

Ordinance #2017-7

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING GARBAGE, REFUSE AND RECYCLING AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, with the assistance of the Director of Infrastructure of Operations and Recycling Coordinator, along with other relevant staff, the Princeton Council's Code Subcommittee has reviewed and consolidated Chapter 15 of the "Code of the Borough of Princeton, New Jersey, 1974" and Chapter 17 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to refuse, garbage and recycling; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 15 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Garbage and Refuse," and Chapter 17 of the "Code of the Township of Princeton, New Jersey, 1968," entitled "Refuse, Garbage and Obnoxious Growths," are hereby repealed.

Section 2. A NEW Chapter 15 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Garbage and Refuse," as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the standards, rules and requirements in connection with garbage, refuse and recycling in Princeton, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion thereof.

Section 5. The provisions of the attached Chapter 15 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It consolidates the provisions governing garbage, refuse and recycling in Princeton, and imposes new requirements for the recycling of construction and demolition debris.

I, Kathleen K. Brzezynski, Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held February 13, 2017.



Kathleen K. Brzezynski
Municipal Clerk

EXHIBIT A

CHAPTER 15. GARBAGE AND REFUSE.

Article I. In General.

Sec. 15-1. Materials injurious to public health, constituting fire hazard, etc.--Removal generally.

The owner or tenant of any land in the municipality shall remove therefrom any brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or debris, where it shall be necessary and expedient for the preservation of public health, safety or general welfare or to eliminate a fire hazard that the same be removed, within the time specified in the notice to remove the same by the municipal health officer.

Sec. 15-2. Same--Removal by municipality; costs of removal to constitute lien on property.

In case an owner or tenant shall have refused or neglected to remove such material in the required manner and within the required time, such removal may be done by or under the direction of the health officer, in which event the cost thereof shall be certified by the health officer to the mayor and council, which shall examine such certification and if found correct, shall cause such cost to be charged against such land. The amount so charged shall thereupon become a lien upon such land and shall be added to and form part of the taxes next to be assessed and levied thereon and shall be enforced and collected with interest by the same officers and in the same manner as taxes in the municipality.

Sec. 15-3. Dumping--Limited to designated places; compliance with rules and regulations.

No person shall dump any garbage, rubbish, ashes, offal or other similar offensive material in the municipality or in any place under the jurisdiction of the municipality, except in compliance with the rules and regulations that may be posted thereat, or issued in relation thereto, by the official in charge of such landfill or disposal plant or otherwise.

Sec. 15-4. Same--Prohibited upon lots, roads, highways, etc.

It shall be unlawful for any person to throw, place or in any way dispose of, or allow to be thrown, placed or disposed of, any garbage, refuse or any material mentioned in section 15-5 on any lot, road, highway, lane or alley in the municipality.

Sec. 15-4.1. Removal and storage of garbage, refuse and recyclables from commercial and business establishments and multiple and single family dwellings.

(a) Removal of garbage. All property owners shall arrange for the periodic removal of all garbage, refuse and recyclables from the premises as often as necessary to handle the amounts of waste generated. Property owners of single family dwellings and dwellings with four (4) or less units shall be permitted, as designated by Princeton, to place garbage and refuse generated on the premises for municipal collection. Only garbage, refuse and recyclables which have been generated from the premises itself shall be placed for pick-up for collection in view from the public right-of-way.

(b) Storage of garbage: generally. No container, plastic bag, tied bundle, or other receptacle containing garbage, refuse or recyclables from any such establishment or multiple or single family dwelling shall be placed for pick-up in the public right-of-way; and no such container, plastic bag, tied bundle, or other receptacle shall be placed in view from the public right-of-way before 7:00 p.m. or dusk, whichever is earlier, the evening prior to the scheduled pick-up. No empty container or receptacle shall remain in view from the public right-of-way after 12:00 o'clock midnight after collection, or 9:00 a.m. after collection for all commercial and business establishments and owners of multiple and single family dwellings in the Central Business ("CB") zone. This section shall not apply to dumpsters, which shall be screened from view at all times as otherwise provided in this article; nor shall this section apply to trash receptacles installed by food establishments pursuant to ordinance.

(c) Disposal of insect infested property. No person shall place property infested with insects in the public right-of-way for disposal in municipal waste stream unless when, as a result of an insect infestation, any person places affected personal property into the public right-of-way for disposal in the municipal waste stream, said person shall completely seal the containers and clearly mark on the outside to indicate the date of placement into the right-of-way and nature of the infestation.

