

ORDINANCE #2023-05

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING SOLID WASTE AND RECYCLING AND AMENDING CHAPTER 15 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

WHEREAS, the Municipality of Princeton has executed a new contract for the collection of solid waste from residential properties with four or less dwelling units, which involves the Municipality's purchase of municipally-owned carts for solid waste collection from these residences, along with other changes to its Municipal Solid Waste Collection Program; and

WHEREAS, in furtherance of the Municipal Solid Waste Collection Program, the Municipality seeks to amend Chapter 15 of the "Code of the Borough of Princeton, New Jersey, 1974," "Garbage and Refuse," for purposes of codifying the provisions of the Program, retaining the recycling requirements and updating the remaining provisions as necessary; and

WHEREAS, at this time the Department of Engineering and Infrastructure recommends that Council adopt a new Chapter 15 in furtherance of the above.

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 Chapter 15 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Garbage and Refuse," is hereby repealed and replaced in its entirety with a new Chapter 15, entitled "Solid Waste and Recycling," as set forth on Exhibit A attached hereto and made a part hereof. The new Chapter 15 is hereby adopted to set forth the standards, rules and requirements in connection with solid waste and recycling in Princeton, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974."

Section 2. All ordinances and resolutions or parts thereof inconsistent with this

ordinance are repealed.

Section 3. 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 4. 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.

Delores A. Williams, RMC, CMC, Clerk

Mark Freda, Mayor

Ordinance Introduced: January 23, 2023

Ordinance Adopted: February 13, 2023

NEWSPAPER PUBLICATIONS:

First Insertion: January 27, 2023

Final Insertion: February 17, 2023

The purpose of this ordinance is to amend the provisions of Chapter 15 of the Borough Code to support the Municipal Solid Waste Collection Program, continue the existing provisions governing recycling and update the remaining provisions as necessary.

EXHIBIT A

CHAPTER 15. SOLID WASTE AND RECYCLING.

Article I. General Provisions.

Sec. 15-1.1 Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the municipality of Princeton by establishing uniform requirements and standards for the proper storage, handling and disposal of solid waste and recyclable materials.

Sec. 15-1.2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

BULK WASTE

Shall mean items of solid waste which, because of their size or weight, require handling other than normally used for municipal waste, and as defined in N.J.A.C. 7:26-1.4, as may be amended.

For illustrative purposes, “bulk waste” may include, but not necessarily be limited to, furniture, plastic-wrapped mattress/box spring, wrapped mirrors, most home furnishings and small metal filing cabinets. “Bulk waste” shall not include air conditioners, dehumidifiers, appliances, ashes, automotive parts, broken concrete/bricks/pavers, building materials, construction debris, fences, electronics, flammable items, hot tubs, brush/yard debris, dirt, recyclables, swing sets and tires.

CART

Shall mean the officially-designated solid waste container issued by the municipality specifically for purposes of residential solid waste collection and disposal.

CBD or CENTRAL BUSINESS DISTRICT

Shall mean the main business and commercial area of the municipality of Princeton.

DUMPSTER

Shall mean a metal or plastic dumpster or roll off box, other than a cart or recycling bucket, utilized for the purpose of temporarily storing solid waste prior to collection by a licensed solid waste collection company or licensed self generator.

COVERED ELECTRONIC DEVICE

Shall mean a desktop or personal computer, computer monitor, portable computer, desktop printer, desktop fax machine, or television.

DESIGNATED RECYCLABLE MATERIAL

Shall mean those materials specified within the Mercer County Solid Waste Management Plan as such.

ELIGIBLE RESIDENTIAL PROPERTY

Shall mean each residential property in the municipality with a valid certificate of occupancy and which satisfies at least one of the following: (a) contains a single-family dwelling; (b) contains a dwelling with four or less units; (c) contains a dwelling within one or more units owned and operated by the Princeton Housing Authority.

MULTIPLE FAMILY DWELLING

Shall mean a residential dwelling consisting of five or more dwelling units.

RECYCLABLE MATERIALS

Shall mean nonhazardous solid waste that is source separated, collected and processed and returned to the economic mainstream in the form of raw materials or products, and as defined in N.J.A.C. 7:26-1.4 (as may be amended), the Mercer County Solid Waste Management Plan and this chapter.

