

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-1-3
CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and members of Township Committee of the Township of Hainesport in the County of Burlington finds it advisable and necessary to increase its CY 2010 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and members of Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$90,918.52 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and members of Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Mayor and members of Township Committee of the Township of Hainesport, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Hainesport shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$90,918.52, and that the CY 2010 municipal budget for the Township of Hainesport be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan	X		X			

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-1-3
CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

NOTICE

This Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on March 9, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on April 13, 2010 at the Municipal Building, one Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-1-3**

NOTICE OF FINAL PASSAGE

**CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

Notice is hereby given that Ordinance No. 2010-1-3 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on April 13, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

Bruce MacLachlan
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan	X		X			

Introduced: March 9, 2010
First Publication: March 14, 2010
Adoption: April 13, 2010
Final Publication: April 19, 2010

HAINESPORT TOWNSHIP

ORDINANCE NO. 2010-2-4

AN ORDINANCE FOR REFUSE CONTAINERS / DUMPSTERS

BE IT ORDAINED BY THE Hainesport Township Committee of the Township of Hainesport in the County of Burlington and State of New Jersey, as follows:

SECTION I. PURPOSE OF THIS ORDINANCE

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to be the municipal separate storm sewer system(s) operated by the Township of Hainesport and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. DEFINITION

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Hainesport or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and

snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of new Jersey or subject to its jurisdiction; and

SECTION III. PROHIBITED CONDUCT

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Hainesport.

SECTION IV. EXCEPTIONS TO PROHIBITION

- a. Permitted temporary demolition containers,
- b. Litter receptacles (other than dumpsters or other bulk containers),
- c. Individual homeowner trash and recycling containers,
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJDES permit,
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

SECTION V. ENFORCEMENT

This ordinance shall be enforced by the Hainesport Township Law Enforcement Bureau.

SECTION VI. PENALTIES

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$2,000.

SECTION VII. SEVERABILITY

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or

holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-2-4**

AN ORDINANCE FOR REFUSE CONTAINERS/DUMPSTERS

NOTICE

This Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on April 13, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on May 11, 2010 at the Municipal Building, one Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto		X	X			
Fitzpatrick			X			
Dickinson	X		X			
MacLachlan			X			

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-2-4**

NOTICE OF FINAL PASSAGE

AN ORDINANCE FOR REFUSE CONTAINERS/DUMPSTERS

Notice is hereby given that Ordinance No. 2010-2-4 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on May 11, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan	X		X			

Introduced: April 13, 2010
First Publication: April 19, 2010
Adoption: May 11, 2010
Final Publication: May 17, 2010

HAINESPORT TOWNSHIP

ORDINANCE NO. 2010-3-4

PRIVATE STORM DRAIN INLET RETROFITTING ORDINANCE

BE IT ORDAINED by the Hainesport Township Committee of the Township of Hainesport in the County of Burlington and State of New Jersey, as follows:

SECTION I. PURPOSE OF THIS ORDINANCE

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Hainesport so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. DEFINITION

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Hainesport or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams

and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of new Jersey or subject to its jurisdiction; and

SECTION III. PROHIBITED CONDUCT

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

SECTION IV. DESIGN STANDARD

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard includes grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.
 - b. Where flows are conveyed through any device (e.g. end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
 - d. Where the New Jersey Department of Environmental protection determines, pursuant to the New jersey Register of historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. ENFORCEMENT

This Ordinance shall be enforced by the Hainesport Township Law Enforcement Bureau.

SECTION VI. PENALTIES

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed \$2,000 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION VII. SEVERABILITY

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-3-4**

PRIVATE STORM DRAIN INLET RETROFITTING ORDINANCE

NOTICE

This Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on April 13, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on May 11, 2010 at the Municipal Building, one Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick		X	X			
Dickinson	X		X			
MacLachlan			X			

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-3-4**

NOTICE OF FINAL PASSAGE

PRIVATE STORM DRAIN INLET RETROFITTING ORDINANCE

Notice is hereby given that Ordinance No. 2010-3-4 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on May 11, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick		X	X			
Dickinson	X		X			
MacLachlan			X			

Introduced: April 13, 2010
First Publication: April 19, 2010
Adoption: May 11, 2010
Final Publication: May 17, 2010

**TOWNSHIP OF HAINESPORT
ORDINANCE NO. 2010-4-4**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE
THE RATE OF COMPENSATION OF OFFICIALS AND
EMPLOYEES OF THE TOWNSHIP OF HAINESPORT**

BE IT ORDAINED by the Township Committee of the Township of Hainesport in the County of Burlington and State of New Jersey as follows:

Section I – Ordinance Amendments

Section 1(a) of Ordinance 2009-5-5 and any subsequent amendments are hereby amended to read as follows:

Section 1(b) The rates of compensation of Officers and Employees whose compensation shall be on an annual basis, except as specified otherwise, shall be payable as follows:

