



TOWNSHIP OF GALLOWAY
DEPARTMENT OF SUSTAINABILITY
ENVIRONMENTAL EDUCATION G-TV CLEAN COMMUNITIES

300 E. JIMMIE LEEDS ROAD GALLOWAY, NJ 08205
(609) 652-3700 EXT. 209 FAX: (609) 652-1725

Barbara Fiedler
Chief Sustainability Officer

Ordinance 1921-2015

Meeting Date: October 27, 2015 (Introduction); November 10, 2015 (Public Hearing)

AGENDA ITEM COMMENTARY

Title: CHAPTER 273 RECYCLING ORDINANCE REVISIONS

STAFF SOURCES: Barbara Fiedler, Chief Sustainability Officer

DISCUSSION: It is mandatory that when the Atlantic County District Solid Waste Management Plan is updated that all municipalities within the County must also update their plans to reflect those changes. In this case, there were several new designated recyclables on the County's list.
Also, I used this opportunity to update definitions to match those in the State statute and to correct outdated information throughout the body of the Ordinance.

EXHIBIT:

- A copy of the Ordinance (*new text is italicized and underlined*)
- A letter from Edward Nielwocki, Bureau of Planning and Licensing, approving the Atlantic County District Solid Waste Management Plan.

ORDINANCE # 1921 OF 2015

AN ORDINANCE AMENDING CHAPTER 273 RECYCLING, OF THE CODE OF THE TOWNSHIP OF GALLOWAY UPDATING THE PROVISIONS TO COMPLY WITH THE ATLANTIC COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, the purpose of this Ordinance is to amend Chapter 273, Recycling, of the Code of the Township of Galloway to comply with the Atlantic County Solid Waste Management Plan; and

WHEREAS, the Atlantic County Solid Waste Management Plan has added several new materials as recyclable; and

WHEREAS, the State of New Jersey has determined the designation of additional material for recycling appropriate as an approvable administrative action; and,

WHEREAS, the State of New Jersey, Department of Environmental Protection approved the amendment to the Atlantic County Solid Waste Management Plan to include the addition of newly designated recyclables; and,

NOW THEREFORE, BE IT ORDAINED by the Governing Body for the Township of Galloway, County of Atlantic and State of New Jersey, that Chapter 273, Recycling, is hereby amended as follows:

Chapter 273

RECYCLING

- 273-1. Short title.
- 273-2. Definitions.
- 273-3. Establishment of program; recyclable material designated.
- 273-4. Rules and regulations for commercial haulers.
- 273-5. Residential public drop off program.
- 273-6. Administration of program.
- 273-7. Separation of recyclables and placement for disposal.
- 273-8. Recycling Coordinator.
- 273-9. Collection by unauthorized persons.
- 273-10. Mandatory source separation program for homeowner's association properties, multi-family dwellings, and qualified apartment complexes.
- 273-11. Developmental plans.
- 273-12. Mandatory commercial and institutional source- separation program
- 273-13. Separation of leaves for recycling.
- 273-14. Stores to encourage alternatives to one-use grocery bags.
- 273-15. Non-collection of solid waste contaminated by designated recyclables.
- 273-16. Unlawful activities: Nuisances.
- 273-17. Alternative collection of recyclable materials.
- 273-18. Penalties.
- 273-19. Reporting requirements.
- 273-20. Enforcement.
- 273-21. Jurisdiction.
- 273-22. Repealer.
- 273-23. Severability.
- 273-24. Effective date.

[HISTORY: Adopted by the Township Council of the Township of Galloway 3-14-89 as Ord. No. 950. Amended in entirety 5-8-90 by Ord. o. 996. Former 60A-4 through 60A-23 renumbered 6-9-98 by Ord. No. 1344. Amendments noted where applicable.]

GENERAL REFERENCES
SOLID WASTE-See Ch. 291.
RECYCLING

273-1. Short Title.

This chapter shall be known and may be cited as the “Recycling Ordinance of the Township of Galloway”.
[Amended 4-14-1992 by Ord. No. 1074]

273-2. Definitions.

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

A. ALUMINUM

1.[Added] ALUMINUM CANS- Food and beverage containers made entirely of aluminum.