RECYCLING BUCKET

Shall mean the officially-designated container issued by Mercer County Improvement Authority for purposes of storage and collection of recyclable materials.

RFID or RADIO FREQUENCY IDENTIFICATION

Shall mean technology embedded in the municipality's carts which is scanned automatically by the reader device in the solid waste collection vehicle or handheld unit utilizing radio waves, and which links a particular property to a specific cart or carts.

SERVICE AREA

Shall mean the geographic area within which the municipality provides solid waste collection to eligible residential properties.

SOLID WASTE

Shall have the same meaning as said term is defined in N.J.A.C. 7:26-1.6, as may be amended.

SOLID WASTE COLLECTION

Shall mean the act of picking up and transporting solid waste, as defined by this chapter, from its point of generation or storage to a legal disposal facility.

SOLID WASTE FACILITIES

Shall have the same meaning as said term is defined in N.J.S.A. 13:1E-9.3, as may be amended. As used in this chapter, "solid waste facilities" shall include equipment personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

SOURCE SEPARATED

Shall mean recyclable materials that were separated from the solid waste stream at the point of generation, and as defined in N.J.A.C. 7:26-1.4, as may be amended.

WHITE GOODS

Shall mean all large appliances such as refrigerators, stoves, dishwashers, washers, dryers, boilers, hot water heaters, freezers, dehumidifiers and air conditioners as defined herein and in N.J.A.C. 7:26-2.13(g), as may be amended.

Article II. General Prohibitions and Requirements.

Sec. 15-2.1 Materials Injurious to Public Health, Constituting Fire Hazard, Etc. — Removal Generally.

The owner or tenant of any property in the municipality shall remove therefrom any brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, debris or solid waste, 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 representative.

Sec. 15-2.2 Materials Injurious to Public Health, Constituting Fire Hazard — 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 municipal representative, in which event the cost thereof shall be certified by the municipal representative 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. 15-2.3 Dumping — Limited to Designated Places; Compliance With Rules and Regulations.

No person shall dispose of any rubbish, ashes or other solid waste in the municipality, or in any place within the geographic limits of the municipality, except in a solid waste facility designated for that purpose and in accordance with the applicable rules and regulations established in this chapter, Mercer County Ordinances and State regulation and statutes.

Sec. 15-2.4 Dumping — Prohibited Upon Lots, Roads, Highways, Etc.

No person shall throw, place or in any way dispose of any material mentioned in section 15-2.3 on any real or personal property, road, highway, lane or alley in the municipality.

Sec. 15-2.5 Disposal of Insect Infested Property.

No person shall place any personal property infested with insects in the public right-of-way or on the roadway pavement for purposes of disposal into municipal waste stream unless the person first completely seals the affected personal property and clearly marks the outside of same to indicate the date of placement and nature of the infestation.

Sec. 15-2.6 Proper Operation of Dumpster and Spill Prevention.

Any person who owns, leases or otherwise operates a receptacle or dumpster used for purposes of storing solid waste or recyclable materials on any property in the municipality shall (a) ensure that such receptacle or dumpster is sufficiently covered at all times and (b) prevent refuse, liquids, semi-liquids or solids from spilling out, leaking or overflowing from the receptacle or dumpster onto any property or into the municipal separate storm sewer system(s) operated by the municipality.

Article III. Solid Waste Collection.

Division 1. Generally.

Sec. 15-3.1 Solid Waste Collection; Responsibility to Arrange Therefor.

- a. All owners of real property in the municipality shall arrange for solid waste collection therefrom often as necessary to handle the amounts of waste generated, except that owners of eligible residential property shall comply with the provisions set forth in division 2 of this article entitled “Municipal Solid Waste Collection Program.”
- b. All owners, tenants and occupants of real property in the municipality shall comply with the requirements of this article in connection with solid waste collection.
- c. All owners of real property in the municipality shall provide and maintain appropriate containers for purposes of the temporary storage and proper disposal and removal of solid waste. Only solid waste that has been generated from the premises itself shall be placed for pick-up for collection.

Sec. 15-3.2 Unauthorized Collection or Disturbance of Solid Waste, etc.

It shall be unlawful for any person, except an employee or official of Princeton in the discharge of the employee’s or official’s duties, or an authorized solid waste and/or recyclable materials collector, to collect or in any way disturb the solid waste or other material deposited in any cart, receptacle, dumpster or other container laid or placed on any street or public place in the municipality.