1. Chairman of the Township Committee	\$ 5,573
2. Members of the Township Committee	5,016
3. Township Clerk	17,221
4. Chief Financial Officer	70,259
5. Tax Assessor	25,256
6. Tax Collector	51,661
7. Recreation Director	2,550
8. Assistant to Recreation Director	1,530
9. Land Use Attorney	5,673
10. Land Use Board Secretary	5,912
11. Zoning Officer	8,748
12. Code Enforcement Officer	5,855
(plus \$15/hr for court attendance)	
13. Technical Assistant	29,550
14. Director of Public Works	5,855
15. Working Foreman	20.01/hr.
16. Driver/Operator	12.00 – 19.71/hr.
17. Fire Official	15,574
18. Administrator	72,367
19. Board of Health Secretary	1,054
20. Solicitor	54,106
21. Administrative Assistant #1	29,840
22. Administrative Assistant #2	8,665
23. Affordable Housing Administrator	11,480
24. Affordable Housing Finance Officer	5,411
25. Clerk Typist	8.24-13.39/hr.
26. Computer Services Technician	3,902
27. Crossing Guard	20.00-30.90/day

The ranges of rates of compensation of vacant employment positions whose compensation shall be on an annual basis, except as specified otherwise, when hired by the Township Committee by resolution, shall be payable as follows:

1. Seasonal Laborer	6.50-11.00/hr.
2. Seasonal Recreation	6.00-25.00/hr
3. Public Works Supervisor	40,000 – 55,000 (annual)

Section 1(c) The provisions of this Ordinance of the Township of Hainesport shall be retroactive to and effective as of the first day of January 2010, unless otherwise stipulated by resolution, for all employees continuously employed by the Township of Hainesport from January 1, 2010 to the effective date of this ordinance.

Section II – Repealer

All ordinances or parts of ordinances are hereby repealed to the extent of such inconsistency.

Section III – Severability

The provisions of this ordinance are severable. If any provisions of this ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision of application of this ordinance which can be given effect without the provision or application of this ordinance.

Section IV – Effective Date

This ordinance shall take effect immediately after final passage and publication according to law.

Notice -

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on April 13, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on May 11, 2010, at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

NOTICE

ORDINANCE NO. 2010-4-4

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF
COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE
TOWNSHIP OF HAINESPORT**

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on April 13, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on May 11, 2010, at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated: _____

PAUL J. TULIANO, JR.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Byrne			X			
Dickinson		X	X			
MacLachlan	X		X			

TOWNSHP OF HAINESPORT

NOTICE OF FINAL PASSAGE

ORDINANCE NO. 2010-4-4

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF
COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF
HAINESPORT**

Notice is hereby given that Ordinance No. 2010-4-4 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on May 11, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Byrne			X			
Dickinson		X	X			
MacLachlan	X		X			

Introduced: April 11, 2010
First Publication: April 19, 2010
Adoption: May 11, 2010
Final Publication: May 17, 2010

**HAINESPORT TOWNSHIP
ORDINANCE 2010-5-5**

**AMENDING THE PROGRAM FOR THE RECYCLING OF DESIGNATED
RECYCLABLE MATERIALS AND MODIFYING FOR VIOLATIONS
THEREOF.**

WHEREAS, the New Jersey Solid Waste Management Act ("SWMA"), 13:1E -1 et seq., as amended by P.L. 1987, c. 102, requires each municipality within the State of New Jersey to adopt an ordinance or ordinances governing separation and collection of certain recyclable materials; and

WHEREAS, the Burlington County District Solid Waste Management Plan ("County Plan"), as adopted by the Burlington County Board of Chosen Freeholders ("County") and approved by the New Jersey Department of Environmental Protection ("DEP") pursuant to the SWMA, also requires each municipality within the County to adopt an ordinance governing separation and collection of recyclable materials as designated by the County Plan; and

WHEREAS, pursuant to the County Plan, the Department of Solid Waste (DSW) has prepared and distributed a model ordinance in a form substantially similar to this Ordinance;

NOW THEREFORE, it is hereby enacted and ordained by the Township of Hainesport, in the County of Burlington, State of New Jersey, as follows:

Section 1. Purpose of Ordinance

The Township of Hainesport finds that reducing the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the SWMA and the County Plan. The recycling of certain materials from the residential, commercial and institutional establishments in this Municipality will conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery and conserve natural resources through reduced energy consumption, reduced water and air pollution as well as reduce the demand on raw material extraction.

Section 2. Statutory Authority for Recycling Ordinance

This Ordinance is adopted pursuant to P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and any amendments adopted thereto.

Section 3. Definitions

As used in this Ordinance, the following definitions shall apply:

- **Act or SWMA** – shall mean the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., as amended and supplemented.
- **Aluminum Can** - shall mean empty food and beverage containers comprised of aluminum. Excluded from this definition are aluminum aerosol cans, aluminum foil and trays.
- **Antifreeze** - shall mean liquid used in a cooling system that is mixed with water and prevents the water from freezing. The solution serves as the engine coolant.
- **Burlington County Regional Program** – shall mean the program utilized for the collection of those recyclable materials as designated by the Department of Solid Waste from residential curbside, participating multifamily and participating school collection programs.
- **Certified Recycling Coordinator** – shall mean a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the Department of Environmental Protection.
- **Class A Recyclable Material** – shall mean source separated, non-putrescible, metal, glass and plastic bottles coded #1 & #2; and paper and corrugated and other cardboard.
- **Class B Recyclable Material** – shall mean source separated, non-putrescible waste concrete, asphalt, brick, block, asphalt based roofing, scrap and wood waste; source separated, non-putrescible waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction remodeling repair and demolition operations on houses, commercial buildings, pavements and other structures; source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted; source separated scrap tires; and source separated petroleum contaminated soils.
- **Class C Recyclable Materials** – shall mean source separated compostable or anaerobically digestible material such as source separated food waste biodegradable plastic and yard trimmings.
- **Class D Recyclable Material** - shall mean used oil, antifreeze, latex paints, thermostats, fluorescent lamps (light bulbs), oil-based finishes, batteries, mercury containing devices and consumer electronics.
- **Commercial Establishment** – shall mean all commercial and industrial activities that operate for profit and are involved in retail or manufacture of goods and services provided for sale.