2.[Added] ALUMINUM SCRAP, NON-FERROUS SCRAP- All non-container aluminum including auto parts, siding, aircraft parts, lawn chairs, window and door frames, pots and pans, foil pie plates. Non-ferrous scrap consists primarily of copper and zinc, copper generally takes the form of cable (utility wires), plumbing, wire harnesses, motors, house wiring and bulky items.

B. ANTIFREEZE- An automotive engine coolant.

C. BULKY RIGID PLASTIC – Plastic buckets, plastic laundry baskets, plastic_landscape trays (no soil), plastic toys & playhouses, plastic pet carriers, plastic coolers, plastic dish drainers, empty garbage & recycling cans, 5 gallon water bottles, plastic milk/soda crates, plastic lawn furniture, plastic totes (remove metal bars), plastic pallets, plastic shelving, plastic flower pots (no soil), PVC & PET blister packs, plastic automotive bumpers, plastic coat hangers, Plexiglas, vinyl fencing (4’ limit), vinyl siding (4’ limit), HDPE pipe (4’ limit).

D. CO-MINGLED – Shall mean source-separated recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

E. COMMERCIAL ESTABLISHMENTS

Those properties used for commercial purposes.

F. COMPUTER PRINTOUT/ WHITE LEDGER- All computer paper,all high grade white paper (including letterhead, typing paper; copier paper, onionskin, tissue and notepad.)

G. CONSTRUCTION/DEMOLITION RECYCLABLE MATERIAL – Building material or demolition material that is recyclable. Includes: wood, plaster, drywall & wallboard, metals, asphaltic substances, bricks, block and unsegregated concrete.

H. CONSUMER ELECTRONICS- Computer central processing units and associated hardware including keyboards, modems, printers, scanners and fax machines; televisions, VCRs, DVDs, stereo components, cell phones.

- I. CORRUGATED CARDBOARD** – Shall mean clean, heavy box materials commonly known as cardboard boxes and similar heavy paper packaging containers that are free of plastic, foam and other contaminants; also including food packaging boxes and other commercial packaging that is free of food contaminants, plastic, wax and foam materials that would make it undesirable for recycling purposes [Amended 6-9-1990 by Ord. No. 1344]
- J. DESIGNATED RECYCLING ENFORCEMENT AUTHORITY**- A member of the Office of Sustainability, the Department of Public Works, or Construction Office and the Police Department) of the Township of Galloway charged with the enforcement of these ordinances.
- K. FOOD SCRAPS**- Food plate waste and food processing wastes, Food processing wastes include food processing vegetative waste. (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc, processing residuals and animal processing wastes.
- L. GLASS CONTAINERS.** All glass containers for packaging food or beverages. Expressly excluded are noncontainer glasses, plate or window glass, dishes, mirrors, drink ware, tableware, porcelain or ceramics.
- M. HOUSEHOLD BATTERIES** - Includes flashlight, radio, camera, watches, toys and hearing aid batteries. Excluded are boat and automobile batteries. Rechargeable batteries are recyclable.
- N. INSTITUTIONAL ESTABLISHMENTS** -Those facilities that house or serve groups of people including, but not limited to, hospitals, schools, nursing homes, libraries and government offices.
- O. MAGAZINES AND JUNK MAIL**- All magazine stock, white and colored paper and envelopes.
- P. MISCELLANEOUS NON-RECYCLABLE MATERIALS** - Includes any other non-hazardous material which would otherwise be classified as a solid waste, and is not otherwise defined in this section and documented as recyclable.
- Q. MIXED OFFICE PAPER** - [Amended 6-9-1990 by Ord. No. 1344] Items listed in computer printout/white ledger category when mixed with envelopes, maila folders and colored papers. Material is generated by commercial/institutional sources.
- R. MULTIFAMILY RESIDENCE**- Shall mean five or more contiguous units located on a single property or contiguous properties under common ownership or management. This shall include mobile home parks. For this purpose, "mobile home" shall mean a home, excluding travel trailers, which is a movable or portable unit, designed and constructed to be towed on its own chassis, and designed to be connected for year-round occupancy.
- S. NEWSPRINT / NEWSPAPER**- All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7, & #8 news.)