Sec. 15-4.2. Container required for waste.

All property owners and tenants thereof shall use containers other than plastic bags for the disposal and temporary storage of garbage, refuse and other waste outside the premises. Such containers shall be constructed of watertight metal, rubber or heavy duty plastic with tight fitting covers to prevent spillage, leakage or access by animals. Dumpsters which meet these standards and otherwise comply with the requirements of this article shall be acceptable.

Sec. 15-4.3. Requirements for use of dumpsters by commercial and business establishments and multiple dwellings.

Commercial and business establishments and multiple dwellings which use dumpsters for the disposal of garbage and refuse shall:

- (a) Use only such dumpsters as are equipped for handling by motorized equipment and as otherwise meet specifications on file in the office of the municipal engineer;
- (b) Provide a number of dumpsters sufficient to contain, with covers closed, all garbage, refuse and other waste generated;
- (c) Keep dumpster covers closed at all times when not in use;
- (d) Clean, rinse and sanitize dumpsters at regular intervals;
- (e) Deodorize dumpsters, and the waste contained in dumpsters as necessary, to prevent an odor nuisance;
- (f) Secure dumpsters from overturning;
- (g) Maintain dumpsters in good condition ensuring that lids remain attached and in such condition as to permit a tight seal, and replacing dumpsters in the event of deterioration, breakage or vandalism;
- (h) Keep the area surrounding any dumpster clear of all garbage and refuse and clean the area in the event of spillage;
- (i) Establish a fixed location for dumpsters and provide such fencing or other screening for that location as shall be necessary to keep dumpsters out of view from the public right-of-way;
- (j) Keep all dumpsters out of view from the public right-of-way at all times except when being emptied; and
- (k) Spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from dumpsters into the municipality's storm sewer system and/or waters of the State of New Jersey is strictly prohibited.

Sec. 15-4.4. Enforcement and penalties.

The health officer shall be responsible for enforcement of all provisions of this article except as may be delegated to another officer or agency. Any person, firm or corporation which violates or neglects to comply with any provision of this article shall be given written notice of violation which shall stipulate a 24-hour time period for abatement and shall be punishable in Municipal Court by the penalties set forth in section 1-6. Enforcement of any provision requiring an owner to obtain land use approval shall be deferred ninety days or for as long as the related land use application is pending, whichever is later. A repeat offender as that term is defined in section 1-6 shall be subject to the penalties as set forth in section 1-6.

Article II. Convenience Center.

Sec. 15-4.5. Definitions.

For the purposes of section 15-4.6 and 15-4.7, the words and phrases set forth below shall have the meanings given herein. Such meaning or definition of terms shall in no way be construed to broaden, alter or conflict with state or county definitions:

Acceptable solid waste materials. Appliances, furniture and household construction debris. This definition specifically excludes garbage, recyclables, tires, plastic bags and hazardous materials, or other materials as may be determined by the Princeton Sewer Operating Committee.

Operating committee. The committee currently existing in the municipality, and which was originally authorized and set up by agreement in relation to the Princeton Sewage System entered into under the date of December 15, 1932 and as amended by the mayor and council of the Borough of Princeton and the Township of Princeton in a like agreement entered into under the date of December 15, 1932 and as amended between the mayor and council of the Borough of Princeton and the trustees of Princeton University.

Convenience center. The solid waste convenience center located on River Road in the municipality, which is operated by the Princeton Sewer Operating Committee, and as defined pursuant to the New Jersey Department of Environmental Protection Rules, N.J.A.C. 7:26 et seq.

Unit charge. The basis for the imposition of charges for disposing of acceptable solid waste materials at the convenience center. The price of disposing of a unit will be fifteen (\$15) dollars. The unit charge may be reviewed and amended by the Princeton Sewer Operating Committee as needed to cover the costs associated with operation of the convenience center.

Sec. 15-4.6. Use of convenience center by residents.

(a) The owners or tenant of any residential property located in the municipality may dispose of acceptable solid waste materials which are generated by these properties at the convenience center in accordance with the rules and regulations of the Princeton Sewer Operating Committee, which are incorporated by reference herein. The cost for such disposal shall be imposed by the operating committee as set forth below:

- (1) The cost of disposal of one unit of solid waste shall be fifteen (\$15) dollars.

