

**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. 09-03**

**AN ORDINANCE TO AMEND CHAPTER 8.40 OF THE  
WESTWOOD CODE BY THE ADDITION OF A NEW  
SECTION ENTITLED “RECYCLING OF  
CONSTRUCTION DEBRIS”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Westwood that Section 8.40 of the Borough Code be amended by the addition of the following:

**1. Definitions.**

Covered Project: Means a construction, renovation or demolition project for which a building permit or a 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.

**2. Construction, Renovation and Demolition Debris Recovery Plan.**

The owner of any project covered by this Ordinance shall contact the Municipal Recycling Coordinator prior to the issuance of a Building Permit and if found by the Municipal Recycling Coordinator to be practical, a debris recovery plan shall be filed with the Municipal Recycling Coordinator prior to the commencement of any activity for which municipal approval as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction 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 50% of the materials to be generated will be separated and recycled. If not practical, the applicant shall obtain a written waiver.

**3. Review of Debris Recovery Plan.**

A. Approval: A debris recovery plan shall be reviewed by the Municipal Recycling Coordinator and approved if it provides for all of the information required by this Ordinance. 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 provide all of the information required by this Ordinance. If a debris recovery plan is not approved, the owner of the entity which 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 which 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.

**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 Ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 50% 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 50% of the generated C & D debris from the covered project, the percent 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 percent of C & D 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 Ordinance, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

**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 diverted or disposed.

B. Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project.

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.

**6. Compliance with Diversion Requirement.**

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Ordinance 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.

**7. Appeal.**

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Ordinance to the municipality within thirty (30) days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the department where the appeal is to be filed shall be final.

**8. Waiver by Municipal Recycling Coordinator.**

Wherever it appears that due to the magnitude of a project, market conditions in recycling, equipment or manpower shortages, the Municipal Recycling Coordinator in consultation with the Superintendent of Public Works for the Borough of Westwood may waive compliance, in whole or in part, in writing, with this Chapter.

**9. Enforcement.**

The Code Enforcement Official, the Police Department, the Department of Health, the Recycling Coordinator, the Property Maintenance Official and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this Ordinance. 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.

**10. 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 not less than \$250.00, nor more than \$1,000.00.

**11. Severability; Effective Date.**

If 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.

Approved:

Attest:

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John Birkner, Jr., Mayor

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Karen Hughes, Borough Clerk