

4-030.7 Additional Regulations. In addition to the foregoing, no licensee shall:

A. Solicit business from passersby in any manner other than by display of merchandise, lawful signs or other printed advertising.

He specifically shall not, whether from the inside or outside of the licensed premises, verbally solicit business from passersby.

B. Use any sound device audible upon the streets or other public places.

C. Personally or by agent, on the public street and in front of the premises, stop passersby or verbally or physically urge them to enter the premises or make purchase in the premises.

4-030.8 License Fees. License fees shall be as set forth in subsection 19-030.1(D). License fees shall not be prorated.

4-030.9 Transfer of License. No license shall be transferable without the approval of the township committee and every license shall be suspended or revoked by the township committee for violation of this section or any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise or conviction of the licensee of any crime involving moral turpitude or conducting the business in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

4-040 Mobile Home Parks; Mobile Homes.

4-040.1 Definitions. Whenever used in this section the following words shall have the following meanings unless a different meaning appears from the context.

Camper. A noncollapsible, moveable or portable unit designed and used on a temporary basis for sleeping purposes or recreational use and so designed that it is or may be mounted on wheels and used as a conveyance on highways or township streets, propelled or drawn by its own motive power.

Mobile Home. Any vehicle or moveable or mobile structure so designed and constructed in such manner as will permit occupancy as sleeping quarters for one or more persons, including campers as hereinafter defined, or any moveable or portable year-round dwelling built on a chassis designed and located without a permanent foundation which has a flush toilet, bath or shower and kitchen sink, whether propelled by its own or other motive power.

Mobile Home Park. A plot of ground upon which two or more mobile homes used for dwelling or sleeping purposes and not individually licensed under this section are located.

Mobile Home Space. A plot of ground in a mobile home park constituting an area designated as the location for one mobile home. Measurements of a mobile home space shall be made by using the plot width, which shall be the perpendicular distance between the side plot lines and the plot depth, which shall be the actual distance along either side of plot line and which need not be perpendicular to the street.

Recreation Building. A building designed and used by mobile park residents exclusively for recreational purposes.

Refuse. Garbage, rubbish, trash, trade wastes and other waste material.

4-040.2 Mobile Home Inspector; Deputy Inspector; Appointment; Duties. A. There are created the positions of mobile home inspector and mobile home deputy inspector.

B. The mobile home inspector and mobile home deputy inspector shall be appointed annually by the township committee for a term commencing January 1 in each year and shall serve for a period of one year at a salary to be fixed by the township committee in the salary ordinance.

C. It shall be the duty of the mobile home inspector to enforce all provisions of this section and perform other duties prescribed in this section, including the prompt collection of all fees for the township. The duties shall also include enforcement in conjunction with the construction official of the township with respect to the New Jersey State Hous-

ing Code, N.J.A.C. 5:28-1.1 et seq., regarding mobile homes and mobile home parks. Powers shall also include, inspections and right-of-entry to determine the condition of these dwellings with respect to safety, sanitation, and fitness for human habitation, as set forth in Township Ordinance 8-3.

D. The deputy inspector shall exercise the same duties as those of the mobile home inspector in his absence, resignation or inability to perform those duties or at the mobile home inspector's direction. (Amended by Ord. 1992-3, § 1 (part))

4-040.3 Location Outside Parks. The following shall apply:

A. It shall be unlawful, within the limits of the township, for any person to park any mobile home on any street, alley or highway or other public place or on any tract of land owned by any person, occupied or unoccupied, within the township, except as provided in this section.

B. Emergency or temporary stopping or parking is permitted on any street, alley or highway, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway and except for the purpose of display for sale and repair at a public garage.

C. No mobile home shall be used as a dwelling or sleeping place at any time within the township unless the mobile home is either:

1. Parked at a licensed mobile home park;
2. Parked on land owned in fee by the person who is the owner of the mobile home, provided that only one mobile home is parked at any one time on the tract of land and provided further that the person has first obtained a mobile home license.

