

ORDINANCE NO. 09-18

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
CREATING A NEW CHAPTER 289 OF THE  
TOWNSHIP CODE OF THE TOWNSHIP OF LACEY,  
ENTITLED "SOURCE SEPARATION AND  
RECYCLING"**

**SECTION 1.** Chapter 289 of the Township Code of the Township of Lacey, entitled "Solid Waste," is hereby deleted so as to create a new Chapter 289, entitled "Source Separation and Recycling," which shall read in its entirety as follows:

**Chapter 289**

**SOURCE SEPARATION AND RECYCLING**

**§ 289-1. Definitions.**

As used in this Chapter, the following terms shall have the meanings as indicated:

**AEROSOL CANS** – Includes all empty steel aerosol cans.

**ALUMINUM CANS** – Includes empty all-aluminum containers used for storage of beverage and food products.

**ASHES** – The residue or products of any combustible material or substance, whether burned for heating, for disposal of refuse by incineration, or otherwise. The term ashes shall also include soot.

**BATTERIES** – Includes batteries to produce electric power for land, sea or air vehicles. Household batteries are not included.

**BOTTLES** – Includes a rigid or semirigid container having a comparatively narrow neck or mouth and which contained a nonhazardous liquid.

**BRUSH** – Includes branches and like materials from shrubs and trees with a diameter of three inches or less. Does not include stumps and/or root matter from trees, shrubs and/or other vegetation.

**BULK REFUSE** – Major household appliances, which include fixtures, furniture, bathtubs, screens, storm windows, lumber tied securely in bundles which are not more than four feet in length and weighing not more than 75 pounds, and plumbing, electrical and similar fixtures. Those items which are defined as white goods and bulk appliances shall not be included as major household appliances.

**BUSINESS** – Any place dealing in goods, merchandise or services, including, but not limited to, offices and restaurants.

**CORRUGATED CARDBOARD** – Includes corrugated cardboard with a middle layer of cardboard shaped into folds or alternating ridges. Does not include cereal boxes and other similar type cardboard.

**DEBRIS** – Lawn and garden waste, including, but not limited to, hedge clippings, small brushes, shrubs, small tree branches and small amounts of construction waste, including, but not limited to, wallpaper, plaster and other building materials.

**DEMOLITION MATERIALS** – Includes asphalt, concrete, tree stumps, land-clearing debris, pallets and waste lumber.

**DESIGNATED RECYCLABLE MATERIALS** – Those materials designated within the Ocean County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include those items listed in §§ 289-2C and D.

**DUAL STREAM** – Includes the following:

- A. Commingled – all plastic bottles; aluminum and steel cans.
- B. Paper – magazines, catalogs, junk mail, used writing paper, newspapers, cardboard, office and school paper. No chipboard or pizza boxes.

**ELECTRONIC WASTE** – 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 four (4”) inches measured diagonally, and that contains one (1) or more circuit boards, including a television, and cell phones.

**GARBAGE** – Putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

GLASS CONTAINERS – Includes all products made from silica or sand, soda ash and limestone; the product being transparent or translucent and being used for packaging or bottling of beverages and food products, excluding, however, blue or flat glass commonly known as “window glass,” ceramics, Pyrex, dishes, drinking glasses, auto glass, TV tubes and other similar products made from glass.

HOUSEHOLD BATTERIES – Includes small batteries used for flashlights, cameras, hearing aids, toys and similar items.

LEAVES – Includes all fallen leaves from trees and shrubs. Brush clippings and grass clippings are not to be included as “leaves.”

MIXED PAPER – Includes magazines, catalogs, color inserts, envelopes (with or without cellophane windows), junk mail, sweepstake forms, office paper (fax, photocopy, computer, white ledger and envelope paper), nonmetallic wrapping paper, real estate books and NCR paper; does not include newspaper, gray cardboard boxes, chipboard (cereal) boxes, telephone books, brown paper bags, plastic bags, carbon paper and blueprints.

MULTI-FAMILY DWELLING – Any building or structure, or complex of buildings in which three (3) or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (*see N.J.S.A. 13:1E-99.13(a)*), 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 (C55:13-A-1 *et seq.*).

MUNICIPAL RECYCLING COORDINATOR – The person or persons appointed by the Township Committee and who shall be authorized to, among other things, enforce the provisions of this Chapter, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM – Includes all solid waste generated as residential, commercial, and institutional establishments within the boundaries of the Township of Lacey.

