



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 1922-2015

MEETING DATE: October 27, 2015 (Introduction); November 10, 2015 (Public Hearing)

AGENDA ITEM COMMENTARY

TITLE: AN ORDINANCE AMENDING CHAPTER 291, SOLID WASTE, OF THE CODE OF THE TOWNSHIP OF GALLOWAY UPDATING AND CLARIFYING THE ADDITION OF NEW DESIGNATED RECYCLABLES FOR BOTH RESIDENTIAL AND COMMERCIAL SECTORS.

STAFF SOURCE: Barbara Fiedler, Chief Sustainability Officer

DISCUSSION: The purpose of this Ordinance is to amend Chapter 291, Solid Waste, of the Code of the Township of Galloway to reflect updated definitions that match those in the State statute and also correct outdated information in the body of the Ordinance.

EXHIBITS:

- A copy of the Ordinance (new text is italicized and underlined)
- Letter from the NJ State Department of Environmental Protection

RECOMMENDATIONS: Adopt the Ordinance.

ORDINANCE # 1922 OF 2015

AN ORDINANCE AMENDING CHAPTER 291, SOLID WASTE, OF THE CODE OF THE TOWNSHIP OF GALLOWAY UPDATING AND CLARIFYING THE ADDITION OF NEW DESIGNATED RECYCLABLES FOR BOTH RESIDENTIAL AND COMMERCIAL SECTORS.

WHEREAS, the purpose of this Ordinance is to amend Chapter 291, Solid Waste, of the Code of the Township of Galloway to clarify in part, amend in part adding new designated recyclables for both residential and commercial sectors; and

WHEREAS, the State of New Jersey has determined the additional material for recycling to be 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 291, Solid Waste is hereby amended as follows:

Chapter 291

SOLID WASTE

- 291-1 Purpose
- 291-2 Definitions
- 291-3 Rules and regulations of solid waste contractors/ transporters
- 291-4 Solid waste contractor/ transporter responsibilities
- 291-5 Suspension or revocation of permit
- 291-6 Solid waste transport vehicles
- 291-7 Sanitary provisions
- 291-8 Littering prohibited
- 291-9 Illegal dumping
- 291-10 Solid waste handling by homeowner's association's properties, multi-family dwellings, and qualified apartment complexes
- 291-11 Solid waste handling for commercial and institutional establishments
- 291-12 Solid waste handling for single family residential homes
- 291-13 Violations and penalties

[HISTORY: Adopted by the Township Council of the Township of Galloway

3-11-1986 as Ord. No. 820. Amendments noted where applicable.]

GENERAL REFERENCES

Brush and hedges near roadways-See Ch. 119

Fire prevention-See Ch. 199.

Junkyards-See Ch. 299

Property maintenance-See Ch. 267

Public Health nuisances-See Ch. 353

Recycling – See Chapter 273

Streets and sidewalks-See Ch. 295

291-1 Purpose.

This chapter is for regulatory and revenue raising purposes.

291-2 Definitions.

In the interpretation of this chapter, the following words and phrases, unless the context shows another sense to be intended, shall be held to have the meanings hereinafter stated:

ASHES-The residue from burning wood, coal, coke or other combustible materials.

BULKY WASTE-Large items of solid waste which, because of their size or weight require handling other than normally used for municipal waste. The following shall be considered as falling within this category: furniture, non-recyclable construction and demolition debris.

COMMERCIAL HAULER-Any person or corporation who picks up solid waste curbside or who clears land or the remains of demolition and removes the same.

CONVENIENCE CENTER- A site where one or more containers are located for temporary storage of solid waste and/or recyclable materials brought to the site by persons transporting only their own household materials.

DESIGNATED RECYCLING ENFORCEMENT Authority- Any member of the Office of Sustainability, the Department of Public Works, Construction Office and the Police Department) of the Township of Galloway charged with the enforcement of these ordinances

DISPOSAL FACILITY- A solid waste facility used for the disposal of solid **waste**.

FOOD WASTE – Food processing by-products, vegetative waste, food product over-runs, and similar food waste materials.

MUNICIPAL SOLID WASTE- Residential, commercial and institutional solid waste generated within a community.

MULTI-FAMILY RESIDENCE- Shall mean five (5) or more contiguous units located on a single property or contiguous units located on a single property or continuous 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.

ORIGIN AND DESTINATION FORM- Form to be filled out prior to disposing of solid waste transported from residential, commercial or institutional entities. This pertains to both homeowners transporting their own wastes and solid waste contractors/transporters.

PERSON or PERSONS-Individuals, partnerships, public or private corporations or associations of persons.