- **Commingled** – shall mean a combining of source separated recyclable materials for the purpose of recycling.
- **Common Area Recycling Storage Location** – shall mean a location designed in accordance with the land use ordinances of this municipality as required for multifamily dwellings with more than twenty (20) residential units where curbside collection is not provided under the Burlington County Regional Program.
- **Condominium Complex** – shall mean a group of units, arranged horizontally or vertically, where the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.
- **Consumer Electronics** – shall mean computer equipment, including desktop and laptop computers and related components, including, monitors, circuit boards, terminals, and CPU's, and peripheral equipment including keyboards, printers, copiers, and fax machines. It shall also include VCRs, CD players, DVD players, and cellular phones. Consumer electronics shall not include televisions as defined herein until such time as such devices are banned at solid waste disposal facilities in accordance with the Electronics Waste Recycling Act, P.L 2008, c.130 et seq. and any amendments thereto.
- **Contaminant** – shall mean solid waste, food waste, or other material which adheres to, or which is otherwise contained on or in, source separated recyclable materials.
- **Corrugated and Other Cardboard** - shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, foil or wax-coated or soiled corrugated cardboard.
- **County** – shall mean the Burlington County Board of Chosen Freeholders, and its successors and assigns, acting through the Burlington County Division of Solid Waste Management.
- **Curbside Designated Recyclables** - shall mean those designated recyclables that are placed for collection within the parameters of the curbside collection program as outlined herein.
- **Curbside Recycling Container** – shall mean a container(s) provided by the municipality or persons for the temporary storage of recyclable materials within the residential unit(s).
- **De minimis** – shall mean less than 1% by volume.

- **DEP or Department** – shall mean the New Jersey Department of Environmental Protection.
- **Designated Recyclable Materials** - shall mean those recyclable materials to be source separated in this municipality including but not limited to Aluminum Cans, Antifreeze, Consumer Electronics, Corrugated Cardboard, Fluorescent Lights, Glass Containers, Lead Acid Batteries, Leaves, Metal Appliances, Paper, Plastic Bottles (coded #1), Rechargeable Batteries, Steel (tin) cans, Textiles, Tires & Used Motor Oil.
- **Disposition or Disposition of Designated Recyclable Materials** - shall mean the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal as solid waste.
- **DSW** shall mean the Burlington County Department of Solid Waste, its successors and assigns.
- **Fiber** - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books, chipboard, corrugated and other cardboard and similar cellulosic material whether shredded or whole, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, blueprint paper, food contaminated paper, soiled paper and cardboard.
- **Fluorescent Lights** - shall mean a lighting system which works by creating electric arcs inside a gas rich tube to produce ultraviolet light, then converting this to visible fluorescent light by its passage through a layer of phosphor on the inside of the glass.
- **Generator** - shall mean any person(s) who causes solid waste to be produced for any purpose whatsoever.
- **Glass** - shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.
- **Ink Jet Cartridge** - shall mean a replaceable unit that holds ink and the print nozzles for inkjet printers.
- **Institutional Establishment** - shall mean any entity, either public or private, either for profit or nonprofit, who operates for educational, charitable, religious, fraternal or other public purpose.

- **Lead Acid Battery** – shall mean storage batteries with lead electrodes and that contain dilute sulfuric acid as the electrolyte. These include starting batteries, such as vehicle batteries, marine batteries, small sealed lead acids and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.
- **Leaves** - shall mean vegetative material, typically generated in the autumn, which fall from trees and are collected for removal from a property.
- **Metal Appliances** – shall mean appliances composed predominantly of metal including stoves, washing machines, dryers and water heaters. Also included are all Freon containing appliances including air conditioners, freezers, refrigerators and dehumidifiers.
- **Mobile home park - shall mean any park, including a trailer park or camp, equipped to handle mobile** homes sited on a year-round basis as defined in N.J.S.A. 2A: 18-61.7 et seq.
- **Multifamily Dwelling** - shall mean any building or structure or complex of buildings or structures in which three or more dwelling units are rented or leased or offered for rental or lease for residential purposes; whether privately or publicly financed, except hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L.1967, c. 76 (C.55: 13A-1 et seq.) & N.J.S.A 40:66-1.2 et seq.
- **"Municipality"** shall mean the Township of Hainesport located within the County of Burlington, State of New Jersey.
- **Municipal Recycling Depot** - shall mean a site owned and operated by a municipality for the receipt and temporary storage of certain designated Class A Recyclable materials delivered by residents, small commercial and non-profit establishments for a period not exceeding two months, prior to their transport to a recycling center or end-market.
- **Municipal Solid Waste** – shall mean residential, commercial and institutional solid waste generated within a community.
- **Municipal Solid Waste Stream** – shall mean residential, commercial and institutional waste in the context of the Statewide Solid Waste Management Plan Update, which constitutes the waste stream, used to calculate the State mandated 50% recycling rate. This waste stream includes waste types 10 and 23.
- **Paper** - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material whether shredded or whole, but excluding

tissue and towel paper, wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated or soiled paper.