- T. OTHER GLASS** - All non-container glass such as plate glass, drinking glasses, and automotive glass.
- U. OTHER PAPER** – All paper that is not corrugated, office, magazines, white and colored bond paper, or newspaper such as telephone directories, wrapping paper, chip board, books, papers coated with plastic, film or foil, paper contaminated with food, and grocery bags.
- V. OTHER PLASTIC** – Low density polyethylene (LDPE) film or bags, other film or plastic closures.
- W. PERSON** - Every owner, lessee and occupant of a residence within the boundaries of the Township of Galloway.
[Amended 6-9-1998 by Ord. No. 1344]
- X. PLASTIC BOTTLES (RECYCLABLE)** - Includes all bottles and jars.
[Amended 6-9-1998 by Ord. No. 1344]
- Y. QUALIFIED APARTMENT BUILDING OR GARDEN APARTMENT COMPLEX** - any building or structure or complex of buildings or structures in which five or more units are rented or leased or offered for rental or lease for residential purposes except hotels, motels or other guesthouses serving transient or seasonal guests.
- Z. RECYCLABLE MATERIAL** -Those materials that may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.[**Amended 6-9-98 by Ord. No. 1344**]
- AA. RESIDENCE**-Any occupied single or multi-family dwelling from which solid waste is generated and hauled to a solid waste disposal facility by hauler or occupant. [**Amended 6-9-98 by Ord. No. 1344**]
- BB. SCRAP METAL**-As used herein shall include refrigerators, freezers, water heaters, washers, dryers, metal sheds and any other type of bulk metal household item.
[**Amended 6-9-98 by Ord. No. 1344**]
- CC. SOLID WASTE** - That which is defined as solid waste in N.J.A.C. &:26-1.6.
- DD. UNIVERSAL WASTE**- A specific hazardous waste stream that has been designated by the EPA or a State as Universal Waste. The Universal Waste Rule provides alternative management options for specific hazardous waste streams. Designated New Jersey Universal Wastes include: Batteries (not alkaline), Pesticides, Thermostats, Hazardous Waste Lamps, Mercury-containing Devices, Consumer Electronics and Oil- Based Finishes.
- EE. YARD TRIMMINGS**- Leaves, grass clippings, stumps, brush, and other lawn and garden trimmings from homes, institutions, commercial and industrial sources.

- A. There is hereby established a program for the separation of recyclable materials from the municipal solid waste stream by all persons within the Township of Galloway, hereinafter referred to as the "municipality."
- B. **[Amended 4-14-92 by Ord. No. 1074]** Designated recyclables for the municipality's curbside program consist of the following materials:
 - (1) Paper;
 - (2) Corrugated cardboard;
 - (3) Glass;
 - (4) Aluminum, tin, steel, bimetal, aerosol containers; **[Amended 6-9-98 by Ord. No 1344]**
 - (5) Plastic Bottles, #s 1, 2, 3, 4, 5, 6, 7;
 - (6) Leaves; and
 - (7) Other recyclable materials as designated by the agency charged with providing pickup service, effective thirty (30) days after the date upon which said agency publishes notice in a newspaper of general circulation within Atlantic County

273-4. Rules and regulations for commercial haulers.*
[Added 6-9-96 by Ord. No. 1344]

Any public collector or commercial hauler picking up refuse within the Township of Galloway must comply with all New Jersey State rules and regulations.

- A. Any hauler that collects trash from any residence will also provide collection of recyclables to the same.
 Recyclable items collected within this Township by private haulers must be collected in separate vehicles to the same.
 - (1) These vehicles must be clearly marked "Recycling".
 - (2) Collection vehicles must be securely covered to prevent littering.
 - (3) Recycling collection must not begin before 6:30 a.m.
- B. Recyclable items must be picked up in such a way that they will remain in marketable condition.
 - (1) All recyclable material and solid waste must be source-separated prior to collection (by customer) and remain source-separated throughout the collection process.
- C. All residential collection for recyclables must be done minimally on a bi-weekly basis.
 All commercial/institutional recycling will be done either weekly or bi-weekly; based on needs of said establishment.
- D. Each commercial hauler shall provide a current rate schedule that includes the cost of trash and recycling. This fee must be a "bundled fee" so that any resident will pay that hauler directly for the two services together.
- E. If trash is found to contain recyclables and is marked for non-collection by the designated Recycling Enforcement authority, private or public hauler must leave the trash at the curb. (Reference 273-15).

273-5 Residential public drop-off program.