PROHIBITED WASTE MATERIALS-The following materials, liquid or solid, or as may be otherwise referred to in this chapter, shall not be disposed of at any Galloway Township Recycling drop off center, convenience center, or composting facility: bulk solid waste materials, other than scrap metals, construction and demolition debris, tires, dry sewage sludge, dry hazardous waste, dry non-hazardous waste, dry nonhazardous chemical waste, oil spill cleanup wastes, nonchemical industrial wastes, infectious waste, waste oil and sludges, bulk liquid and semi-liquids, septic tank clean-out wastes, liquid sewage sludge, liquid hazardous waste, liquid chemical waste. Reference: Illegal dumping. 291-9

PROOF OF COLLECTION SERVICE - A written record, log, bill or document evidencing receipt of service for the collection of solid waste for the preceding month from a person lawfully engaging in private solid waste collection services within a municipality.

PUTRESCIBLE WASTE- Any waste liable to enter into a state of putrefaction, the typically anaerobic splitting of proteins by bacteria and fungi with the formation of foul-smelling, incompletely oxidized products.

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.

REGULAR SOLID WASTE COLLECTION SERVICE -The scheduled pick-up and removal of solid waste from residential, commercial or institutional premises located within the boundaries of Galloway Township at least once a week.

RESPONSIBLE SOLID WASTE GENERATOR - Any property owner, tenant, or occupant of any single-family residential dwelling or multiple dwelling, or the owner of any commercial or institutional building or structure located within the boundaries of Galloway Township who generates solid waste at those premises.

SCRAP METAL- Reference Chapter 273-2AA.

SOLID WASTE-A solid waste is any garbage, effuse, sludge, or any other waste material except it shall not include the following:

- (1) Source separated food waste collected by livestock producers, approved by the State Dept. of Agriculture;
- (2) Recyclable materials that are exempted from the regulation pursuant to NJAC 7:26A;

- (3) Materials approved for beneficial use or categorically approved for beneficial use pursuant to N.J.A.C. 7:26-1.7(g);
- (4) Spent sulfuric acid;
- (5) Dredged material from NJ's coastal or tidal waters;

SOLID WASTE CONTRACTOR/TRANSPORTER-Any person who enters into an oral or written agreement with a generator to provide the service of the collection and transportation of solid waste or recyclables for the residential, commercial, or institutional sectors in the Township of Galloway. Contractor/transporter is subject to all New Jersey State Regulations pursuant to N.J.A.C. 7:26-3.3

SOLID WASTE TRANSPORTER-Anyone transporting his/her own household solid waste in a vehicle with general registration plates.

SOURCE SEPARATED – Recyclable materials that were separated from the solid waste stream at the point of generation.

STATE-OF-THE-ART LANDFILL- A solid waste facility at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal or storage for a period of time exceeding six months.

291-3. Rules and regulations of solid waste contractors / transporters. [Amended 4-14-92 by Ord. No. 1073]

Any solid waste contractor transporting solid waste within the Township of Galloway must comply with all New Jersey State solid waste rules and regulations pursuant to NJAC 7:26.

- A. The solid waste contractor/transporter must be fully licensed in the State of New Jersey and follow all the rules and regulations set forth in N.J.A.C. 7:26
- B. The solid waste contractor/transporter must fill out an "Origin and Destination" form prior to transporting waste generated in this municipality.
- C. Each contractor shall provide a current rate schedule to the Township. Any resident that requests information about the contractors/transporters that service the Township can call the Department of Community Education for each hauler's fee schedule.
 - (1) Each 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.
- D. Any solid waste contractor that collects trash from any residence shall also provide collection of recyclables to the same.
 - (1) Any solid waste contractor engaged in a private solid waste collection service within the Township of Galloway must provide all responsible solid waste generators with the opportunity to contract for, on an individual basis, regular solid waste/recycling collection services. The governing body of the Township of Galloway may require any solid waste contractor engaged in a private solid waste/recycling collection service within this municipality in identifying those responsible solid waste generators who fail to comply with the provisions of N.J.S.A. 40:66-5.1.
- E. Solid waste collected within this Township by private contractors must be collected in separate vehicles from recyclables collected.

- (1) Collection vehicles must be securely covered to prevent littering.
- (2) Solid waste collection must not begin before 7:00 a.m.
- F. All recyclable material and solid waste must be source-separated prior to collection (by customer) and remain source-separated throughout the collection process.
- G. Each residential solid waste contractor/transporter shall provide a current rate schedule to their customer 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.
 - (1) If solid waste is found to contain recyclables and is marked for non-collection by the designated Recycling Enforcement authority, the solid waste contractor/transporter must leave the trash at the curb. (Reference 273-15).