- **Person** - shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency of any other entity or any group of such persons, which is recognized by law as the subject of rights and duties.
- **Plastic Bottles** - shall mean all bottles that are labeled as made from polyethylene teraphthalate (PET) and coded as #1 and high - density polyethylene teraphthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint, solvents, motor oil and pesticides and herbicides.
- **Putrescible Waste** – shall mean organic material which is capable of, and prone to, a rapid process of biological and biochemical decomposition, under anaerobic or aerobic conditions, resulting in the formation of malodorous byproducts.
- **Qualified Private Community** - shall mean a residential condominium, cooperative or fee simple community or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction comprised of a community trust or other trust device, condominium association, home owners association or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered a qualified private community. No "proprietary campground facility," as defined in section 1 of P.L.1993, c.258 (C.45: 22A-49), shall be considered to be a qualified private community.
- **Rechargeable Batteries** - shall mean batteries used in portable electronic devices composed of Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion) and Small Sealed Lead (Pb).
- **Recyclable Materials** – shall mean materials that would otherwise become solid waste that can be separated, collected and/or processed and returned to the economic mainstream in the form of raw materials or products.
- **Recycling** - shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

- **Recycling Center** – shall mean a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable material (Class A, Class B, Class C and/or Class D recyclable materials).
- **Resident** - shall mean shall mean any person residing within the Municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.
- **Scrap Metal** – shall mean bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous, can be recycled. Included are all ferrous and non-ferrous metals including appliances and appliances containing refrigerants.
- **Solid Waste** – shall mean garbage, refuse and other discarded materials, as defined in N.J.S.A. 13:1E-1, et seq. and N.J.S.A. 48:13A-1, et seq.
- **SWMA** - shall mean the New Jersey Solid Waste Management Act, as amended.
- **Source Separated** – shall mean recyclable materials separated from the solid waste stream at the point of generation.
- **Steel Can** - empty food, beverage and aerosol containers comprised of tin, steel or a combination thereof, which formerly contained only non-hazardous substances or such other substances as have been approved for recycling by Department of Solid Waste.
- **Television** - shall mean a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.
- **Textiles** - shall mean clean dry clothing or other fabric measuring at least one foot x one foot in size. It shall not include material that is wet or mildewed.
- **Tires** - shall mean rubber wheels used on motorized transport or equipment whether bias-ply, cross-ply or radial.
- **Toner Cartridge** – shall mean an exhausted replaceable cartridge containing toner powder and sometimes the photosensitive drum on which a laser printer generates the image to be printed.
- **Type 10 Municipal Solid Waste** – shall mean waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments such as,

restaurants, stores, markets, theatres, hotels and warehouses, and institutional waste material originated in schools, hospitals, research institutions and public buildings.

- **Type 13 Bulky Waste** – shall mean large items of waste material, such as appliances and furniture. Discarded automobiles, boats, trucks and trailers and large vehicle parts, and tires are included under this category.
- **Used Oil** - shall mean any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.
- **Used Oil Collection Center** - shall mean the municipal recycling center that manages used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under N.J.A.C. 7:26A-6.4 that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to N.J.A.C. 7:26A-6.4(e). Used oil accumulation centers may also accept used oil from household “do-it-yourselfer” used oil generators.

Section 4. Requirements Applicable to Source Separation of Designated Recyclables.

Notwithstanding the limitations to the Burlington County Regional Program (BCRP) or the Municipal Recycling Depot as outlined within this ordinance, every person is required to source separate and recycle each of the Designated Recyclable Materials outlined within this ordinance.

Section 5. Establishment of Curbside Program.

- A. In order to facilitate the collection of certain Designated Recyclable Materials, there is hereby established a curbside program for the collection of source separated recyclable material from residents of the Municipality.
- B. Designated Recyclable Materials for the curbside program are those materials designated by the DSW for collection within the BCRP. These materials are: Aluminum Cans, Corrugated Cardboard, Glass Containers, Paper, Plastic Bottles (Coded 1 & 2), Steel (Tin) Cans and other recyclable materials as may be designated from time to time by the DSW.
- C. Multifamily complexes of twenty (20) or more units, condominium complexes of twenty (20) or more units or mobile home parks of twenty (20) or more units, or any commercial or institutional establishment shall not receive collection under this program unless the collection location and type of containers are approved by the DSW.

- D. Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates promulgated by DSW and publicly advertised by the Municipality or County.
- E. All residents served by the curbside program shall source separate all designated recyclables for curbside collection and shall place them at the side of the road fronting their residence in the manner designated by Section 6 of this Ordinance and on the date specified for collection.
- F. Residents who are physically unable to place recyclable materials out for collection within the Burlington County Regional Program shall be exempt from requirements for participation within the program.
 - a. Determinations for this exemption shall be at the discretion of this municipality.

Section 6. Requirements Applicable to Source Separation and Collection of Designated Recyclables for the Curbside Program.

