

**BOROUGH OF WESTWOOD  
NOTICE**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the \_\_\_\_ day of \_\_\_\_\_, 2009, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the \_\_\_\_ day of \_\_\_\_\_, 2009 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk  
Borough of Westwood

**ORDINANCE NO. 09- 04**

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTER 8.40 OF THE WESTWOOD CODE:  
RECYCLING SYSTEM**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Westwood that Chapter 8.40, Recycling System, shall be amended as follows:

**1. Definitions.**

A. Commingled: Means a combining of non-putrescible source separated recyclable materials for the purpose of recycling.

B. Electronic Waste: (To be included in those instances where a recycling program has been, or will be, established for these materials. Additionally, the following definition may be changed to reflect individual municipal program requirements.) Shall mean a computerized, 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 or more circuit boards, including a television and cell phones.

C. Multi-Family 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 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 (C.55:13A-1, et seq.).

D. Municipal Recycling Coordinator: Means the person or persons appointed by the 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.

E. Municipal Solid Waste (MSW) Stream: Means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the Borough of Westwood.

F. Recyclable Material: Means 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.

G. Source Separated Recyclable Materials: Means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

H. Source Separation: Means 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.

## **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 Borough of Westwood, 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 Public Works Department.

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 persons 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.

**3. Collection of Recyclable Materials.**

A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above any time after 6:00 P.M. of the day immediately preceding the day of collection, but no later than 6:30 A.M. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 P.M. of the day of collection.

B. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Borough of Westwood.

**4. Residential Dwelling Compliance Requirements.**

The owner of any property shall be responsible for compliance with this Ordinance. For multi-family 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 arise and every six (6) months during their occupancy.

**5. 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 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.

**6. 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 Borough of Westwood, 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:

i. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development, and

ii. 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 Borough of Westwood, 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 pick up of solid waste, to be approved by the Borough Engineer.

**7. 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.

**8. Enforcement.**

The Code Enforcement Office, the Westwood Police Department, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer and the Bergen County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable materials.

**9. Violations and Penalties.**

Any person, corporation, occupant or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine established in accordance with N.J.S.A.

40:49-5. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

**10. Conflict with Prior Ordinances.**

In the event this Ordinance or any provision of same shall conflict with any existing ordinance, this Ordinance shall control.

**11. Severability, Effective Date.**

A. In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the Governing Body.

Date: \_\_\_\_\_

Approved:

Attest:

\_\_\_\_\_  
John Birkner, Jr., Mayor

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Karen Hughes, Borough Clerk