(2) The unit charge will be levied regardless of the size of the load in accordance with the categories listed below. All vehicles, regardless of category must be noncommercial in character.

<u>Category of Vehicle</u>	<u>Unit</u>
Passenger automobile	1
Station wagons and sports utility vehicles	3
Pick-up trucks	5
Vans	7

(b) Payment for disposal shall be made using tickets which will be available for purchase with proof of registration of the resident's vehicle at a residence in the municipality and proof of property ownership or tenancy in the municipality which shall be required prior to the issuance of any tickets.

(c) In the event of dispute as to which category a motor vehicle shall be placed for the determination of a unit charge, the manager of the Princeton Sewer Operating Committee or his or her designee shall make the final determination.

(d) The manager of the Princeton Sewer Operating committee or his or her designee shall have the ability, in his or her discretion, to limit quantities of disposals or refuse access to the convenience center to ensure compliance with this article.

Sec. 15-4.7. Prohibited use of convenience center.

Building contractors, tree companies, gardeners and other businesses are not permitted to dispose of solid waste at the convenience center, even if such waste is generated by home renovation and/or landscaping at a residential property.

Article III. Mandatory Source Separation of Recyclables.

Sec. 15-5. Definitions.

For the purposes of sections 15-6 to 15-6.5, the words and phrases set forth herein shall have the meaning set forth in the definitions contained in Mercer County Ordinance No. 2006-19, which definitions are incorporated herein by reference as if fully restated.

Sec. 15-6. Adoption of the Mercer County Recycling System.

Princeton hereby adopts as its municipal recycling program, pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act, the County Recycling System as set forth in Ordinance No. 2006-19 adopted by the Board of Chosen Freeholders

of the County of Mercer, State of New Jersey on December 21, 2006, and as more fully set forth in the amendment to the Mercer County Solid Waste Management Plan detailing its recycling plan also incorporated into that ordinance.

Sec. 15-6.1 Recycling Requirements.

Pursuant to the Recycling Act, each resident, commercial, industrial or institutional establishment in the municipality, shall conform to the Mercer County Recycling Plan to meet the State mandated recycling goals. As part of implementation of the Princeton Recycling Plan, it is hereby required that:

(a) Municipality:

(1) Princeton hereby adopts this article to provide recycling within its borders pursuant to the Recycling Act adopting herein the Mercer County Recycling Plan as its official municipal recycling program; and

(2) All municipal contracts for solid waste collection and/or disposal within Princeton shall be consistent with this article and the Mercer County Recycling Plan.

(3) Princeton shall provide for a collection system for leaves generated from residential premises within the municipal boundaries, for the period from September 1 to December 31 of each year, and shall source separate leaves from solid waste generated at those premises and, unless leaves are stored or recycled for composting or mulching by the generator, place the leaves in the Joseph P. Maher Ecological Center in Lawrence Township.

(4) Princeton may deliver tires to Mercer County Improvement Authority's Solid Waste Transfer Station, or such site as designated by the Mercer County Improvement Authority, for transfer to a tire recycler.

(5) Princeton shall, at a minimum, within thirty days after the adoption of this article and at least once every six months thereafter, notify all persons occupying residential, commercial, and institutional premises within the municipal boundaries of recycling opportunities, and the source separation requirements of this article and the Mercer County Recycling Plan. In order to fulfill the notification requirements of this subsection, this municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

(6) Princeton shall, pursuant to N.J.S.A. 13:1E-99.16(c), within thirty days of the effective date of this article, and at least once every thirty-six months thereafter, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L. 1975, C. 291 (C. 40:55D-1 et seq.), which revisions

shall reflect changes in state, county and municipal policies and objectives concerning the collection, disposition and recycling of designated recyclable materials.

The revised state plan shall include provisions for the collection, disposition and recycling of recyclable materials and recycling of designated materials in this article, and for the collection, disposition and recycling designated recyclable materials within any development proposal for the construction of fifty or more units of single-family residential housing or twenty-five or more units or multi-family residential housing and any commercial or industrial development proposal for the utilization of one thousand square feet or more of land.