Division 2. Municipal Solid Waste Collection Program.

Sec. 15-3.3 Participation in Program.

All owners, occupants and tenants of eligible residential property shall be required to place solid waste generated on the premises out for municipal collection in accordance with the provisions set forth in this division.

Sec. 15-3.4 Collection Schedule.

- a. The administrator or designee shall establish, maintain on the municipality's website and amend as necessary a schedule for the collection of residential solid waste from eligible residential properties from specific areas of the municipality on designated dates of the week.
- b. Whenever a scheduled collection day occurs on a holiday, pick-up shall occur on the next business day. A list of holidays shall be provided annually along with the schedule on the municipality's website.

Sec. 15-3.5 Use of Municipally-Issued Solid Waste Carts.

- a. Residents of eligible residential property shall be required to place all solid waste into municipally-issued carts.
- b. Carts are the property of the Municipality and each one shall be issued for use exclusively at the specifically-assigned eligible residential property. Residents shall use carts assigned to their specific address and are prohibited from using carts assigned to other addresses.
- c. At no time shall a cart, when full or partially full, exceed two hundred (200) pounds in weight. There shall be no waste protruding through the top opening of the cart such that the lid is lifted no more than three (3") inches.
- d. Residents shall maintain carts in a clean, sanitary and safe condition. Residents shall notify the municipality if there is any damage to an assigned cart that may impact its proper use for disposal and collection of solid waste. The municipality shall repair or replace carts damaged due to normal wear and tear at no charge to the resident.
- e. Residents shall notify the municipality in advance of the sale of an eligible residential property. If residents move from an eligible residential property, they shall leave municipally-issued cart(s) at the property, and the municipality shall collect excess municipal solid waste carts, if any, from households.
- f. Residents of eligible residential properties shall be permitted to obtain up to one additional cart for use at the same property, subject to payment of \$300 per year for a 64-gallon cart or \$150 per year for a 32-gallon cart.
- g. Residents shall not alter or deface carts. They may place stickers on their cart(s) with the house numbers for easy identification.
- h. Carts shall be equipped with Radio Frequency Identification (RFID) tags installed prior to delivery to the eligible residential property. RFID tags shall remain attached to the cart

while utilized for municipal solid waste collection. RFID tags shall not be covered, defaced, disabled or tampered with in any way that may interfere with collection.

Sec. 15-3.6 Requirements for Placement of Carts for Solid Waste Collection.

- a. Residents of eligible residential properties except for those in the Central Business District shall place carts for collection in the area designated by section 15-3.7 below no earlier than 7:00 p.m. on the day before the collection day and no later than 7:00 a.m. on the day of the collection. In addition:
 1. Municipal solid waste collection shall take place between the hours of 7:00 a.m. and 4:00 p.m. on the collection day; and
 2. Residents shall remove carts from the area designated by section 15-3.7 below following the collection. No empty cart shall remain in view from the public right-of-way after 11:59 p.m. on the collection day.
- b. Residents of eligible residential properties in the Central Business District shall place carts for collection in the area designated by section 15-3.7 below no earlier than 9:00 p.m. on the day before the collection day and no later than 7:00 a.m. on the day of the collection. In addition:
 1. Municipal solid waste collection shall take place between the hours of 7:00 a.m. and 10:00 a.m. on the day of collection; and
 2. Residents shall remove carts from the area designated by section 15-3.7 below following the collection. No empty cart shall remain in view from the public right-of-way after 10:00 a.m. on the collection day.

Sec. 15-3.7 Location Required for Cart and Recycling Bucket Placement.

Residents of eligible residential properties shall place carts out for collection as follows:

- a. All carts shall be placed on the road pavement, no more than two (2') feet in front of the curb or edge of the roadway while maintaining a minimum of three (3') feet of spacing between receptacles and any other obstructions which may be present in the roadway.
- b. When placed on the road, carts shall be situated in a manner so their handles are facing the front wall of the assigned residential structure.
- c. Only one collection point shall be permitted per residential user. In the case of corner lots, solid waste, recyclables, and yard waste shall be placed at the curbside of an improved roadway which is most convenient to the collection vehicle or as directed by the Director of Public Works.
- d. The Administrator or designee shall designate collection points located on dead-end and one-way streets, which provide the most efficient and safest route to accommodate automated solid waste and recyclables collection.