All recyclables placed for collection pursuant to the Curbside Program established within Section 5 of this Ordinance shall be source separated and prepared for collection in accordance with the following conditions:

- A. Cardboard and paper shall be placed in paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one (1) foot in thickness.
 - a. Cardboard and paper shall not be set out for recycling collection in plastic bags, recycling buckets box-like containers.
 - b. In those locations where carts are provided for the collection of corrugated cardboard and paper, those materials shall be placed in the carts that are provided by the municipality.
 - i. Boxes shall be flattened as to fit into the cart.
 - ii. Where cardboard boxes are too large to be placed in the cart and where there are too many boxes to fit within the cart, cardboard boxes must be flattened and placed alongside the cart for collection.
 - c. Carts shall be placed at the curb with the lid opening facing the street.
 - d. Carts shall be placed in such a manner so as to leave at least two (2) feet of clear space around each side of the cart.
 - i. Carts shall be placed in such a manner so as to avoid interference from overhead obstructions.
 - e. Carts shall be maintained in a neat and sanitary condition so as to deter vermin and odors.
 - f. Carts are the property of the municipality and may not be used for any

other purpose or to contain any other material.

- B. Glass containers, aluminum cans, steel cans and plastic bottles:
 - a. Remove all caps and lids and dispose of as solid waste.
 - b. Glass containers, aluminum cans, steel cans and plastic bottles shall be rinsed free of contaminants.
 - c. Glass containers, aluminum cans, steel cans and plastic bottles shall be placed in a recycling container provided by the Municipality.
 - d. Plastic and/or paper garbage bags shall not be utilized as containers for glass containers, aluminum cans, steel cans and plastic bottles.
- C. Municipally provided recycling carts/containers may not be used for any other purpose whatsoever.
- D. Removal of recycling carts/containers provided by the municipality by any person is prohibited.
- E. Recyclables shall not be placed for collection earlier than the evening of the day preceding a scheduled collection day. Recyclables must be placed at the roadside by 6:00 A.M. on the scheduled collection day.
- F. All other terms and phrases shall be as defined in the SWMA and regulations promulgated thereunder and the County Plan, unless content clearly requires a different meaning.

Section 7. Establishment of a Municipal Recycling Depot Program.

- A. There is hereby established a Municipal Depot Program for the convenience of the residents. Source Separated Recyclables listed below may be brought to 100 Broad Street during the times and days advertised. Municipal Depot operates twenty four hours per day/seven days per week.
- B. The following source separated recyclables will be accepted at the Municipal Recycling Depot:
 - a. Aluminum Cans
 - b. Corrugated Cardboard
 - c. Glass Containers
 - d. Paper
 - e. Plastic Bottles (Coded 1 & 2)
 - f. Steel (Tin) Cans
 - g. and other recyclable materials as designated by the Municipality from time to time.

Section 8. Requirement to provide Common Area Recycling Storage Locations.

- A. It shall be the responsibility of the owner or manager of every Multifamily,

Qualified Private Community and Mobile Home Park to construct and maintain, in a neat and sanitary condition, Recycling Storage Location(s) and recycling containers on their property in accordance with Land Development ordinances of the Township of Hainesport entitled “**Design of Containment Areas for Designated Recyclable Materials on Residential Sites**” and in accordance with the requirements of the Burlington County Department of Solid Waste Management.

B. Designated Source Separated Recyclables:

Aluminum Cans

Corrugated Cardboard

Glass Containers

Paper

Plastic Bottles (Coded 1 & 2)

Steel (Tin) Cans

and other recyclable materials as designated by the Municipality.

C. The owner or manager of each and every one of the above referenced locations shall notify all new residents within thirty (30) days of occupancy and all other residents no less than two (2) times each calendar year of the recycling location(s), the list of materials that is required to be recycled, the location of all recycling containers and the requirements of recyclable material preparation.

D. The owner or manager of each and every one of the above referenced locations who elects not to participate in the Burlington County Regional Program shall arrange for the collection and recycling of the designated recyclable materials outlined within this section at their own expense as allowed by law.

E. The owner or manager of each and every one of the above referenced locations shall be required to report recycling tonnages as described in Section 10, Recycling Reporting Requirements, except where collection services are provided by the Burlington County Regional Program.

Section 9. Mandatory Commercial and Institutional Source Separation Program.

All persons generating municipal solid waste within this Municipality through the operation of a commercial or institutional establishment shall source separate and arrange for collection of all designated recyclables within thirty (30) days of the effective date of this Ordinance.

A. Designated Recyclable Materials for the mandatory commercial and institutional source separation program shall consist of the following materials:

Aluminum Cans
Antifreeze
Consumer Electronics
Corrugated Cardboard
Fluorescent Lights
Glass Containers
Lead Acid Batteries
Leaves
Metal Appliances
Paper
Plastic Bottles (Coded 1 & 2)
Rechargeable Batteries
Steel (Tin) Cans
Textiles
Tires
Used Motor Oil
Ink Jet Cartridge
Toner Cartridge
and other recyclable materials as designated by the Municipality

B. The owner or manager of each and every Commercial and Institutional Source shall be required to report recycling tonnages as described in Section 10.

C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.

Section 10. Recycling Reporting Requirements.

Pursuant to 7:26A-10.3 all multifamily housing owners, mobile home parks, commercial and institutional 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 management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company, shall submit to the Municipal Recycling Coordinator by the First Day of February of 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 this Municipality, County or State for a period not to exceed five (5) years.
- C. Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled as prescribed by the DSW.
- D. 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.

Section 11. Unlawful Activities; Nuisance.