(b) Residents:

(1) On and after the official commencement date of the County Recycling System within Princeton, each person residing in areas designated for recycling collection, shall separate for curbside collection on designated collection days and such additional days as may be designated by the Mercer County Improvement Authority, those materials designated in the Mercer County Recycling Plan as listed below; and shall do so in the manner as set forth in this article; and

(2) All residents shall recycle, or cause to be recycled, at a minimum, the following categories of recyclables:

- a. Acceptable glass containers;
- b. Acceptable metal containers;
- c. Acceptable plastic containers;
- d. Acceptable mixed paper;
- e. Corrugated cardboard;
- f. Office paper and other paper;
- g. Tires;
- h. White goods;
- i. Leaves: and

(3) Any and all persons having been found to have violated the provisions of the Recycling Plan of the Princeton will be assessed warnings, penalties and fines pursuant to section 15-6.5(a) of this article; and

(4) At the time of placement of recyclable materials designated for collection by the Recycling Plan of Princeton at the curb or streetside of residential units, said materials shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution by that resident to the County Recycling System for collection by the Mercer County Improvement Authority or its agent; and

(5) Any resident within Princeton may donate or sell designated recyclable materials to any person, whether operating for profit or not-for-profit, provided that the receiving person may not perform curbside collection under any circumstances unless that person has registered with the Mercer County Improvement Authority as a private recycler.

(c) Commercial, industrial and institutional establishments:

(1) All commercial, industrial, and institutional establishments located within Princeton shall recycle, or cause to be recycled, at a minimum, the following categories of recyclables:

- a. Acceptable glass containers;
- b. Acceptable metal containers;
- c. Acceptable plastic containers;
- d. Acceptable mixed paper;
- e. Corrugated cardboard;
- f. Office paper and other paper;
- g. Tires;
- h. White goods;
- i. Leaves: and

(2) All commercial/industrial/institutional establishments located within Princeton shall submit a source separation recycling plan to the Mercer County Improvement Authority to meet the state recycling mandates identifying or incorporating the following:

- a. All waste material generated, listed by type; and
- b. All volumes of these waste categories currently recycled; and

c. Any agreement with any solid waste hauler or with a separate entity for the recycling of source separated designated materials as defined within the Mercer County Recycling Plan; and

d. A description of current or proposed recycling efforts for designated materials; and

(3) The schedule for submittal of these commercial/industrial/institutional recycling plans to the Mercer County Improvement Authority shall be as follows:

a. All commercial/industrial/institutional establishments whose waste is collected by private haulers and not serviced by municipal collection shall prepare the plan within four months of enactment of this article and shall implement same within two months following approval of the plan by the Mercer County Improvement Authority;

b. All commercial/industrial/institutional establishments whose waste is collected through a municipal collection system shall be part of the municipal collection system of recyclables.

(4) All commercial/industrial/institutional establishments required to submit a recycling plan under this article may, at their option, prepare a joint recycling plan with any other entity or entities whereby a common hauler and/or collection point, for common pickup, is set forth. However, each commercial/ industrial/institutional establishment shall prepare a plan identifying that they are part of this joint plan and shall attach a copy of same, incorporating it by reference.

(5) Any such commercial/industrial/institutional recycling plan shall be consistent with those terms, conditions and goals set forth in the Mercer County Recycling Plan and this article. The failure to submit said plan or comply with same shall subject the commercial/industrial/institutional establishments to penalties pursuant to section 15-6.5(b) of this article; and

(6) An extension of the time for plan preparation and/or plan implementation of up to ninety days may be requested from the Mercer County Improvement Authority depending upon the size of the establishment. Justification for such a request shall be submitted to the Mercer County Improvement Authority in writing and shall be verified as necessary or justified; and

(7) Pursuant to Mercer County Recycling Ordinance 2006-19, upon failure of a commercial/industrial/institutional establishment to meet the source separation recycling provisions of this article and/or the source separation and recycling provisions of the Recycling Act, if not exempted pursuant to subsection (c)(8) as described below, the Mercer County Improvement Authority shall provide said recycling service, and all fees and costs for providing said recycling service shall be assessed at rates to be established by the

Mercer County Improvement Authority through the New Jersey Board of Public Utilities and Mercer County's Solid Waste Franchise; and penalties shall be assessed as provided for in this article; and

(8) Pursuant to N.J.S.A. 13:1E-99-16 of the Recycling Act, this municipality shall have the right to exempt persons occupying commercial and institutional premises within the municipal boundaries from the source separation requirements of the article if those persons have otherwise provided for the recycling of the recyclable materials designated in the Mercer County Recycling Plan from solid waste generated at those premises. This municipality shall annually submit to the Mercer County Improvement Authority a list of those commercial/industrial/ institutional establishments requesting exemptions under this subsection and the results of its determination with an explanation for said action. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator shall annually provide written documentation to this municipality and the Mercer County Improvement Authority of the total number of tons recycled. Persons occupying commercial and institutional premises exempted under this subsection shall not be exempted from the reporting provisions of subsection (c)(3) as described above.