Sec. 15-3.8 Bulk Waste.

- a. Curbside bulk waste collection is available to eligible residential property residents. Residents shall be limited to two items weighing no more than fifty (50) pounds in total and not exceeding seven (7) feet in length per collection per residence.
- b. Collection of bulk waste under this section shall be scheduled through a reservation system managed by the municipality. If a resident seeks bulk waste collection, then the resident shall contact the municipality by phone or email or through the municipality's website to schedule a reservation for collection.

Division 3. Solid Waste Collection for Commercial and Business Establishments and Multifamily Dwellings.

Sec. 15-3.9 Commercial and Business Establishments and Multifamily Dwellings - General Requirements for Solid Waste Collection.

- a. All owners of commercial and business establishments and multifamily dwellings in the municipality shall arrange for solid waste collection therefrom as often as necessary to handle the amounts of waste generated.
- b. All owners, occupants and tenants of commercial and business establishments and multifamily dwellings in the municipality shall be required to place solid waste generated on the premises out for collection in accordance with the provisions set forth in this division.

Sec. 15-3.10 Same - Requirements for Collection from Public Right of Way.

Owners of commercial and business establishments and multifamily dwellings may contract for disposal and collection using a roll off container, dumpster or compactor. In the event the owner does not contract for a roll off container, dumpster or compactor and instead uses appropriate mobile containers or receptacles, then following collection, the owner or occupant shall remove the empty container or receptacle from the public right of way no later than 11:59 a.m. on the collection day.

Sec. 15-3.11 Same – Requirements for Use of Dumpster, Compactors and Roll Off Containers.

Commercial and business establishments and multifamily dwellings that use roll off containers, dumpsters or compactors for the disposal of solid waste shall comply with the following:

- a. Use only such dumpsters that are equipped for handling by motorized equipment and meet ANSI Z245.30 Safety Standards and the ANSI Z245.60, "Waste Compatibility Dimension Standards" or their latest equivalent, and in accordance with applicable laws and regulations including N.J.A.C. 7:26 et seq.;

- b. Provide a sufficient number of dumpsters sufficient to contain all solid waste and other waste generated;
- c. Keep dumpster covers closed at all times when not in use;
- d. Regularly clean, rinse and sanitize dumpsters to prevent a nuisance;
- f. Secure dumpsters from overturning;
- g. Maintain dumpsters in good condition ensuring that lids remain attached and permit a tight seal, and repair or replace dumpsters as necessary in the event of deterioration, breakage or vandalism;
- h. Keep the area surrounding any dumpster clear of all solid waste and litter 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. To the extent feasible, keep all dumpsters out of view from the public right-of-way at all times except when being emptied; and
- k. Take such action as may be necessary to prevent 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.

Article IV Mandatory Source Separation of Recyclables.

Sec. 15-4.1 Adoption of the Mercer County Recycling System – Princeton Recycling Plan.

Princeton hereby continues the previously adopted Princeton Recycling Plan. Pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act (“Recycling Act”), the Princeton Recycling Plan shall consist of the Mercer County Recycling System as set forth in Ordinance No. 2006-19 adopted by the Board of Chosen Freeholders (now County Board of Commissioners) 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 (“Mercer County Recycling Plan”).

Sec. 15-4.2 Definitions.

For the purposes of this article, 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. 15-4.3 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.
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 certain scheduled time periods, 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 30 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 30 days of the effective date of this article, and at least once every 36 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 50 or more units of single-family residential housing or 25 or more units or multi-family

residential housing and any commercial or industrial development proposal for the utilization of 1,000 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.
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. Covered electronic devices
 - g. Office paper and other paper;
 - h. Tires;
 - i. White goods; and
 - j. Leaves.
3. Any and all persons having been found to have violated the provisions of the Princeton Recycling Plan will be assessed warnings, penalties and fines pursuant to section 15-4.7a. of this article.
4. At the time of placement of recyclable materials designated for collection by the Princeton Recycling Plan 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.
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. Covered electronic devices;
 - g. Food waste as defined within N.J.S.A. 13:1E-99.122, as may be amended;
 - h. Office paper and other paper;
 - i. Tires;
 - j. White goods; and
 - k. Leaves.
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 solid waste material generated, listed by type;
 - b. All volumes of these waste categories currently recycled;
 - 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.
 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; and
 - 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 15-4.7b. of this article.
 6. An extension of the time for plan preparation and/or plan implementation of up to 90 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.
 7. Pursuant to Mercer County Recycling Ordinance No. 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.