291-4 Solid waste contractor/ transporter responsibilities [Amended 4-14-1992 by Ord. No. 1073]

PROOF OF SERVICE: Any solid waste collector / transporter engaging in private solid waste collection services within Galloway Township, who is registered pursuant to sections 4 and 5 of P.L. 1970, c. 89(C.13:1E-4 and 13:1E-5) and holds a certificate of public convenience and necessity pursuant to sections 7 and 10 of P.L. 1970, c.40 (C.48:13A-6 and 48:13a-9) provide all responsible solid waste generators with the opportunity to, on an individual basis, regular solid waste collection service as required by this Proof of Service Ordinance. The governing body of the Township of Galloway may require any solid waste collector engaged in a private solid waste/recycling collection service within this municipality to assist the municipality in identifying those responsible solid waste generators who fail to comply with the provisions of N.J.S.A. 40:66-5.1.

- A. Any solid waste collector / transporter picking up solid waste materials within the Township of Galloway must comply with all New Jersey State rules and regulations.
- B. Each solid waste collector/transporter shall provide a current rate schedule to the Township. Any resident that requests information about the collectors / transporters that service the Township can call the Department of Community Education, Office of Recycling, for each collector’s fee schedule.
- C. Any solid waste collector / transporter operating in the Township of Galloway from any single family residence will also provide collection of recyclables for the same. This is to be a “bundled fee” allowing the resident to pay the contracted collector for the two services together.
 - (1) Solid waste and recyclable materials must be collected in separate vehicles.
 - a. These vehicles must be clearly marked.
 - b. Collection vehicles must be securely covered to prevent littering.
 - c. Solid waste collection must not begin before 6:30AM.
 - d. Non-collection of solid waste contaminated by designated recyclables. 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 Chapter 273. This section protects contractors /citizens from violations imposed at the county transfer station if trash is contaminated with recyclables. The designated Recycling Enforcement Authority also has the right to mark bags/cans containing solid waste for non-collection.

291-5. Suspension or revocation of permit.

Any permit issued pursuant to this chapter may be suspended or revoked by the Township Manager for any violation of this chapter. Any person aggrieved by this summary suspension or revocation of a permit may appeal to the Township Council of the Township of Galloway, which shall hold a hearing thereon. The decision of the Township Council shall be final.

291-6. Solid waste transport vehicles [Amended 4-14-92 by Ord. No. 1073]

- A. It shall be unlawful for any permittee, commercial or otherwise, or any other person to transport upon the public streets in the Township of Galloway any ashes, garbage, refuse, solid waste or other waste materials in any open cart or vehicle or in any manner whereby the same or any part thereof shall fall from said cart or vehicle to the streets of any public place in the Township of Galloway or on any property now owned by said person or permittee.
- B. All vehicles of solid waste contractors/ transporters shall be regularly washed and cleaned both inside and outside and kept free at all times from dirt and offensive odors.
- C. Non-collection of solid waste contaminated by designated recyclables. 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 Chapter 273. This section protects contractors /citizens from violations imposed at the county transfer station if trash is contaminated with recyclables. The designated Recycling Enforcement Authority also has the right to mark bags/cans containing solid waste for non-collection.
 - 1. In the event that the Township contracts for solid waste /recycling collection, the solid waste contractor / transporter would be responsible to refuse to collect solid waste designated with recyclables; and said contractor would be responsible to report to the designated Recycling Enforcement Authority the addresses of residents involved at the end of each collection day.

291-7. Sanitary provisions. [Amended 4-14-92 by Ord. No. 1073]

- A. Spilled refuse. All refuse or other materials collected or deposited or transported within the Township of Galloway, which shall spill or fall while being carried or conveyed to a truck or other collection vehicle or container or while being loaded in or transported by any such truck, vehicle or other container, shall be immediately removed and broom-cleaned so as to leave the premises or street in a clean condition.
- B. All homeowners associations, multi-family complexes and qualified apartment buildings must provide an enclosed area for trash receptacles. This area must be kept neat and clean and receptacles are to be checked on a regular basis for recyclables.
- C. Commercial establishments must provide an enclosed area for trash dumpsters/receptacles. This area must be kept neat and clean and receptacles are to be checked on a regular basis for recyclables
- D. Each responsible solid waste generator in single-family dwellings must abide by the rules found in Chapter 267 section 16 "Exterior grounds" concerning placement of receptacles, securing lids of receptacles, and hours that materials can be set out for collection.

291-8. Littering prohibited

- A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township, except in public receptacles or in authorized private receptacles for collection. Property owners are responsible for providing receptacles in public places (Section 49-8D) and for keeping said property and surrounding properties litter free of litter generated from owner's property. [Amended 4-14-92 by Ord. No. 1073]
- B. No person shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- C. No person owning or occupying a place of business or residence shall sweep into or deposit in any gutter, street or public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Township shall keep the sidewalk in front of their business premises free of litter.
- D. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Township.
- E. No person, while a driver or passenger in a vehicle, shall throw or deposit litter in any park within the Township, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- F. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Township.