It shall be unlawful for:

- A. Any person, other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling depot pursuant to this Ordinance;
- B. Any person to violate, cause, or assist in the violation of any provision of this Ordinance or any provision of the County Plan concerning recycling;
- C. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling depot.
- D. Any person to hinder, obstruct, prevent or interfere with this Municipality, the County or any other authorized persons in the performance of any duty under this Ordinance or in the enforcement of this Ordinance.
- E. Any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.
- F. Any person required to provide a report as required under this ordinance to fail to do so.

All unlawful conduct set forth in this section shall constitute a public nuisance.

Section 12. Non-collection of Solid Waste.

- A. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has failed to source separate recyclables designated under any applicable section of this Ordinance.

- B. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has placed solid waste into a municipally issued recycling container.

Section 13. Other Means of Disposal.

- A. Notwithstanding anything herein to the contrary, any resident of the Municipality may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling depot without prior written permission from this Municipality for such collection.
- B. Permission for such collection shall not be given for any day other than a Saturday or Sunday and, in no case, shall such permission be given to collect recyclables from a recycling depot.

Section 14. Non-interference with Existing Contracts.

- A. Nothing contained in this Ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with N.J.S.A. 13:1E 29 and in force in the Municipality on the effective date of this Ordinance.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Ordinance, unless such renewal or such contract shall conform to the requirements of this Ordinance.

Section 15. Enforcement.

- A. Enforcement of this Ordinance shall be the responsibility of Hainesport Township Code Enforcement Officer
- B. In addition to the Hainesport Township Code Enforcement Officer, the Burlington County Health Department and the DSW are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.
- C. Enforcement of this Ordinance shall be commenced in the Superior Court or in the municipal court of the Municipality, and penalty or fine shall be collected with costs in a summary civil proceeding.
- D. Any penalties or fines collected in an enforcement action shall be paid to the

Municipality when the Municipality brings such action.

- E. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department or the DSW.

Section 16. Schedule of Penalties.

Any person who violates the provisions of this Ordinance shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

- A. Misuse of recycling containers/carts for trash, theft of containers: A fine of not less than sixty – five dollars (\$65.00) and not more than one hundred dollars (\$100.00).
- B. Residential Recycling Violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).
- C. Scavenging: A fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1000.00).
- D. Commercial or Institutional Violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).
- E. For any person who offers to collect recyclable materials in any manner except as prescribed within this ordinance: A fine of not less than one thousand dollars (\$1000.00) and not more than four thousand five hundred dollars (\$4500.00).
- F. For any solid waste or recycling service provider who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).
- G. For any management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).

Each continuing day of violation of this Ordinance shall constitute a separate offense.

Section 17. Injunctions; Concurrent Remedies.

In addition to any other remedy provided in this Ordinance, the Municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or the County Plan. In addition to an injunction, the court may impose penalties as authorized by

Section 16 hereof. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence, exercise or any remedy shall not prevent the Municipality or the County from exercising any other remedy provided by this Ordinance or otherwise provided by law or equity.

Section 18. Construction.

The terms and provisions of this Ordinance are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Ordinance shall be construed in pari materi with the SWMA and the County Plan.

Section 19. Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of this Ordinance.

Section 20. Repealer.

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 21. Effective Date.

This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

NOTICE
ORDINANCE NO. 2010-5-5

**AMENDING THE PROGRAM FOR THE RECYCLING OF DESIGNATED
RECYCLABLE MATERIALS AND MODIFYING FOR VIOLATIONS
THEREOF.**

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on May 11, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on June 8, 2010, at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated: _____

PAUL J. TULIANO, JR.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick			X			
Dickinson	X		X			
MacLachlan		X	X			

TOWNSHIP OF HAINESPORT

NOTICE OF FINAL PASSAGE

ORDINANCE NO. 2010-5-5

**AMENDING THE PROGRAM FOR THE RECYCLING OF DESIGNATED
RECYCLABLE MATERIALS AND MODIFYING FOR VIOLATIONS
THEREOF.**

Notice is hereby given that Ordinance No. 2010-5-5 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on June 15, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Byrne			X			
Dickinson	X		X			
MacLachlan		X	X			

Introduced: May 11, 2010
First Publication: May 17, 2010
Adoption: June 15, 2010
Final Publication: June 18, 2010

TOWNSHIP OF HAINESPORT
ORDINANCE NO. 2010-6-6
ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND
ALL PUBLIC RIGHTS TO PORTION OF GREENWOOD AVENUE

WHEREAS, pursuant to N.J.S.A. 40:67-1 et seq., the Township Committee of the Township of Hainesport, County of Burlington, may vacate any public street or any portion thereof, in order to serve the interests of the residents of the Township; and

WHEREAS, the governing body has determined that the public interest will best be served by vacating a portion of Greenwood Avenue, which is partially a paper street; and

WHEREAS, pursuant to New Jersey statutes, the governing body must, by ordinance, preserve the public utilities' right to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property to be vacated; and

WHEREAS, the Township Committee has decided to vacate that portion of Greenwood Avenue which is contiguous to certain lots, which are identified below by reference to the respective block and lot references on the Official Tax Map of Hainesport Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hainesport in the County of Burlington, State of New Jersey as follows:

Article I. Authorization of Street Vacation. The Township Committee of the Township of Hainesport hereby vacates that portion of Greenwood Avenue which borders the following properties, identified by the respective block and lot references on the Official Tax Map of Hainesport Township:

- A. Block 49.01, Lot 008
- B. Block 49.01, lot 014
- C. Block 50.01, Lot 001
- D. Block 50.01, Lot 004

Article II. Reservation of Rights. Pursuant to N.J.S.A. 40:67-1(b), there is hereby reserved from said street vacation the rights of any public utility company or cable television company to maintain, repair and replace any existing facilities located within the entire Right-Of-Way of said streets, together with the right of ingress and egress over and upon the same in order to carry out such purposes.