- A. There is hereby established a program ("public drop-off program") for the source separation and delivery to a recycling drop-off of materials designated as recyclable by the municipality.
- B. **[Amended 4-14-92 by Ord. No. 1074]** Designated recyclables

for the public drop-off program established pursuant to this section shall consist of the following materials:

- (1) The Galloway Township public drop-off areas for recyclables are designated for RESIDENTIAL USE ONLY.
- (2) All items listed in Section 273-3B of this chapter;
- (3) Rechargeable Household batteries (GALLOWAY ROAD ONLY)
- (4) Ferrous Scrap metal; (GALLOWAY ROAD ONLY)
- (5) White Goods (GALLOWAY ROAD ONLY)
- (6) Bulky Rigid Plastics (GALLOWAY ROAD ONLY)
- (7) **Consumer electronics: Televisions, Computer monitors, computer towers, laptop computers (GALLOWAY ROAD ONLY)**
- (8) "Yard Trimmings"-leaves, branches and grass clippings; (GALLOWAY ROAD ONLY)

ADDITIONAL RESIDENTIAL DESIGNATED RECYCLABLES in accordance with Atlantic County Ordinance No. 9 – 2014:

- | | |
|------------------------------|-------------|
| (9) Auto/Truck Bodies* | RESIDENTIAL |
| (10) Tires**** | RESIDENTIAL |
| (11) CFC Refrigerants * | RESIDENTIAL |
| (12) Oil-contaminated Soil * | RESIDENTIAL |
| (13) Textiles ** | RESIDENTIAL |
| (14) Asphalt & Concrete* | RESIDENTIAL |
| (16) Contaminated Soil* | RESIDENTIAL |
| (17) Stumps***** | RESIDENTIAL |
| (18) Christmas Trees***** | RESIDENTIAL |
| (19) Motor Oil*** | RESIDENTIAL |
| (20) Kerosene*** | RESIDENTIAL |
| (21) Home Heating Oil*** | RESIDENTIAL |
| (22) Propane Tanks * | RESIDENTIAL |

* These materials shall be recycled at the Atlantic County Utilities Authority

** Textiles can be recycled at any textile bin

***Residential materials: Must be recycled through ACUA Household Hazardous Waste Collections.

****Can be recycled at ACUA or at point of purchase of new tires

***** Can be recycled at ACUA or through any Class C Recycling Facility

- (23) Other recyclable materials, as designated by the municipality at all times thirty (30) days after designation and publication of notice in newspaper of general circulation within the municipality. **[Amended 6-9-98 by Ord. No. 1344]**

273-6. Administration of program.

The Township Manager is hereby authorized to establish and promulgate reasonable regulations, from time to time, which shall specifically spell out the manner of operation of this program. Notice of any change in these regulations shall be sent to the Township Council. The regulations shall detail, among other provisions, the following:

- A. Items determined to be recyclable;
- B. Persons, agencies and/or firms designated to provide recycling services.
- C. Parties to be subject to said regulations.
- D. Manner of preparing recyclable items for pickup;

- E. Any other regulations required to implement said program.

273-7. Separation of recyclables and placement for disposal.

- A. Items designated to be recyclable materials shall be prepared in the manner outlined in the Municipal Recycling Regulations promulgated to accompany this chapter, as outlined in 273-5B of this chapter. Items shall be placed in suitable containers, which are clearly marked for recycling purposes. In no event shall items placed at the curbside for collection be placed in a manner so as to impede pedestrian or vehicular traffic.
- B. If recycling collection day coincides with regular trash or bulk item collection day for a particular homeowner, recyclables should be in clearly marked containers and placed at least six (6) feet from other items placed out for collection. Recycling must be at curb by 6:00 a.m. on designated collection day. **[Added 6-9-98 by Ord. No. 1344]**

273-8. Recycling Coordinator.
[Amended 6-9-98 by Ord. No. 1344]

The municipality shall designate a Recycling Coordinator. The designated Recycling Coordinator shall be appointed by the Township Manager and must be a CERTIFIED RECYCLING PROFESSIONAL, recognized by the State of New Jersey.

273-9. Collection by unauthorized persons.

