

ORDINANCE NO. 2009 - 17

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE
TOWNSHIP CODE OF THE TOWNSHIP OF LACEY,
SO AS TO CREATE A NEW CHAPTER 160,
ENTITLED "CONSTRUCTION, RENOVATION,
DEMOLITION DEBRIS RECOVERY PLAN"**

BE IT ORDAINED, by the governing body of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Lacey is hereby amended and supplemented so as to create a new Chapter 160, entitled "Construction, Renovation, Demolition Debris Recovery Plan," which shall read in its entirety as follows:

Chapter 160

**CONSTRUCTION, RENOVATION, DEMOLITION
DEBRIS RECOVERY PLAN**

§ 160-1. Definitions.

COVERED PROJECT – A construction, renovation, or demolition project for which a building permit or demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

§ 160-2. Construction, renovation and demolition debris recovery plan.

A debris recovery plan shall be filed with the Municipal Recycling Coordinator prior to the commencement of any covered project. The debris recovery plan shall identify the types and estimated quantities of construction, renovation and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of fifty (50%) percent of the materials to be generated will be separated and recycled.

§ 160-3. Review of debris recovery plan.

- A. Approval. A debris recovery plan shall be reviewed by the Municipal Recycling Coordinator and approved if it complies with this Chapter. An approved debris recovery plan shall be marked "Approved" and returned to the owner of the entity which submitted the plan.
- B. Denial. A debris recovery plan shall not be approved if it does not comply with this Chapter. If a debris recovery plan is not approved, the owner of the entity that submitted the plan shall be notified, in writing, that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity that will carry out the construction, renovation, or demolition project, shall make the required changes, and resubmit the debris recovery plan to the Municipal Recycling Coordinator.

§ 160-4. Diversion requirement adjustment.

- A. Application. If the owner of an entity carrying out a covered project experiences circumstances that make it infeasible to comply with the diversion requirement cited in this Chapter, the owner of the entity may apply for an adjustment. The owner shall indicate, in writing, why it is infeasible to divert fifty (50%) percent of the materials being generated from the covered project, and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.
- B. Review. The Municipal Recycling Coordinator shall review the information supplied by the owner. If warranted, the Municipal Recycling Coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.
- C. Granting of an adjustment. If the Municipal Recycling Coordinator determines that it is infeasible for the entity carrying out a covered project to divert fifty (50%) percent of the generated construction, renovation and demolition debris from the covered project, the percentage of diversion required shall be adjusted. The owner shall be notified, in writing, of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percentage of construction, renovation and demolition debris required by the adjustment.
- D. Denial of adjustment. If the Municipal Recycling Coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this Chapter,

the owner shall be notified, in writing, of the denial of the diversion requirement adjustment.

§ 160-5. Debris recovery plan reporting requirements.

Documentation. Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit, in person or by certified mail to the Municipal Recycling Coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

- A. A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project that was diverted or disposed of;
- B. Receipts from all facilities or service providers utilized to divert and dispose of materials generated during the covered project; and
- C. Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

§ 160-6. Compliance with diversion requirement.

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Chapter and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply, with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

§ 160-7. Appeal.

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Chapter to the Township of Lacey within thirty (30) days of the decision or determination. The appeal shall be in writing, filed with the Clerk, and shall state the facts and basis for the appeal. A decision by the Township Committee shall be final.

§ 160-8. Enforcement.

The Code Enforcement Official, the Police Department, the Department of Health, the Municipal Recycling Coordinator, the Property Maintenance Official, and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this Chapter. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense.

An inspection may consist of dumping and opening of solid waste bags of containers to detect, by sound or sight, the presence of any recyclable material.

§ 160-9. Violations and penalties.

- A. Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$1,000, by imprisonment for a term not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. The violation of any provision of this Chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Lacey held on the 10th day of September, 2009 and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 24th day of September, 2009, at 7:00 p.m., at the Municipal Building located on Lacey Road in Forked River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

VERONICA LAUREIGH, CMC, AAE
Township Clerk, Township of Lacey

SKF:nmc
#014

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September 4, 2009

VIA E-MAIL ONLY

Veronica Laureigh, CMC/AAE
Township of Lacey
818 West Lacey Road
Forked River, NJ 08731

RE: Recycling Ordinances

Dear Ms. Laureigh:

In accordance with our telephone discussion, enclosed herein for your review and consideration please find revised recycling ordinances. The Source Separation and Recycling ordinance has been amended to add the appropriate definitions from former § 289-15, as well as former §§ 289-16 and 17. If upon review by the Township revisions are required, or if anyone wishes to discuss this ordinance, please do not hesitate to contact me.

Very truly yours,



STEPHEN K. FORAN
For the Firm

SKF:nmc
Enclosures