

ORDINANCE NO. 26-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 154 OF THE CODE OF THE TOWNSHIP ENTITLED GARBAGE, RUBBISH AND REFUSE BY AMENDING THE PROCEDURAL PROVISIONS OF ARTICLE VII - CONSTRUCTION, RENOVATION AND DEMOLITION DEBRIS RECOVERY PLAN

WHEREAS, the Article VII of Chapter 154, Garbage, Rubbish and Refuse, requires the submission, approval and implementation of a debris recovery plan for recyclable construction materials; and

WHEREAS, THE Township Committee has determined that the procedural provisions should be amended to clarify the responsibility of and procedures for the various parties involved in the recycling of construction debris;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

Section 1. Subsection A in Section 154-50., *Review of debris recovery plan*, is hereby amended to read as follows:

- A. Approval. A debris recovery plan shall be reviewed by the Municipal Recycling Enforcement Coordinator, and approved if it provides for all of the information required by this article. An approved debris recovery plan shall be marked "approved" and returned to the owner of the entity which submitted the plan. A copy of the approved debris recovery plan shall be submitted to the Township Construction Official by the applicant prior to the issuance of any demolition permit or construction permit for the covered project.

Section 2. Subsection C in Section 154-51., *Diversion requirement adjustment*, is hereby amended to read as follows:

- C. Granting of an adjustment. If the Municipal Recycling Enforcement Coordinator determines that it is not feasible for the entity carrying out a covered project to divert 50% of the generated C, R & D debris from the covered project, the percentage of diversion required shall be adjusted. The owner shall be notified in

writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C, R & D debris required by the adjustment. A copy of the approved adjusted debris recovery plan shall be submitted to the Township Construction Official by the applicant prior to the issuance of any demolition permit or construction permit for the covered project.

Section 3. Section 154-53., *Compliance with diversion requirement*, is hereby amended

to read as follows:

§ 154-53. Compliance with diversion requirement.

The Municipal Recycling Enforcement Coordinator shall review the information submitted pursuant to this article and determine whether the owner of the entity carrying out the covered project has complied or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing. A copy of the determination that the approved debris recovery plan has been complied with shall be submitted to the Township Construction Official by the applicant prior to the issuance of any certificate of approval, temporary or final certificate of occupancy, as applicable, for the covered project.

Section 4. Section 154-55., *Enforcement*, is hereby amended to read as follows:

§ 154-55. Enforcement.

The Municipal Recycling Enforcement Coordinator shall have the primary responsibility for enforcement of the regulations cited in this article; provided, however, that the regulations shall also be enforced by one or more of the following: 1) the Township's Property Maintenance Officer or his or her designee, 2) the Health Officer/Environmental Specialist or his or her designee, and/or 3) members of the Police Department, each acting within their respective jurisdiction and sphere of authority. In addition, other Township staff or agencies, including but not limited to the Building Department, Engineering Department and Public Works Department may, if they become aware of a violation or possible violation of the regulations cited in this article, notify the appropriate enforcement personnel of such violation. Enforcement activities may consist of on-site inspections of dumpsters or roll-off containers, the sorting of receptacles, the opening of solid waste bags or containers to detect, by sight or sound, the presence of any recyclable materials. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense.

Section 5. All ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.


Section 7. This Ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:



Ronald F. Francioli, Mayor



Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: June 13, 2019

DATE OF ADOPTION: July 11, 2019