(d) Private recyclers:

(1) Any person or group of persons wishing to collect recyclable materials shall register with the Mercer County Improvement Authority as a "private recycler;" and

(2) No private recycler shall conduct recycling collection activities within Princeton on designated county collection days; and

(3) Upon registration each private recycler shall receive an identification/registration decal from the Mercer County Improvement Authority and shall prominently display same on recycling vehicles when collecting recyclables within Princeton; and

(4) An ongoing condition of collection activities within the municipality shall be the submittal of certified weight tickets to the Mercer County Improvement Authority for material sold to quantify levels for state mandated recycling goals. Said tickets shall be submitted to the Mercer County Improvement Authority no later than thirty days following the date of sale of the subject material.

Sec. 15-6.2 Enforcement.

The enforcement of the Recycling Plan of Princeton shall be provided individually and severally by Princeton with regard to enforcement of this article, and/or the Mercer County Improvement Authority, and/or the New Jersey Department of Environmental Protection.

Sec. 15-6.3 Registration requirements.

No person shall collect recyclables within Princeton unless registered with the Mercer County Improvement Authority and the requisite fee has been paid, unless an exemption has been granted by the Mercer County Improvement Authority in accordance with Mercer County Ordinance No. 2006-19. The identification/registration decal of each person so registered be prominently displayed on each recycling vehicle at all times while collecting recyclables within of Princeton.

Sec. 15-6.4 Violations of registration requirements.

Failure to register or to display the identification registration decal on vehicles while collecting recyclables within Princeton shall subject such private recycler to a fine of two hundred fifty dollars per offense; and

Any person or entity conducting recycling collection activities within Princeton on designated county recycling collection days shall be assessed a penalty of two hundred fifty dollars per offense.

Sec. 15-6.5 Penalties.

(a) Residents:

(1) Any resident of Princeton who is found to have violated the provisions of this article shall be subject to the following procedures and penalties:

a. A warning shall be issued on the first three occasions that said article is violated, and thereafter;

b. A cessation in the collection of garbage which contains recyclable materials from that household; and/or

c. A fine up to five hundred dollars per day of violation depending upon the extent of and circumstances of the violation to be assessed pursuant to N.J.S.A. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby and pursuant to the inclusion of this article within the Mercer County Solid Waste Management Plan.

d. The terms and provisions of this article may be enforced individually and severally by Princeton, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

(b) Commercial, industrial and institutional establishments:

(1) Failure to submit the plan or have an approved plan in place as required by this article shall subject the commercial/industrial/institutional establishment to a fine up to one hundred dollars per day until plan submittal requirements are met.

(2) Any commercial/industrial/institutional establishment located within Mercer County found to have violated their required recycling plan as submitted to the county pursuant to section 15-6.1(c)(2) of this article shall be subject to the following procedures and penalties:

(a) A warning on the first three occasions that said plan is violated, and thereafter

(b) A fine up to one thousand dollars per day of violation depending upon the extent of and circumstances of the violation and the size of the violating establishment, to be assessed pursuant to N.J.S.A. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby.

(c) The terms and provisions of this article may be enforced individually and severally by Princeton, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

Article IV. Recycling Reporting Requirements.

Sec. 15-7. Reporting Required.

Pursuant to N.J.A.C. 7:26A-10.3 all commercial and institutional generators, including multifamily housing owners or their agents, shall report the tonnage of designated recyclable materials collected for recycling from their business or premises, as follows:

(a) The person responsible for the provision of recycling services by a covered generator of recycling material shall submit to the municipal recycling coordinator by first day of February each year documentation verifying the previous year's total recycling (expressed by weight) for each material recycled.