It is understood that this section only applies to those homes presently situated in the township as described herein. This situation is a nonconforming use and specifically prohibited in the township. Any material alteration other than similar replacements and/or repair for normal wear and tear is also prohibited and subject to application before the zoning board of adjustment pursuant to N.J.S.A. 40:55D-70(d);

3. Parked as a vehicle under R.S. 34:8A-2 to be used as living quarters for seasonal workers, temporary workers or migrant workers. No lot may have more than two such vehicles. All vehicles shall conform to the statutes and regulations of the State of New Jersey. Seasonal workers, temporary workers and migrant workers shall be defined as workers employed for less than ten months during the calendar year for farming purposes. These vehicles shall be occupied only by the person or persons employed. The occupants of the vehicles shall not be responsible to pay rent for the use of same. Further, these vehicles shall not be rented or subleased during the periods when temporary workers are not employed. All vehicles shall meet or exceed the health requirements of the State of New Jersey and the County of Burlington, including requirements limiting the number of persons occupying the premises. (Amended by Ord. 1992-3, § 1 (part))

4-040.4 Mobile Home Parks. A. License for Mobile Home Park Required. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him a mobile home park within the limits of the township without having first secured a license therefor, granted and existing in compliance with the terms of this section.

B. Application; Requirements. The application for the license shall be filed with the mobile home inspector and accompanied by all requisite fees. It shall be made on printed forms furnished by the mobile home inspector and shall include the name and address of the owner in fee of the tract and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. If the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application, shall accompany the application.

The application shall be accompanied by two copies of the mobile home park plan showing the following, either existing or as proposed:

1. Total acreage and area dimensions by feet.
2. Location and width of all roadways, drive-ways and walkways.
3. The extent and area used for mobile home park purposes, depicting therein the precise location of each mobile home space with identifying lot numbers.
4. Location and number of sanitary conveniences, including toilets, washrooms, laundries, utility rooms to be used by occupants in mobile homes and recreational areas and buildings.
5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.
7. Plan for water supply.
8. Plan for electrical lighting of mobile home units and the park, including roadways and drive-ways.

C. Standards for Issuance. Before the license shall be issued, the mobile home inspector shall check the application, plat, site and ascertain that the requisite approvals have been obtained from the board of health of the sewage disposal and water supply and that the application, plat, fee and other material submitted complies with the requirements of this section and other applicable ordinances of the township.

The mobile home inspector shall thereupon present the application together with his written report and recommendations, to the township committee at the regular meeting thereof occurring not later than three weeks after submission of the application to him.

D. Notice of Hearings. The applicant shall be notified of the time and place of the meeting. At the meeting, the township committee shall take action thereon and either issue the license or issue the license on conditions related to this section or deny the license. In the event it is denied the committee shall set forth their reasons and promptly serve the applicant with a copy of the resolution denying the license.

E. Licenses. 1. License or licenses issued shall be consecutively numbered and shall show the date of issuance. Licenses further shall show:

- a. The name of the licensee and of the mobile home park.
 - b. The location of the park.
 - c. The number of spaces licensed.
2. Licenses shall be signed by the mobile home inspector and the township seal affixed.

3. Each license shall have a corresponding stub securely bound in a license book which shall be retained by the mobile home inspector but shall be open for inspection at any time by any person. The licenses shall be numbered to correspond with the number of the application and supporting documents.

F. Renewal Applications. The following shall apply.

1. Existing Licenses. The holder of a valid existing mobile home park license, after January 1, 1971, may continue to operate for the balance of the term of the license and the license may be renewed but only by making application as provided above for an initial license.