Article III. Fire Protection Reservation of Rights. The rights and privileges of the Township of Hainesport, and any and all fire companies authorized by the Township of Hainesport to perform fire protection services in the municipality to maintain, repair, and replace any existing fire hydrants; and the right and privilege to make use of said fire hydrants, and to have access to, and ingress to and egress from said fire hydrants, are hereby expressly reserved and excepted from this street vacation.

Article IV. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect sixty (60) days after final passage and publication as provided by law, and shall be recorded in the Burlington County Clerk's Office within that time.

HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-6-6

**ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND
ALL PUBLIC RIGHTS TO PORTION OF GREENWOOD AVENUE**

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on June 15, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on July 13, 2010 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Paul J. Tuliano, Township Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto	X		X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan			X			

**TOWNSHIP OF HAINESPORT
NOTICE OF FINAL PASSAGE**

ORDINANCE NO. 2010-6-6

**ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND
ALL PUBLIC RIGHTS TO PORTION OF GREENWOOD AVENUE**

Notice is hereby given that Ordinance No. 2010-6-6 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on August 10, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto		X	X			
Fitzpatrick			X			
Dickinson						X
MacLachlan	X		X			

Introduced: June 15, 2010
First Publication: June 18, 2010
Adoption: August 10, 2010
Final Publication: August 13, 2010

**TOWNSHIP OF HAINESPORT
ORDINANCE NO. 2010-7-8**

**AN ORDINANCE REQUIRING DEALERS OF SECOND HAND ITEMS TO
MAINTAIN DETAILED RECORDS OF PURCHASES AND SALES OF SECOND
HAND GOODS**

WHEREAS, The New Jersey State Police have reviewed the Revised General Ordinances of the Township of Hainesport and recommend that the Township enact provisions to require dealers of second hand items, commonly referred to as “pawn shops” to keep detailed records regarding purchases and sales of second hand goods; and

WHEREAS, N.J.S.A. 49:52-1(c) authorizes the regulation of such shops; and

WHEREAS, the Township has developed a recording keeping standard to assist the New Jersey State Police and other law enforcement agencies in the potential recovery of stolen goods.

SECOND HAND, PRECIOUS GEMS & METALS DEALER

PURPOSE.

The Township committee hereby finds that there is a need to regulate and control the buying, selling and/or trading of second hand goods to reduce the potential for sale of stolen goods and to assist law enforcement through strict recording requirements.

DEFINITIONS.

As used in this Section, the following words shall have the following meanings:

ENGAGE IN BUSINESS – any person who holds oneself out through advertisement of other means of a second hand dealer from a property location in Hainesport Township.

PERSON – any individual, partnership, corporation, association or other legal entity

SECOND HAND DEALING – the trade or business of buying and/or selling second hand goods.

SECOND HAND GOODS – any used good, including but not limited to goods such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, television sets, radios, music devices and instruments, electronic devices, sporting goods automotive equipment collectibles, game cartridges, DVDs, compact discs and other electronically or digitally records

materials, firearms, cameras and camera equipment, video equipment and bric-a-brac.

RECORDING KEEPING REQUIREMENT; EXCEPTION.

- A. No person shall engage in the business of second hand dealing without complying with the record keeping requirements established herein.
- B. The following actions are exempt from the requirements of this ordinance:
 - 1. Judicial sales or sales by executors or administrators;
 - 2. Occasional or auction sales of household goods sold from private homes;
 - 3. Auction of real estate;
 - 4. The occasional sale, purchase or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television or other form of printed or electronic advertising;
 - 5. Organizations organized under Chapter 501(c) (3) of the internal Revenue Code which accept donations and consignments for resale to benefit the non-profit cause of the organization (i.e. charitable thrift shops).

REPORTING REQUIREMENTS.

- A. All second hand dealers shall require of each person selling second hand goods suitable identification setting forth the true name and address of the seller. Acceptable identification includes a valid photo driver's license issued in one of the fifty (50) states, a valid government-issued photo identification or photo ID and one fingerprint (preferably thumb) which will be recorded on the receipt retained by the dealer and subsequently forwarded to any investigating authority upon request. All second hand dealers shall issue to each seller (and maintain a copy of) a serially numbered receipt setting forth the following information. Both a legible photocopy or electronic scan of the photo ID and the fingerprint shall be retained by the second hand dealer and provided to law enforcement upon request.
- B. A brief legible description of the item(s) which shall describe the manufactured form of such item(s).
- C. A statement in full of any identifying marks on the item, such as initials, names, dates, social security numbers engraved thereon, serial numbers, series numbers or any other information appearing calculated to set apart the particular object sold from others of like kind.
- D. If the item is purchased by weight, the troy ounce weight of the item.