NEWSPAPER – Includes paper of the type commonly referred to as “newsprint.” Expressly excluded, however, are all magazines or other periodicals, as well as all other paper products of any nature whatsoever.

PERSON – Includes every owner, lessee and occupant of a residence, or commercial, industrial or institutional establishment.

PLASTIC – Includes the following:

- A. HDPE containers: plastic beverage bottles made of high-density polyethylene (i.e., clear milk and water bottles).
- B. PET containers: plastic beverage bottles made of polyethylene terephthalate (i.e., plastic soda bottles).
- C. PVC plastic bottles, except those containers which contained a hazardous substance.

POLYBOARD BOXES – Cartons which contained milk, dairy products or juice; includes quart, half gallon, pint and small sip-it-size cartons.

RECYCLABLE MATERIALS – Includes those materials which would otherwise become municipal solid waste, and which may be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

REFUSE – All solid waste generated in the Township of Lacey, with the exception of recyclable materials.

RUBBISH – Non-recyclable items which are not defined otherwise herein, including certain glass, paper and cans designated as not recyclable by the Municipal Recycling Coordinator; and artificial Christmas trees.

SINGLE STREAM – The combination of commingled and paper listed in Dual Stream above, in one (1) container. Do not include plastic bags, food waste, paper towels, paper napkins, pizza boxes, egg cartons, aluminum foil, plastic cups and utensils. No plastic other than bottles. No juice boxes or bags. No garbage.

SOLID WASTE – Includes all garbage and rubbish normally produced by the occupants of commercial, industrial and residential property and disposed of by private or public pickup.

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.

**TIN AND BIMETAL CANS** – Includes all empty disposable cans made of tin, steel or a combination of metals used for the storage of beverage and food products.

**TIRES** – Includes tires used on automobiles from residents' personal vehicles only.

**USED MOTOR OIL** – Includes motor oil which is uncontaminated by any other material and has served its intended end use.

**WHITE GOODS AND BULK APPLIANCES** – Ovens, dryers, hot water heaters, metal furniture, washing machines and refrigerators.

**§ 289-2. 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 Lacey, 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 Municipal Recycling Coordinator.
- B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the Township of Lacey may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of this Chapter which require 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. Designated recyclable materials shall be as follows:

- (1) Empty aerosol cans.
- (2) Empty aluminum cans. Must be clean and dirt free.
- (3) Automobile batteries.
- (4) Brush.
- (5) Corrugated cardboard.
- (6) Empty glass containers. Must be clean and dirt free with lids removed. Lids should be disposed of in the trash.
- (7) Household batteries.
- (8) Leaves. Must be bagged with bags left open and placed at curbside during leaf pickup program weeks. Schedule for leaf pickup as shown in Lacey Township Recycling Calendar.
- (9) Mixed paper.
- (10) Newspaper. Glossy advertisements and other inserts which are included in the Sunday paper may be included.
- (11) Empty plastic bottles. Must be clean and dirt free with lids removed. Lids should be disposed of in the trash.
- (12) Polyboard boxes. Must be clean and dirt free.
- (13) Empty tin and bi-metal cans. Must be clean and dirt free with lids removed. Lids should be disposed of in the trash.
- (14) Tires from residents' personal vehicles only. Tires larger than 10.00/20 are prohibited.

(15) Used motor oil. Oil should be disposable one-gallon container; maximum of five (5) one-gallon containers per person.

(16) White goods and bulk appliances.

D. Designated recyclable materials for business, commercial and industrial property, and of private, public and governmental institutions and buildings shall be as follows: all materials listed in § 289-2C, with the following additions:

(1) Asphalt.

(2) Bricks.

(3) Cement blocks.

(4) Concrete.

(5) Ferrous and nonferrous scrap.

(6) Stumps.

(7) Tree trunks.

**§ 289-3. Collection of recyclable materials.**

A. Those materials required to be recycled in the Township pursuant to this Chapter shall be placed for collection in such manner and at such times as provided for in the rules and regulations promulgated by the Municipal Recycling Coordinator.

B. All recyclables shall be placed for municipal collection before 6:00 a.m. of the day of collections, but no sooner than 24 hours prior to the designated day for collection. Collection employees shall not be responsible for picking up any recyclables which are placed for municipal collection in violation of these time restrictions. All recycling containers shall be removed from the curb by the property owner or other person placing recyclables for municipal collection within 24 hours after collection of recyclables.

C. Haulers shall be prohibited from collecting solid waste which contains materials required by ordinance to be separated for the purpose of recycling.