2. Renewals, All Licenses.

a. Application for renewals of new licenses or subsequent renewals of any license shall set forth the name and address of the applicant, the number of his then existing license and a certification that no changes have occurred in the information contained in his initial application and supporting material.

b. If any changes have occurred, the application shall specify the changes and the application shall thereupon, in either event, follow the procedure specified above for issuance of initial licenses as though it were accompanied by the balance of the information and plans required for an initial license. The application shall be accompanied with the renewal fee and filed with the mobile home inspector not later than January 15 of the then current license year.

G. Transfers. The following shall apply:

1. Mobile home park licenses may be transferred from person to person upon written application filed

with the mobile home inspector and payment of a transfer fee as set forth in subsection 19-030.1(E).

2. The application shall set forth the number of the existing license, the name of the licensee and the name and address of the person to whom the license is to be transferred and shall certify that no changes are to be made in the initial application information or shall certify the changes to be made.

3. The application shall be processed as in the case of original applications and upon approval, the transfer shall be noted in the stub and on the face of the outstanding license and signed by the mobile home inspector.

4. There shall be no proration of fee.

5. Transfers may only be granted if there are no violations outstanding against the licensee.

6. Mobile home park licenses may also be transferred from place to place upon submission of all the information required for an initial license and payment of the transfer fee, provided that nothing herein shall be construed to alter the provisions of the zoning ordinance.

H. Annual Fees. Annual fees for a mobile home park license shall be paid to the mobile home inspector at the time application is made and shall not be prorated. Such fees are imposed for revenue.

There shall be an annual license fee for permitted mobile home spaces as set forth in subsection 19-030.1(E).

I. Mobile Home Park Regulations. Mobile home parks shall comply with the following regulations:

1. All provisions of the Uniform Construction Code enacted pursuant to N.J.S.A. 52:27D-123 together with all Rules and Regulations for the New Jersey Uniform Construction Code appearing in N.J.A.C. 5:23-1.2 their amendments and supplements.

2. a. New or additional mobile home park construction shall be so arranged as to provide a minimum mobile home space of four thousand two hundred unencumbered square feet, with a minimum width of forty-two feet for each mobile home.

b. Except for mobile homes in storage or the sale of same, each mobile home shall be located on

a mobile home lot so as to comply with the following minimum proximity limits:

i. Fifteen feet from the side(s) of any other mobile home;

ii. Ten feet end-to-end between homes and any adjoining property line. An exemption is given from this proximity limit to present residential mobile home owners who wish to replace their mobile homes with upgraded ones of the same dimension, i.e., those who own and live in the mobile home at the time of passage of the ordinance codified in this subsection.

3. No mobile home shall be any closer than forty feet to the right-of-way line where the street is a public street.

4. After January 15, 1971, no mobile home park owner shall possess more than one mobile home park license where the lands are contiguous and, in the case of an existing license, the licenses for the contiguous parks shall be combined into one license.

5. ~~The holder of a mobile home park license may make plot space changes by submitting the details thereof in writing to the mobile home inspector. The inspector may authorize such changes if the plot space change is in conformance with all the provisions of this section and the compliance of the park is not thereby altered. The change will be noted by him on the back of the license and signed or initialed, and a suitable notation shall be made on the license stub, application and plot plan and written notification given to the township clerk by the inspector.~~

6. Each mobile home park licensee shall maintain a park registry wherein shall be kept the date of arrival, the date of departure, name, permanent address and age of the owner of each mobile home and of each occupant thereof, and the state registration number of the motor vehicle. These records shall be open to inspection at all times by the mobile home inspector or any peace officer of the State of New Jersey.

7. a. All mobile home parks shall be so arranged to provide free, unencumbered streets or other access to permit the free entry of fire apparatus to each mobile home. The licensed premises shall at

all times comply with police and fire regulations of the township.

b. Use and occupancy of space shall be in accord with the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq. Particularly, every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least one hundred additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.

8. At no time shall dogs or other animals be permitted to run at large within the confines of any mobile home park.

9. One unoccupied mobile home located at a mobile home park may be used by the licensee for storage purposes, provided the mobile home is stored in a maintenance area and no living quarters are maintained therein. No fee shall be charged for the space where the storage trailer is situated.