It shall be a violation of this Chapter for any unauthorized person, partnership, corporation or organization to collect, pickup or cause to be collected or picked up, within the boundaries of this municipality, any of the recyclable materials designated in the municipality's recycling ordinance and regulations. Each such collection in violation of this chapter shall constitute a separate and distinct offense, punishable as hereinafter provided.

273-10 Mandatory source-separation program for homeowner's association's properties, multi-family dwellings, and qualified apartment complexes.

- A. There is hereby established a program ("private drop-off program") for the source-separation of recyclables generated within all homeowner's association properties, all multi-family dwellings and apartment complexes within this municipality.
- B. The owner/manager of a homeowner's association, multi-family dwelling complex or apartment complex within this municipality shall provide and maintain, in a neat and sanitary condition, recycling drop-off area(s), complete with approved directional signage, to receive all designated recyclables generated by residents of the complex. Minimum ratios for sizing facilities are provided in the recycling regulations promulgated to accompany this chapter.
- C. The owner/manager of a homeowner's association, multi-family dwelling complex or apartment complex within this municipality is responsible for hiring a private contractor to collect recyclable materials and solid waste from their premises and to maintain the recycling system. 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.

- (1) The contracted hauler must collect the source-separated materials in separate trucks; maintaining the source - separation and allowing the recyclable materials to remain in marketable condition;
 - (2) At such a time that the Township should enter into a Township-wide recycling/solid waste contract(s), any term contracts with private haulers for these services will be final and the multifamily complex will have the option of becoming part of the Township contact(s);
- D. **[Added 6-9-98 by Ord. No. 1344]** Curbside collection from any homeowner's association, multi-family complex or apartment complex can be either in addition to a drop-off area or used as a substitute for a drop-off area.
- (1) Adequate storage space within each unit for recyclables must be available to all homeowner's association residents, multi-family dwelling residents, and apartment complex residents/renters.
- E. Any homeowner's association, multi-family complex or apartment complex that contains a public recreation area (i.e., tennis courts, etc.) shall provide recycling receptacles next to refuse receptacles and these must be checked regularly for trash

273-11. Developmental plans.

- A. Any proposals for new developments of five (5) or more multi-family units or qualified apartment buildings or for any commercial or industrial space must incorporate provisions for recycling in the site plans.
- B. The location and set up of the designated area in new developments are subject to the site plan approvals of the Planning Board. With respect to existing construction, the location and set up of the designated area shall be approved by the appropriate Township officials. When a designated area is not required (i.e., four (4) or less contiguous units), approvals shall be granted by appropriate Township officials.
- C. Any proposals for new housing must incorporate provisions for internal recycling space or enclosed external recycling space in each dwelling unit.
- D. The Township Master Plan must incorporate a recycling plan element and must be updated for recycling every three (3) years.
- E. All Planning Board approvals shall be conditional upon compliance with this section.

273-12. Mandatory commercial and institutional source separation program; placement of receptacles in public areas.

- A. All commercial and institutional establishments within this municipality shall source-separate recyclables and arrange for their collection.
 - (1) All source-separated materials must be collected in separate trucks; maintaining the source separation and allowing the recyclable materials to remain in marketable condition.
 - (2) Commercial establishments have the option of hiring two (2) different haulers for their trash and recycling. They must, however, be able to provide proof of both services upon request.
 - (3) 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 records for reporting purposes as described in 273-19.