- D. As provided by N.J.S.A. 13:1E-99.70, no collector of solid waste shall collect batteries for disposal as solid waste. All types of batteries not designated as recyclable materials by this Chapter shall be disposed of in accordance with the Dry Cell Battery Management Act, N.J.S.A. 13:1E-99.60 *et seq.*
- E. The Lacey Township Recycling Center shall be designated as a used oil collection site for use by residents for the disposition of used motor oil. Residents may bring up to five gallons at a time of used motor oil generated by changing oil from cars, lawn mowers, motorcycles and other motorized vehicles and machinery which are operated for the personal use of residents. Oil may not be mixed with any other material or liquid and must be brought in a clean, disposable one gallon container.
- F. It shall be unlawful for any person to place out for municipal garbage collection asphalt, concrete, stumps, land-clearing debris and wood pallets from construction and demolition projects for which a building permit is required.
- G. No person shall dispose of fallen leaves by placing the same out for solid waste collection.
- H. It shall be unlawful to dispose of used motor oil in any manner other than through an authorized used oil collection as per this section. On and after the adoption of this Chapter, and in accordance with existing State regulations (N.J.A.C. 7:26A-6), all service stations, oil retailers and motor vehicle reinspection stations with used oil holding tanks, shall accept up to 10 gallons at a time of used motor oil from individuals changing oil from cars, lawn mowers, motorcycles and other motorized vehicles and machinery and shall post a sign informing the public that they are a used oil collection site. Said sign shall comply with the requirements as set forth in N.J.S.A. 13:1D-99.36.
- I. All receptacles or dumpsters shall be kept in a clean and safe manner.
- J. The Lacey Township compost facility shall not accept brush or woodchips from commercial establishments.

**§ 289-4. Preparation and collection of garbage and rubbish; containers; tagging of containers in violation.**

- A. Preparation. All garbage and rubbish containing food waste shall be kept in leakproof commercially-available containers with tight-fitting lids or covers, and shall be kept covered at all times, unless the contents of same are being removed or contents are being placed therein. Plastic bags or

any other receptacle which does not fit the above description shall not be used for garbage and rubbish containing food waste and, if so used, garbage and rubbish contained therein shall not be collected.

B. Containers. All containers in which garbage and rubbish are to be kept and from which garbage and rubbish are to be collected shall meet the following specifications:

- (1) The container, together with its contents, shall weigh no more than 75 pounds. This weight limit shall not apply to bulk refuse.
- (2) All containers shall be provided with tight-fitting lids or covers and shall be kept covered at all times unless the contents of same are being removed, or contents are being placed therein.
- (3) All containers shall have side handles or other means of facilitating handling, and shall be constructed of durable metal, plastic or materials of similar strength. Wooden, cardboard, composition paper, fiber or similar containers are specifically prohibited for use as refuse containers.
- (4) No container shall exceed 32 gallons in capacity.
- (5) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises.
- (6) Each container shall be placed for collection no more than six feet from the curb or adjacent to the road if no curb exists, in a place which is visible and easily accessible for collectors.
- (7) There shall be no limit on the number of receptacles at any residence, except as provided elsewhere in this Chapter.

C. Any container that does not comply with the above specifications, or creates a hazard or danger to the collectors, shall be affixed with a red tag. In the event that a container is affixed with a red tag, it shall be a violation of this Chapter to utilize that container for future disposal of garbage, rubbish or other refuse.

#### **§ 289-5. Preparation and collection of debris.**

A. Lawn and garden debris, including, but not limited to, hedge clippings, small brush, shrubs and small tree branches, must be properly contained in either secured lawn/leaf plastic bags, or shall be tied securely in

bundles not more than four feet in length, which bundles or bags shall weigh no more than 75 pounds, and placed at the curb for collection and removal.

- B. Wallpaper, plaster and all other building materials must be completely contained or tied securely in bundles not more than four feet in length, which bundles shall weight not more than 75 pounds, and placed at the curb for collection and removal. No more than three such bundles a month will be removed from any one dwelling unit.