10. Mobile home parks licensed on or before January 1, 1971 shall not be required to bring the parks into compliance with the area, space and other physical requirements of this section. However, new construction or reconstruction, other than repair, shall be required to comply with these requirements. (Ord. 1988-17, § 1; amended by Ord. 1992-3, § 1 (part))

4-040.5 Park Regulations. Every mobile home park owner shall have established park rules and regulations pursuant to N.J.S.A. 46:8C-1 et seq. Said rules and regulations shall include, but are not limited to the following:

A. In every mobile home park there shall be an office in which shall be located a copy of the park license and this chapter, both of which shall be posted therein. In addition, a copy of the New Jersey "Truth in Renting" Act, Chapter 310, of the Public Laws of the state of New Jersey in an updated park register of said mobile home park shall be posted therein.

B. The unit owner shall be responsible for at least one smoke detector in all mobile homes and trailers to be installed in the bedroom hallways.

These smoke detectors shall be approved in accordance with the New Jersey Uniform Fire Safety Act, N.J.S.A. 52:27(D) and the Uniform Fire Code N.J.A.C. 5:18-1.1 et seq. If the smoke detector operates on an electric system a battery operated back up shall also be installed.

C. The unit owner shall be responsible that at least one five-pound dry chemical ABC fire extinguisher be present in an accessible place in the unit.

D. Outside cooking shall be permitted only on an approved cooking grill, hibachi or portable barbecue. Cooking in open pits shall be prohibited and no permanent barbecues will be constructed due to the minimal distance between mobile homes and trailers.

E. Open fires or campfires shall be prohibited under any and all circumstances.

F. The unit owner shall be responsible that the mobile home or trailer(s) shall be maintained in good repair and sightly condition.

G. All occupants of mobile homes and trailers shall keep their mobile home lot in a clean, sightly condition at all times.

H. It shall be the responsibility of the unit owner that all approved heating tapes shall be attached to outside water lines and connections and must be inspected by the occupant to insure safe operating condition and be replaced when inoperable or in a hazardous condition.

I. The unit owner shall be responsible for the maintenance and connections from the mobile home or trailer to the water riser outlet.

J. The unit owner shall be responsible for the maintenance and installation of sewer pipes and connections from the mobile home or trailer to the sewer riser.

K. The unit owner shall be responsible for the maintenance and installation of electrical connections from the mobile home or trailer to the electrical service connection.

L. It shall be the park owner's responsibility for the maintenance and installation of sewer pipes from the sewer riser to the sewer disposal system, from the water riser to the water supply source and from

the electrical service connection to the power line connection supplied by the utility company.

M. Any and all additions to the mobile home or trailer including but not limited to rooms, porches, decks and car ports must be approved by the mobile home park owner and must be in compliance with any and all applicable statutes and regulations including the codified ordinances of the township of North Hanover. (Ord. 1992-3, § 1 (part))

4-040.6 Camper Vehicle Application and License. The following shall apply:

A. Camper vehicles not having flush toilets, baths or showers and kitchen sinks shall at no time be used for sleeping or dwelling purposes at any place within the township. All other prohibitions relating to mobile homes shall relate to camper vehicles whether or not so equipped.

B. As an exception, a camper vehicle may be used for dwelling and sleeping purposes on a temporary basis not exceeding five days, provided the vehicle is parked at a licensed mobile home park having a special camper vehicle permit.

C. Special vehicle camper permits may be obtained by the holder of a mobile home park license by payment of an annual fee as set forth in subsection 19-030.1(E), not prorated, to the mobile home inspector. The permit shall permit a space for one camper vehicle on which it may be parked, subject to the time limitation set out above.

