. Violations and Penalties.

- A. Each week such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. For failure to file a tracking form, recycling report, documentation, or provide documentation:
 - (1) First offense: \$50.
 - (2) Second and subsequent offenses: \$100.

- B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Said materials shall be left for the owner to properly separate. For 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. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
 - (1) Removal of violation tagged solid waste containers.
 - (a) First offense: \$50.
 - (b) Second and subsequent offenses: \$250.
 - (2) Burning solid waste or recyclables.
 - (a) First offense: \$500.
 - (b) Second and subsequent offenses: \$1,000.
 - (3) Placing solid waste or recyclables prior to allowable collection time or not removing containers after collection.
 - (a) First and subsequent offenses: \$25.

- (4) Failure to contain solid waste.
 - (a) First offense: \$50.
 - (b) Second and subsequent offenses: \$100.
- (5) Placing household or commercial solid waste or recyclables in public receptacles.
 - (a) First offense: \$50.
 - (b) Second and subsequent offenses: \$100.
- (6) Accepting solid waste for disposal in an unlicensed disposal facility.
 - (a) First offense: \$250.
 - (b) Second and subsequent offenses: \$500.
- (7) Littering.
 - (a) First offense: \$50.
 - (b) Second and subsequent offenses: \$250 and 25 hours of community service.
- (8) Dumping.
 - (a) First offense: \$250 and perform the cleanup or pay for cleanup costs and perform 50 hours of community service.
 - (b) Second and subsequent offenses: \$500 and perform the cleanup or pay for cleanup costs and perform 150 hours of community service.
- (9) Unauthorized use of a receptacle.
 - (a) First offense: \$50 plus the costs of disposal of the contents of the container.
 - (b) Second and subsequent offenses: \$100 plus the costs of disposal of the contents of the container.
- (10) Scavenging.
 - (a) First offense: \$100 plus confiscation of all collected recyclable materials and 50 hours of community service.
 - (b) Second and subsequent offenses: \$250 plus confiscation of all collected recyclable materials and 150 hours of community service.

**ARTICLE II
INFORMATION AWARDS PROGRAM**

§185-27. Information Awards Program.

Any 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 less than \$50 and shall not exceed 25% of the collected fine, exclusive of court fees.

- (1) The person or business who provides the information must complete the form annexed hereto, to remain confidential by the Township of Harrison.
- (2) The person or business who provides the information must be able to appear in court to testify.
 - (a) The confidentiality of the person providing testimony will be provided, with the court's permission, when requested by the informant.
 - (b) Notwithstanding the above, nothing shall limit the defendant from being able to question the witness.
- (3) The information award shall be awarded after the fine has been collected.

**ARTICLE III
PROPER HANDLING OF YARD WASTE**

§185-28. Proper Handling of Yard Waste.

Purpose

Subject to the provisions of Article I, Recyclables, this Article shall establish requirements for the proper handling of waste in the Township of Harrison, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Definitions

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

CONTAINERIZED - The placement of waste in a trash can, bucket, bag or other vessel, such as to prevent such waste from spilling or blowing out into the street or upon the sidewalks and coming into contact with the stormwater or stormwater drains.

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

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

WASTE AND MATERIAL - Leaves, grass clippings, brush, sand, dirt, soil, mulch, landscaping material, trash, rubbish and/or construction material.

§185-29. Prohibited Conduct.

- A. Placement restrictions. It shall be unlawful for any person or occupant to place or cause to be placed any uncontainerized waste and/or material of any kind whatsoever in the street, gutter, shoulders, or against the curbs of any street and/or upon any sidewalk in the Township.
- B. Bundling and containerization. All such waste and/or material shall be securely tied together in bundles or placed in containers in such manner that the same will not become scattered over the sidewalk or street; provided, however, that any such container and its contents shall not exceed 60 pounds in weight.

§185-30. Enforcement.

This article shall be enforced by the Township Zoning Official or Police Department of Harrison Township.

§185-31. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable of a fine of not more than \$100 per day. Each day there exists a violation of any provision of this article shall constitute a separate offense.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

**BY: _____
LOUIS F. MANZO, MAYOR**

ATTEST:

**_____
CAROL L. PUSZTAY, DEPUTY Municipal Clerk**

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on December 7, 2009. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on December 21, 2009, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

Carol L. Pusztay
Deputy Municipal Clerk

**HARRISON TOWNSHIP
INFORMATION AWARDS APPLICATION**

APPLICANT INFORMATION

Name: _____

Address: _____
(Number and Street) (Apt. No.)

(City) (State) (Zip Code)

Phone: _____ (Home) _____ (Work)

INFORMATION PROVIDED

Date of Incident: _____

Location: _____

Brief Description of Incident: _____

Suspect: (Name): _____
(Address): _____

Witness: (Name): _____
(Address) _____

Nature of Incident: _____ Hazardous Waste _____ Low-Level Radioactive
_____ Solid Waste _____ Regulated Medical
_____ Ocean Dumping

If applicant wishes his/her identity to remain confidential, a letter must be sent within five (5) days of application to the Harrison Township Office of Recycling and Sanitation, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062. Nondisclosure of applicant's identity or information is subject to any statute, Rule of Court or judicial decision which may require divulgence of such identity or information to certain parties including, in certain circumstances, criminal defendants.

(Date)

(Signature of Applicant)

FOR OFFICIAL USE ONLY:

Information Received:

Date: _____ Time: _____ By: _____

Application Received:

Date: _____ Time: _____ By: _____

Location where application was taken:

Note: Please attach copy of original statement provided by applicant at time incident was reported.