- E. The name of the clerk or employee of the second hand dealers making the transaction legibly set forth.
- F. The name and permanent business address of the purchaser/second hand dealer.
- G. The name and address of the seller, which shall be verified by proof of identification. Said receipt book shall be a record kept in the regular course of business of the second hand dealer.
- H. The actual price paid for the purchase of such item.
- I. A photographed recording of the item(s) being purchased by the dealer. The Photograph should be of digital form and quality, with the ability to be electronically transferred to a computer.

RETENTION OF ARTICLES; RETENTION OF PROOFS OF SALES OR PURCHASES.

- A. No second hand dealer under this chapter shall sell, alter or dispose of in any way any of the articles or goods referred to in this chapter herein until seven (7) days have elapsed after the purchase of the same by such second hand dealer. It shall be an affirmative defense to any prosecution of administrative proceedings brought for a violation of this section, if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.
- B. The second hand dealer shall retain all proofs of sales and purchases for a period of three (3) years under the violations and penalties provision of this chapter.

PROHIBITED TRANSACTIONS.

- A. A second hand dealer shall not accept or buy any second hand goods for any person under the age of 18 years, unless such minor is accompanied by a parent or guardian and said parent or guardian gives specific written consent to the transaction and acknowledges the receipt required by the buyer to be given to the seller. Identification and proofs of guardianship shall be required.

TIME LIMIT FOR CONFORMANCE.

- A. All persons, partnerships and corporations engaging in any transactions covered by

this chapter shall conform to the provisions of this chapter within 90 days following the date of its final passage by the Township Committee.

VIOLATIONS AND PENALTIES.

- A. Any person defined above who violates any provision of the chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000.00 within the discretion of the municipal judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

ENFORCEMENT.

The Township Administrator, the Barracks Commander of the Bordentown Barracks of the New Jersey State police and their designees are authorized to enforce this ordinance.

* * * * *

CERTIFICATION

I, Paul J. Tuliano, Jr. do hereby certify that the foregoing is a true copy of the ordinance was introduced after the first reading at a meeting of the Hainesport Township Committee held on August 10, 2010 and adopted after a public hearing at a meeting of the Hainesport Township Committee held on September 14, 2010.

Paul J. Tuliano, Jr.
Township Administrator/Clerk

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2010-7-8**

**AN ORDINANCE REQUIRING DEALERS OF SECOND HAND ITEMS
TO MAINTAIN DEATAILED RECORDS OF PURCHASES AND SALES
OF SECOND HAND GOODS**

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on August 10, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on September 14, 2010 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto		X	X			
Fitzpatrick			X			
Dickinson						X
MacLachlan	X		X			

**TOWNSHIP OF HAINESPORT
NOTICE OF FINAL PASSAGE**

ORDINANCE NO. 2010-7-8

**AN ORDINANCE REQUIRING DEALERS OF SECOND HAND ITEMS
TO MAINTAIN DETAILED RECORDS OF PURCHASES AND SALES OF
SECOND HAND GOODS**

Notice is hereby given that Ordinance No. 2010-7-8 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on September 14, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III
Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto		X	X			
Fitzpatrick	X		X			
Dickinson			X			
MacLachlan			X			

Introduced: August 10, 2010
First Publication: August 13, 2010
Adoption: September 14, 2010
Final Publication: September 17, 2010

HAINESPORT TOWNSHIP

ORDINANCE 2010-8-9

AN ORDINANCE TO AMEND ORDINANCE 1997-1-1 AUTHORIZING STOP INTERSECTIONS

WHEREAS, New Jersey Statute 39:4-8 provides that any case of totally self-contained street under municipal jurisdiction which have no direct connect with any street in any other municipality may, by ordinance, without the approval of the Commissioner of Transportation, designate any intersection as a stop intersection and erect appropriate signs subject to certain terms and conditions; and

WHEREAS, the Township of Hainesport has presently identified such intersections within Township jurisdiction which qualify under 39:4-8;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey as follows:

SECTION 1

The following intersection(s) shall be designated as stop intersections, and the appropriate stop sign(s) are authorized to be erected:

1. The "T" intersection of Easton Way and Braxton Road shall be designated as a three-way stop intersection with stop signs at the end of Braxton Road entering onto Easton Way and in both directions of Easton Way as it intersects with Braxton Road.

BE IT FURTHER ORDAINED that all other provisions of Ordinance 1997-1-1 are hereby incorporated into this Ordinance and remain in full force and effect unless otherwise changed by statute or further amendments.

HAINESPORT TOWNSHIP

ORDINANCE NO. 2010-8-9

NOTICE

AN ORDINANCE TO AMEND ORDINANCE 1997-1-1 AUTHORIZING STOP INTERSECTIONS

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on September 14, 2010. It will be further considered for final passage after a public hearing at the regular meeting to be held on October 12, 2010 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto	X		X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan			X			

TOWNSHIP OF HAINESPORT

ORDINANCE NO. 2010-8-9

NOTICE OF FINAL PASSAGE

AN ORDINANCE TO AMEND ORDINANCE 1997-1-1 AUTHORIZING STOP INTERSECTIONS

Notice is hereby given that Ordinance No. 2010-7-8 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on October 12, 2010. Said Ordinance shall take effect immediately in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.

Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher, III

Mayor Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto	X		X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan			X			

Introduced: September 14, 2010

First Publication: September 17, 2010

Adoption: October 12, 2010

Final Publication: October 15, 2010