**§ 289-6. Recycling dropoff center.**

- A. The governing body may establish and maintain one or more dropoff centers for the convenience of residents of Lacey Township for disposition of recyclable materials generated by their personal use. Said dropoff centers will be for the use of residents of Lacey Township for disposition of recyclable materials generated by their personal use only. Recyclable materials shall be those materials as set forth in § 289-2C, and/or designated by the rules and regulations promulgated by the Municipal Recycling Coordinator for Lacey Township.
- B. Recyclable materials, as set forth in this Chapter and generated from the personal use of residents, may be brought to Township-operated recycling centers during normal operating hours. It shall be a violation of this Chapter for any resident to drop off recyclable materials at the recycling center at any time other than normal operating hours, as posted at the dropoff center.
- C. Specially marked containers and/or areas shall be maintained at the recycling center for recyclable materials, as set forth by this Chapter. All recyclable materials must be placed in the proper container and/or area, which shall be plainly marked. It shall be a violation of this Chapter for any resident to place recyclable materials anywhere, either inside or outside of the recycling center, except in the designated areas as posted at the dropoff center.
- D. It shall be a violation of this Chapter for any nonresidential establishments and/or businesses to drop off recyclable materials at the Lacey Township dropoff centers.
- E. It shall be a violation of this Chapter for any person to deposit or dump any materials or substances, regardless if the materials or substances are recyclable or not, at the dropoff center or any area adjacent to the dropoff center, when the recycling center is not open for the collection of

recyclables, or is otherwise closed. The hours of operation shall be posted at the main entrance of the Recycling Center.

**§ 289-7. Collection by authorized persons.**

- A. The governing body may use municipal personnel to collect recyclable material set forth herein at curbside and/or from a dropoff center, and shall sell said recyclable material if a market exists therefor, pursuant to N.J.S.A. 40A:11-1 et seq.
- B. The governing body may elect to enter into agreements with qualified persons or corporations authorizing them to collect said recyclable material at curbside and/or from a dropoff center, and to sell said recyclable material.

**§ 289-8. Unauthorized collection.**

- A. Recycling material, as set forth in this Chapter, shall be the property of the Township of Lacey once placed on the curbside or brought to a dropoff center.
- B. 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.
- C. 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 Chapter and the local sanitary code.
- D. Once placed in the location identified by this Chapter, or any rules or regulations promulgated pursuant to this Chapter, no person, other than those authorized by the Township of Lacey, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

**§ 289-9. Responsibility for upset containers.**

- A. If any container or bundle of garbage, debris or any other refuse is upset or overturned, other than by collection employees engaged in refuse collection, the property owner or other person placing garbage for municipal collection shall promptly clean up such spilled garbage and

restore it to a container or bundle which is in compliance with this Chapter.

- B. If any container or bundle of garbage, debris or any other refuse is upset or overturned by a collection employee, said employee shall immediately collect all upset contents and dispose of same in the collection truck in the manner in which all refuse of a similar nature is collected.
- C. No person shall place any refuse in or on any street or highway, either for municipal collection or other disposal. No person shall place, discard or deposit any grass clippings, brush, sod, leaves or other refuse upon any street, sidewalk, alley, sewer, parkway, lot or other public place within the Township of Lacey.

**§ 289-10. Residential dwelling compliance requirements.**

The owner of any property shall be responsible for compliance with this Chapter. 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 Township. Violations and penalty notices will be directed to the owner or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive, and every six (6) months during their occupancy.

**§ 289-11. Non-residential establishment compliance requirements.**

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Chapter.
- 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 Township provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. Every business, institution, or industrial facility shall report on an annual basis to the Municipal 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.

**§ 289-12. New developments of multi-family residential units or commercial, institutional, or industrial properties (pursuant to N.J.S.A. 13:1E-99.13(a) and 99.16(c)).**

- A. Any application to the Planning Board of the Township of Lacey 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 amount 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 Township of Lacey, 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 Township 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 Township Engineer.

**§ 289-13. Administration and enforcement.**

- A. The Municipal Recycling Coordinator and/or the Director of Public Works, in conjunction with the Solid Waste Advisory Committee, and subject to the approval of the governing body, shall establish and promulgate reasonable rules and regulations as to the manner, days and

times 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 cost of the recycling program to the Township of Lacey. Violation of the rules and regulations promulgated by the Municipal Recycling Coordinator shall subject the offender to the violations and penalties as set forth in § 289-12.

- B. The enforcement of the provisions of this Chapter shall be the responsibility of the Municipal Recycling Coordinator, the Director of Public Works, the Code Enforcement Officer and the Lacey Township Police Department. The responsibility of monitoring the program for the adequacy of the collection shall fall to the Municipal Recycling Coordinator and/or his or her authorized designee.

**§ 289-14. 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.

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

SKF:nmc  
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