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."
 2. No private recycler shall conduct recycling collection activities within Princeton on designated county collection days.
 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.
 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 30 days following the date of sale of the subject material.

Sec. 15-4.4 Enforcement.

The enforcement of the Princeton Recycling Plan 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. 15-4.5 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 Princeton.

Sec. 15-4.6 Violations of Registration Requirements.

- a. 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 \$250 per offense; and
- b. Any person or entity conducting recycling collection activities within Princeton on designated county recycling collection days shall be assessed a penalty of \$250 per offense.

Sec. 15-4.7 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 \$500 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. 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 \$100 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 15-4.3 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; and

- b. A fine up to \$1,000 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. 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 V Recycling Reporting Requirements.

Sec. 15-5.1 Reporting Required.

Pursuant to and in accordance with N.J.A.C. 7:26A-10.3, as may be amended, 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 on or before February 1 each year, 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 the 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 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 VI Recycling of Construction and Demolition Waste.

Sec. 15-6.1 Purpose.

The purpose of this article is to set forth Princeton's minimum requirements for the recycling of construction and demolition waste.

Sec. 15-6.2 Definitions.

For the purposes of this article, the words and phrases set forth below shall have the meaning given herein.

APPROVED RECYCLING FACILITY

Shall mean 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.

CONSTRUCTION AND DEMOLITION DEBRIS

Shall mean 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.

COVERED PROJECT

Shall mean 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 10 cubic yards or more in volume for the placement of construction and demolition debris.

DIVERSION, DIVERT

Shall mean the separation and recycling of construction and demolition debris and delivery of same to an approved recycling facility.

RECYCLING COORDINATOR

Shall mean the recycling coordinator of Princeton or designee.

Sec. 15-6.3 Construction, Renovation and Demolition Debris Recovery Plan.

- a. Prior to commencing any covered project as defined above, the person seeking municipal approval for said covered project shall submit to the recycling coordinator a debris recovery plan.
- b. 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.
- c. 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 10 days of its receipt of same.
- d. 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.

- e. 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 15 days to make the required changes and resubmit the debris recovery plan to the recycling coordinator.

Sec. 15-6.4 Diversion Requirement Adjustment.

- a. If the applicant experiences circumstances that render 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. 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. 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. 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. 15-6.5 Debris Recovery Plan Reporting Requirements; Documentation.

Upon completion of the covered project, the person who carried out said 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 the 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. 15-6.6 Enforcement.

The Princeton code enforcement official, police department, health department and recycling coordinator, the 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.

Article VII Administration and Enforcement of Chapter; Violations and Penalties.

Sec. 15-7.1 Administration and Enforcement.

- a. Except as otherwise specifically provided by the provisions of this chapter or other ordinance, law or regulation, this chapter shall be administered and enforced by the Police Department, Department of Engineering and Infrastructure and/or Department of Health. Each Department shall designate such employees and officers for administration and enforcement hereof, including but not limited to the certified recycling professional and community compliance officer. The officers and employees designated for the enforcement of this chapter shall have the power to bring complaints under this chapter.
- b. The penalties for violations set forth in this article shall be in addition to any additional penalties that may be set forth in this chapter or another ordinance, law or regulation.

Sec. 15-7.2 Violations and Penalties - Generally.

For each violation of this chapter, the violator shall be subject to a minimum fine of \$100 per violation, and such fines and other penalties as provided in section 1-6 of this Code, entitled "General penalty; continuing violations; repeat violations; other penalties." Each violation and each day a violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such. Repeat offenders shall be subject to additional fines and other penalties as provided in section 1-6 of this Code.

Sec. 15-7.3 Violations and Penalties – Unlawful Disposal of Solid Waste.

Any person found guilty of violating any provision of this chapter pertaining to the unlawful disposal of solid waste shall be punished by a minimum fine of \$2,500 and maximum fine of \$10,000 for each violation. Each violation and each day a violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such.