D. As an exception to the foregoing limitations, the owner of a camper vehicle visiting friends or relatives within the township at the home or residence of the friend or relative may park the camper vehicle on the same lot on which the home of the friend or relative is erected, observing all setback requirements of the zoning ordinance for structures, for a period not exceeding one week in any consecutive six months, and occupy the camper vehicle during the one week, provided that not more than one such camper vehicle shall be so located at the home of the friend or relative at any one time, and provided further that the friend or relative, within 24 hours after arrival of the vehicle, applies for and

obtains from the mobile home inspector a special permit. No fee shall be charged for the permit.

E. Unoccupied camper vehicles may be stored on the lot on which the residence of the resident owner of the camper is situate but such camper vehicles shall be so located as to comply with all setback provisions provided by the zoning ordinance for structures in the district where the residence is located.

4-040.7 Mobile Home Storage Licenses. The following shall apply:

A. The storage of unoccupied mobile homes, except as otherwise specifically permitted in this section, is prohibited.

B. No person shall store unoccupied mobile homes without first having procured a mobile home storage license. The license shall permit the storage of up to 50 unoccupied mobile homes and shall expire and be renewed in the manner herein provided for mobile home licenses, where applicable.

C. Application shall be made, in writing, to the mobile home inspector and processed as in the case of mobile home licenses. In addition to the requirements of subsection 4-010.2, the application shall set forth:

1. Name and address of the owner of the premises.

2. Exact location, total acreage and area dimensions by feet.

3. Plan of electrical lighting of area to be used.

D. No unoccupied mobile home, when stored, shall be closer than 40 feet from the right-of-way line of any public street.

E. The annual fee for storing unoccupied mobile homes as a business shall be as set forth in subsection 19-030.1(E) and, in addition to the annual fee, there shall also be paid a sum as set forth in subsection 19-030.1(E) for each unoccupied mobile home stored during any portion of the preceding month.

F. A penalty as set forth in subsection 19-030.1(E) shall be added to and collected for nonpayment of stated fees.

G. Mobile home park storage licenses shall only be issued to existing mobile home parks validly li-

censed under existing ordinances on or before January 1, 1971. The license shall authorize storage of mobile homes only on unimproved rear areas of the mobile home park and shall authorize storage only in conjunction with the operation of the mobile home park.

No more than one special storage license may be issued to authorize the continuation of the business of storing mobile homes in the case of any person now conducting such business other than in conjunction with a mobile home park and provided application therefor is made within ten days from January 1, 1971. The license shall authorize storage on the premises where the business is now conducted.

H. Notwithstanding the provisions of this section, the owner of any camper vehicle or travel trailer may apply for and obtain a special no fee permit to permit the storage of one unoccupied camper vehicle or travel trailer on the lot on which the residence of the owner of the vehicle is erected, provided that the vehicle shall be so located thereon as to comply with the zoning requirements for structure setback applicable to the district where stored.

I. The license fee shall be prorated for the remainder of the year and licenses may be renewed annually but are not transferable to other property.

4-040.8 Removal of Wheels. The following shall apply:

A. It is unlawful for the owner of a mobile home park or mobile home or any other person to remove, cause to have removed or permit the removal of the wheels of a mobile home or to otherwise permanently fix the mobile home to the ground in a manner that would prevent its ready removal. Individually licensed mobile homes, however, shall be set on a firm foundation sufficient to support the weight of the mobile home when occupied but without destroying its mobility.

Notwithstanding the above, upon application to and approval by the mobile home inspector, said wheels may be removed for safe keeping if it may be done in a sightly manner. This issue shall be

resolved in the discretion of the mobile home inspector.

B. No permanent structure may be added to a mobile home. (Amended by Ord. 1992-3, § 1 (part))

4-040.9 Temporary License. A mobile home may be used on a temporary basis as a dwelling provided a permit is first obtained from the mobile home inspector upon satisfying him that the destruction of the usual dwelling place requires temporary shelter for time to rebuild the home.