- B. Designated recyclables for the mandatory commercial and institutional source-separation program shall consist of the following materials:
- (1) Computer printout / white ledger;
 - (2) Mixed office paper;
 - (3) Glass, food and beverage containers;
 - (4) Aluminum, tin, steel, bi-metal, aerosol cans; **[Amended 4-14-92 by Ord. No. 1074; 6-9-98 by Ord. No. 1344]**
 - (5) Plastic bottles & Jars #s 1, 2, 3, 4, 5, 6, 7 **[Amended 4-14-92 by Ord. No. 1074]**
 - (6) Rechargeable Household batteries; **[Added 4-14-92 by Ord. No. 1074]**
 - (7) Yard Trimmings including: Leaves, Grass Clippings and branches **[Amended 4-14-92 by Ord. No. 1074]**
 - (8) Auto/Truck Bodies
 - (9) CFC Refrigerants
 - (10) Oil Contaminated Soil
 - (11) Oil Filters
 - (12) Textiles
 - (13) White Goods
 - (14) Ferrous Scrap
 - (15) Consumer Electronics
 - (16) Fluorescent Bulbs
 - (17) Tires
 - (18) Asphalt & Concrete
 - (19) Brick & Block
 - (20) Stumps
 - (21) Christmas Trees
 - (22) Motor Oil
 - (23) Kerosene
 - (24) Home Heating Oil
 - (25) Propane Tanks
 - (26) Other recyclable materials as designated by the municipality thirty (30) days after said designation and publication of notice in a newspaper of general circulation within the municipality. **[Amended 4-14-92 by Ord. No. 1074]**
- C. All commercial and institutional establishments within this Municipality that sells beverages in glass or cans, either to employees or to the public, must provide easily accessible recycling receptacles next to each trash receptacle. Placement of said receptacles to be determined by the Township. Exemptions: Restaurants not selling package goods; bars; liquor stores. Receptacles must be checked regularly for mixing of recyclables and/or trash. **[Added 4-14-92 by Ord. No. 1074]**
- D. It is required that receptacles for recyclables be placed in conveniently accessible areas with spacing not to exceed one hundred fifty (150) feet: at each public gathering place; shopping strip mall; and active retail commercially zoned area. These receptacles are to be located next to a trash receptacle. The property owner is responsible for maintaining said receptacles. **[Added 4-14-1992 by Ord. No 1074; amended 6-9-1998 by Ord. No. 1344]**

- (1) The owner/operator of a commercial establishment may exercise the option of placing recycling and trash receptacles inside their store instead of outside if just cause can be shown that public misuse may occur. This determination to be made by the recycling enforcement authority.

273-13 Separation of leaves for recycling

All persons within the municipality shall separate leaves from other solid waste generated at their premises and, unless the leaves are stored or recycled for composting or mulching on the premises or as otherwise provided for by the municipality, place the leaves at the curb or other designated area for collection at such times and dates and in the manner established by the municipality's recycling regulations. No person shall dispose of leaves, arrange for the disposal of leaves, or cause leaves to be disposed at any solid waste facility other than a compost facility. Leaves may be composted on homeowner's property. **[Amended 4-14-92 by Ord. No. 1074]**

273-14 Stores to encourage alternatives to one-use grocery bags.

All food markets, grocery stores, convenience stores or supermarkets must offer patrons a choice of paper, plastic and encourage the use of reusable grocery bags for transport of groceries. At no time shall plastic bags be solely offered to customers by these establishments.

273-15 Non-collection of solid waste contaminated by designated recyclables. [Amended 4-14-92 by Ord. No. 1074; 6-9-98 by Ord. No. 1344]

This municipality or any other person collecting solid waste generated within this municipality may refuse to collect solid waste from any person who has clearly failed to separate recyclables designated under appropriate sections of this chapter. The designated Recycling Enforcement Authority has the right to mark trash contaminated with recyclables for non-collection.

- A. In the event that the Township contracts for solid waste collection, the contracted hauler would be responsible to refuse to collect solid waste designated with recyclables; and said hauler would be responsible to refuse to collect solid waste designated with recyclables; and said hauler would be responsible to report to the Department of Community Education the addresses of residents involved at the end of each collection day.

273-16 Unlawful activities: Nuisances. [Amended 4-14-92 by Ord. No. 1074]*

- A. It shall be unlawful for any person to:
 - (1) Other than those persons authorized to collect any designated recyclables which have been placed at the roadside for collection or within a recycling drop-off pursuant to this chapter;
 - (2) Violate or cause to assist in the violation of any provision of this chapter or any provisions of the Atlantic County Recycling Plan concerning recycling;
 - (3) Place or to cause to be placed any material other than a designated recyclable in or near a recycling drop-off;
 - (4) Mix or to cause to be mixed any material other than a designated recyclable with designated recyclables either placed at the curb for collection or brought to municipal drop-off.