291-9. Illegal dumping. [Amended 4-14-92 by Ord. No. 1073; 11-9-94 by Ord. No. 1189]

It shall be unlawful for any person, business entity, resident or non-resident, to dispose of any waste material in any non-permitted area within the geographic area of this municipality; including roadsides, open areas, private properties. Enforcement of this ordinance section protects the public health and safety, property values and quality of life in The Township of Galloway.

291-10 Solid waste handling by homeowner's association's properties, multi-family dwellings, and qualified apartment complexes.

PROOF OF SERVICE:

The owner / manager of a homeowner's association, multi-family dwelling or apartment complex shall enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township. Exemption: those instances where the responsible solid waste generator is transporting the solid waste that is generated at his residential premises directly to an approved solid waste facility.

- (1) It shall be the responsibility of the owner to provide and maintain, in a neat and sanitary condition, solid waste drop-off areas with an appropriate number of containers for the deposit of non-recyclable materials to be disposed of as solid waste.
 - a. These drop-off areas must be complete with approved directional signage to direct tenants / owners in the proper source-separation of solid waste from designated recyclables.
- (2) Curbside collection of solid waste and recyclable material may be used as a substitute for a centralized drop-off area or in addition to the drop off area.
- (3) Owner/operator/manager of all homeowners associations, multi-family complexes and qualified apartment complexes shall be responsible for providing tenants/owners of units with information on the proper separation of solid waste from recyclables.
- (4) Any homeowner's association, multi-family complex or apartment complex that maintains a recreation area for tenants and guests (i.e. tennis courts, swimming pools, etc.) shall provide solid waste receptacles next to recycling receptacles for the proper source separation of materials.
- (5) At such a time that the Township should enter into Township-wide solid waste/recycling contract(s), any term contracts with private contractors for these services will be final and the multifamily complex will have the option of becoming part of the Township contract(s).
- (6) Separate contracts may be maintained for solid waste and recycling collection services.

291-11. Solid Waste handling for commercial and institutional establishments.

PROOF OF SERVICE:

All commercial and institutional establishments within the geographic boundaries of Galloway Township shall enter into a contract with any person lawfully providing private solid waste collection services within the municipality.

- A. Commercial and institutional establishments may contract with a separate contractor for recycling services.
- B. The solid waste contractor must collect the source-separated materials in separate trucks; maintaining the source-separation and allowing the recyclable materials to remain in marketable condition;
- C. Those businesses that sell food or other wrapped items must provide easily accessible trash receptacles next to each recycling 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 trash and/or recyclables.
- D. It is required that receptacles for the deposit of litter be placed in conveniently accessible areas with spacing not to exceed one hundred fifty (150): at each public gathering place; shopping strip mall; active retail commercially zoned areas. These receptacles are to be located next to a recycling receptacle. The property owner is responsible for maintaining said receptacles.

291-12. Solid waste handling for single family residential homes

- A. In the case of single-family residential housing, each responsible solid waste generator, in those instances where a solid waste collection system is not otherwise provided for by the municipality and if the said generator has not already done so, shall enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within Galloway Township; provided, however, there shall be an exemption from the above requirements where the responsible solid waste generator is transporting the solid waste generated out at his residential premises directly to an approved solid waste disposal facility.

B. In the case of a responsible solid waste generator within the Township of Galloway who is transporting the solid waste which is generated at his residential premises directly to an approved solid waste generator furnish the Township Office of Recycling, Department of Community Education proof that this material has been disposed of in said approved facility. This must be done once a year at the time of the final tax payments for that calendar year. Forms may be included in tax bills with which the generator may provide proof of service.

PROOF OF SERVICE

Galloway Township shall, within six (6) months of the effective date of the Ordinance codified in this Sections 291-10,291-11 and 291-12, and at least once every six (6) months thereafter, notify all responsible solid waste generators of the requirements of said Ordinance and may do so, within its discretion, by placing an advertisement in a newspaper circulating within the municipality, by posting a notice in public places where public notices are customarily posted, or to include a notice with other official notifications periodically mailed to taxpayers, or any combination thereof, as the Township deems necessary and appropriate.

291-13. Violations and penalties. [Amended 4-14-92 by Ord. No. 1073]

Any person who shall violate any provision of this chapter shall, upon conviction, be punishable by a fine of not less than two hundred dollars (\$200.) nor more than one thousand dollars (\$1000.) nor more than ninety (90) days incarceration, nor more than ninety (90) days community service, or any combination thereof at the discretion of the Judge of the Municipal Court. Each day's failure to comply with any such provision shall constitute a separate violation.

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. 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

Kelli Danieli
Acting Township Clerk

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