Such permit shall be initially issued for a period not exceeding a 90 day limit, but may be extended for additional consecutive 90 day periods not exceeding a total of one year.

The fee for this special permit is as set forth in subsection 19-030.1(E), to be paid to the mobile home inspector, with a penalty as set forth in subsection 19-030.1(E) added to and collected with the monthly fee for each day any such monthly fee is delinquent.

4-040.10 License Limitations. A. The number of mobile home park licenses and the number of mobile home spaces permitted under each mobile home park license shall not exceed the number of licenses or the number of spaces licensed under each license lawfully issued and lawfully outstanding as of June 1, 1965. No individual mobile home license shall be issued except as a renewal of a validly existing license issued and outstanding on June 1, 1965.

B. Notwithstanding the provisions of the foregoing paragraph A, the holder of any mobile home park license lawfully issued and lawfully outstanding as of June 1, 1965, and currently outstanding may apply for the licensing of not more than ten spaces in addition to the spaces licensed under such license as of June 1, 1965, subject to the following conditions:

1. That portion of the street or other thoroughfare on which the additional spaces front shall be paved with a minimum of three-inch stone base and two-inch FABC surface or four-inch reinforced concrete and shall have curbs or three-foot-wide

TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE NO. 2007- 12

**AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER REPEALING
SUBSECTION C OF SECTION 4-040.10, CHAPTER 4 OF THE "REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF NORTH HANOVER, 1994"**

WHEREAS, the Township Committee of the Township of North Hanover by Ordinance 1988-27 previously amended Chapter 4, Section 4-040.10 of the Revised General Ordinances of the Township of North Hanover, 1994, by adding subsection C which in essence permitted the holder of any mobile home park license lawfully issued and outstanding as of June 1, 1965 to apply for the licensing of not more than five new mobile home spaces in said mobile home park, calculated on the number of spaces licensed to that mobile home park as of December 29, 1976; and

WHEREAS, the supposed rationale for this amendment as set forth in Ordinance 1988-27 was the need and obligation of the Township to provide its share of moderate income housing; and

WHEREAS, the Township Committee of North Hanover recognizes that the need to provide moderate income housing does not currently exist in the Township because the Township has more than a sufficient number of low and moderate income housing as evidenced by the Township's Third Round COAH application and the fact that there are a significant number of mobile home parks located within the Township; and

WHEREAS, a majority of the Township Committee also does not agree that in 1988 there was not a sufficient number of moderate income housing and therefore the underlying premise of the original amendment was in fact flawed; and

WHEREAS, because the basis upon which the original amendment was adopted does not exist, the Township Committee desires to repeal subsection C of section 4-040.10 of the Revised General Ordinances of the Township of North Hanover.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of North Hanover that Subsection C of Section 4-040.10 of the Revised General Ordinances of the Township of North Hanover, 1994, is hereby repealed.

SECTION 2. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect after its final passage and publication according to law.

NOTICE

The Ordinance entitled above was adopted by the Members of the North Hanover Township Committee, at a meeting held July 5, 2007, after a public hearing was held on said date. It will become effective upon publication and notification according to law.

Monica L. Pascarella, RMC
Municipal Clerk

sidewalks. The curbs and sidewalks shall be concrete.

2. Any mobile home parked upon any one of the additional spaces must be skirted and provided with a patio with minimum dimensions of ten by fifteen feet.

~~3.~~ No such additional spaces shall be licensed until application therefor has been made in the manner provided in Section 4-040.4 to the mobile home inspector accompanied by the requisite information and approved by the township committee.

~~4.~~ Applications for such additional mobile home spaces must be made within one year from the effective date of the ordinance codified in this subsection and the spaces must be installed and in operation within one year after receipt of approval by the township committee.

~~5.~~ Additional spaces so permitted must be within the licensed area of an existing presently licensed park, or, if a special exception is greater to extend the park area to accommodate the additional spaces must be part of and contiguous to the area of the existing licensed park.