273-17 Alternative collection of recyclable materials.
[Amended 4-14-92 by Ord. No. 1074; 6-9-98 by Ord. No. 1344]

Notwithstanding any other provision of this chapter, any person who is an owner, lessor or occupant may donate or sell recyclables to any person, partnership or corporation, whether operating for profit or not for profit. These materials may either be delivered to the individual's or organization's site or they may be placed at the curb for collection by said individual or organization on days not designated as recyclable material collection days in the municipality's or designated agent's recycling regulations. If in the event materials are donated within the terms of this chapter, it shall be the responsibility of the person or persons accepting the donation to notify the designated Galloway Township Recycling Coordinator so as to afford the municipality proper accounting of weight diverted from the solid waste stream. Prior to collecting any recyclable materials, the person, partnership or corporation, whether operating for profit or not for profit, or a charitable, educational, cultural or religious organization must register with the designated Recycling Coordinator and receive written authorization to make said collections and to use for identification purposes while soliciting.

273-18 Penalties. [Amended 4-14-92 by Ord. No. 1074]

Any person, firm, corporation or organization that violates 60A-9 of this chapter shall, upon conviction thereof, be punishable by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1000.) and not more than thirty (30) days community service, or both.

Any person, firm, corporation or organization that violates any other section of this chapter shall, upon conviction, be punished by a fine of not more than two hundred dollars (\$200) and/or a maximum community service sentence of thirty (30) days for the first offense. A fine of not less than three hundred dollars (\$300) nor more than six hundred dollars (\$600.) or not more than sixty (60) days community service, or both, for a second offense. A fine of not less than five hundred dollars (\$500.) nor more than one thousand five hundred dollars (\$1,500.) and minimum of ninety (90) days community service for a third or subsequent offense. Each violation shall be considered a separate offense when determining penalties under this section.

273-19. Reporting requirements. [Amended 4-14-92 by Ord. No. 1344]

Prior to March 1 of each year, occupants of commercial and institutional establishments, as well as any contractor that has removed recyclables from the Township during the previous year, must provide written documentation to the municipality of the total amount of materials recycled during the preceding year.

[Amended 6-9-98 by Ord. No. 1344]

A. **[Added 6-9-98 by Ord. No. 1344]** Any private or public hauler performing recycling collection for any residence, business or institutional establishment must send copies of weight slips to Department of Community Education on a monthly basis. This reporting mechanism ensures proper mandatory record keeping to meet state statutes.

- (1) Weight slips must reflect total weight of recyclables as well as destination. Estimated weights will be acceptable for non-dedicated trucks; but must reflect historical tonnage. Copies of each weight slip, with destination, should still be submitted, with portion allotted to Galloway Township noted.

273-20. Enforcement. [Amended 4-14-92 by Ord. No. 1074; 6-9-98 by Ord. No. 1344]

The Department of Public Works, Office of Sustainability, Department of Public Safety (Construction Office and Police Department) of the Township of Galloway, shall be the enforcing agents for this chapter and may issue written warnings and/or summonses returnable to Galloway Township Municipal Court.

273-21. Jurisdiction.

The Municipal Court of the Township of Galloway shall have jurisdiction and hear complaints for violations of this chapter.

273-22. Repealer. [Amended 4-14-92 by Ord. No. 1074]

All ordinances or parts of ordinances in conflict with this chapter are hereby repealed.

273-23. Severability. [Amended 4-14-92 by Ord. No. 1074]

If any section, sentence or any part of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this chapter, but shall be confined in its effect to the section, sentence or other part of this chapter directly involved in the controversy in which judgment shall have been rendered.

273-24. Effective date.

This chapter shall take effect twenty (20) days after final passage and publication according to law, except as provided for in N.J.S.A. 40:69A-181 or N.J.S.A. 40:74-4

NOW THEREFORE, BE IT FURTHER ORDAINED by the Governing Body for the Township of Galloway, County of Atlantic and State of New Jersey as follows:

1. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
2. To the extent that any part or parts of this Ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining portions or sections of this Ordinance shall remain in full force and effect.
3. If any sections, sentence or any part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Ordinance directly involved in the controversy in which judgment shall have been rendered.
4. This Ordinance shall take effect twenty (20) days after final passage and publication according to law, except as provided in for N.J.S.A. 40:69A-181.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on October 27, 2015, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 300 East Jim Leeds Road, Galloway, New Jersey 08205, November 10, 2015, at 6:30 p.m. or as soon thereafter as the matter may be reached.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF GALLOWAY

TOWNSHIP OF GALLOWAY

 Kelli Danieli
 Acting Township Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Coppola					
Gargione					
Gorman					
Maldonado					
Meadows					
Tyrrell					
Purdy					