(b) Documentation shall take the form of a letter or report issued by the recycling service provider or end market to the generator of the recycled material. The generator must maintain weight slips or paid invoices and make such records available for inspection by the municipality, county or state for a period of five (5) years.

(c) At a minimum, all reporting shall detail the municipality of origin, the name and location of the market or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from the municipality of origin. Those persons specifying this

information in cubic yards shall also indicate the conversion ratio utilized for calculating the materials from cubic yards to tons.

Article V. Recycling of Construction and Demolition Waste.

Sec. 15-8. Definitions.

For the purposes of sections 15-8 through 15-12, the words and phrases set forth below shall have the meaning given herein.

Approved recycling facility. A recycling, composting, materials recovery or reuse facility which accepts construction and demolition debris and which is an approved/licensed NJDEP Class A-D recycling center, or a recognized facility by the Recycling Coordinator.

Covered project. A construction, renovation or demolition project for which a building permit or a demolition permit is required, and which requires the use of a dumpster, roll-off container or any similar container for the placement of construction and demolition debris.

Construction and demolition debris. The waste building materials, packaging, and rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavement, houses, all residential and non-residential developments, and other structures and may include, but is not limited to, concrete, asphalt, wood, metals, bricks, block masonry, wall board, dirt, rocks, landscape waste and other inert waste.

Recycling Coordinator. The recycling coordinator of Princeton or his or her designee.

Diversion; divert. The separation and recycling of construction and demolition debris and delivery of same to an approved recycling facility.

Sec. 15-9. Construction, renovation and demolition debris recovery plan.

A debris recovery plan shall be filed with the recycling coordinator, prior to the commencement of any activity for which municipal approval as further identified above is required.

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 applicant 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 diverted.

Said plan shall be reviewed by the recycling coordinator for compliance with the requirements set forth in this article. Princeton shall notify the person that submitted the plan

(also “applicant” as used in this article) whether the plan has been approved or denied within ten (10) days of its receipt of same.

If the plan provides for the information required by this article and otherwise complies with this article, then said plan shall be approved. The approved plan shall be marked “approved” and returned to the applicant.

If the plan fails to provide all of the information required by this article or otherwise fails to comply with this article, then said plan shall not be approved. If the plan is not approved, the municipality shall notify the applicant in writing that the plan has not been approved, including the reasons for the decision. The person who will carry out the construction, renovation or demolition project shall have fifteen (15) days to make the required changes and resubmit the debris recovery plan to the recycling coordinator.

Sec. 15-10. Diversion requirement adjustment.

- (a) Application. If the applicant experiences circumstances which renders compliance with the diversion requirement cited in this article not feasible, said applicant may apply for an adjustment. The applicant shall indicate in writing why it is not feasible 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 person carrying out the covered project will not be an acceptable justification for an adjustment.
- (b) Review. The recycling coordinator shall review the information supplied by the applicant. If warranted, the recycling coordinator shall attempt to contact the applicant to discuss possible ways of meeting the diversion requirement.
- (c) Granting of an adjustment. If the recycling coordinator determines that it is not feasible for the applicant to divert 50% of the generated construction and demolition debris from the covered project, the percent of diversion required shall be adjusted. The applicant shall be notified in writing of the adjusted diversion requirement. The applicant shall be required to divert the percent of construction and demolition debris required by the adjustment.
- (d) Denial of adjustment. If the recycling coordinator determines that it is feasible for the applicant to meet the diversion requirement cited in this article, the applicant shall be notified in writing of the denial of the diversion requirement adjustment.

Sec. 15-11. Debris recovery plan reporting requirements; documentation.

Upon completion of the covered project, the person who carried out a covered project shall submit in person or by certified mail to the recycling coordinator, the documentation required to demonstrate that said person has met the diversion requirement. The required documentation shall include the following:

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

Sec. 15-11. Enforcement.

The code enforcement official, the police department, the health department, the recycling coordinator, Mercer County Division of Public Health and the Mercer County Improvement Authority are hereby individually and severally empowered to enforce the provision of this article. The respective enforcing official may, in his or her discretion, post warning notice stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags and containers to detect, by sound or sight, the presence of any recyclable material.

Sec. 15-12. Violations and penalties.

Any person, corporation, occupant or other entity that violated or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine no less than one hundred dollars (\$100.00), nor more than two thousand five hundred dollars (\$2,500.00). Each day for which a violation of this chapter occurs shall be considered a separate offense.