6. No such additional spaces may be transferred from one existing park to another location.

C. Notwithstanding the provisions of the foregoing paragraphs A and B, the holder of any mobile home park license lawfully issued and lawfully outstanding as of June 1, 1965, and currently outstanding may apply for the licensing of not more than five new spaces calculated on the number of spaces licensed to that mobile home park as of December 29, 1976. The location of the proposed new sites shall be within the area of land which was submitted to the township committee as of the initial licensing of the park, namely, June 1, 1965. (Amended by Ord. 1988-27, § 1)

per
ORD 2007-12
Rescinded

4-040.11 Fixing of Fees. All license fees imposed by this section are imposed for the purpose of revenue and are intended to be fixed in relation to the just share mobile home users should share of local, school and county expenditures and appropriations for the general welfare.

4-040.12 Enforcement. In addition to enforcement of the provisions of this section by the mobile home inspector, provisions may also be enforced by any peace officer, the board of health, dog warden of the township and state trailer inspectors or state police, all of whom shall have a right to enter upon the premises of any mobile home park within the township in the course of the discharge of their duties and to inspect the same and all accommodations connected therewith.

4-040.13 Revocation or Suspension. Any license granted under the terms of this section may be revoked or suspended by the township committee, upon recommendation of the mobile home inspector, after notice of the charges and the time and place of hearing has been given to the licensee, who shall have a right to be heard at the hearing.

4-050 Truck Trailers.

4-050.1 Definition. As used in this section, "truck trailer" shall include not only truck trailers pulled by truck tractors, as the word is commonly understood, but also fully enclosed truck bodies whether or not self-propelled campers and other type mobile containers or containers intended to be hauled, including boxcar type truck bodies or box type truck trailers. It shall exclude flat trailers not fully enclosed and farm vehicles and truck trailers used on farms for agricultural purposes, including storage of agricultural materials as an adjunct to the farm where stored.

4-050.2 Use Restricted. No person shall use any truck trailer for the permanent storage of goods, wares or merchandise or for an office and shall only use the vehicle for that purpose on a temporary basis after being licensed to do so and paying the license fee, both as prescribed in this section and Section 19-030.

4-050.3 License Required. The temporary use of a vehicle for the purpose indicated may be authorized by the township committee upon application

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE NO. 2005 - 17**

AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF NORTH HANOVER, 1994"

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey that Chapter 4 of the Revised General Ordinances of the Township of North Hanover is hereby amended and supplemented by amending Section 4-040.12 and adding Section 4-040-14, to read as follows:

Section I

Section 4-040.12 is hereby amended to read as follows:

4-40.12. Enforcement Procedure.

- A. Mobil Home Inspector to Supervise Enforcement. The Mobile Home Inspector is hereby designated to supervise and direct all inspections, regulations and enforcements of violations of the provisions of this chapter, unless expressly stated to the contrary. Other public officials or employees of the Township may be designated by ordinance or by the Mobile Home Inspector to perform duties as may be necessary to the enforcement of this chapter including the making of inspections.
- B. When Inspections Are to Be Made. All mobile homes and mobile home parks subject to this chapter are subject to inspections from time to time by the enforcement officers of the Township. At the time of such inspections parts of the premises must be available and accessible for such inspections and the owner, operator and the occupant are required to provide the necessary arrangements to facilitate such inspections.
- C. Identification and Conduct of Enforcement Officers. Enforcement Officers shall be supplied with official identification and upon request shall exhibit such identification when entering any structure or any part of any premises subject to this chapter. Such officers shall conduct themselves so as to avoid embarrassment or inconvenience to the occupants.
- D. Where Entry by Enforcement Officers is Refused. Where the enforcement officer is refused entry or access or is otherwise impeded or prevented by the owner,

occupant or operator from conducting an inspection of the premises, such person shall be in violation of this chapter and subject to the penalties hereinafter.

- E. Search Warrant or Access Warrant. In addition to the provisions of subsection D of this section, enforcement officers may, upon affidavit, apply to the municipal court for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, and if the municipal judge is satisfied that the matter set forth in the affidavit constitutes reasonable basis, he or she shall authorize the issuance of a search warrant permitting access to an inspection of that part of the premises on which the nuisance or violation allegedly exists.
- F. Procedure Where Violation Discovered. Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the enforcement officer shall be served on the person or persons responsible for the correction thereof.
- G. Contents of Notice. The notice shall specify the violation or violations cited, what must be done to correct same, a reasonable period of time not to exceed thirty (30) days to correct or abate the violation. The notice shall also advise the recipient that if the violation is not corrected or abated, the violation may be prosecuted by the filing of a complaint by the enforcement official in the municipal court or other court of competent jurisdiction.
- H. Service of Notice. Notice may be served personally or by prepaid telegram or by regular and certified mail with postage prepaid addressed to the last known address of the person to be served. In the case the premises are occupied, notice may be accomplished by posting upon the front door of the structure. Where it is ascertained the owner does not reside on the premises, the "last known address" shall be the address of the owner as shown in the office of Township tax collector. Service upon an owner, operator or occupant may also be obtained by service upon a member over fourteen (14) years old of the family of such owner, operator or occupant.
- I. Extensions of Time. The Mobile Home Inspector may extend the time for correction or abatement of the violations for an additional period of time not to exceed thirty (30) days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period not to exceed ninety (90) days beyond the expiration date of the original notice.
- J. Summary Abatement in Emergency – Notice and Hearing Not Required. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the enforcement officer may either abate the violation or condition immediately or

order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three (3) days and upon failure to do so, the enforcement officer shall abate the condition immediately thereafter, the cost of which shall become a lien on the subject property.

- K. Effective Notice on Owner. The service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violation set forth therein until violations are abated in conformity with this chapter and the other applicable ordinances of the township.

Section II

Section 4-040.14 is hereby added to read as follows:

Section 4-040.14. Violations and Penalties.

- A. Fines for Violations. Any person violating any of the provisions of this section shall, upon conviction thereof, be punishable for each violation by a fine of not more than \$1,250 or by imprisonment of not more than 90 days or by community service for up to 90 days, or any combination thereof. Any person who is convicted of violating any of the provisions of this section within one year of the date of a previous violation of the same provision and was fined for the previous violation, shall be sentenced by the court to an additional fine as a repeat offender. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the Township may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.
- B. Fine Collectible as Lien. In the event of imposition of a fine or penalty by the municipal court or any other court of competent jurisdiction against the owner, operator or lessor of any building or structure in the township required to be registered for violation of any township ordinance or any state law applicable to the township, the fine or penalty shall be collectible as a lien against the premises, in addition to any other remedies provided by law.

Section III

In the event that any portion of this ordinance is determined to be invalid, such determination shall not affect the remaining portions of the ordinance, which are hereby declared to be severable.

Section IV

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section V

This ordinance shall take effect immediately following final adoption and publication as required by law.

NOTICE

The Ordinance entitled above was introduced by the North Hanover Township Committee, at a meeting held on August 25, 2005. It will be further considered for final passage after a public hearing at the meeting to be held on 9/22/05, at the Municipal Building, 41 Schoolhouse Road, Jacobstown NJ, at 7:00 p.m. prevailing time at which time and place any persons desiring to heard upon the same will be given an opportunity to do so. Copies are available free of charge at the Municipal Clerk's Office prior to and at the public hearing.

ELAINE B. KENNEDY, RMC/CMC
Municipal Clerk

TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE 2010-03

AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER AMENDING THE TOWNSHIP'S MUNICIPAL CODE AND OTHER ORDINANCES PERTAINING TO 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 Division of Solid Waste Management (DSWM) 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 North Hanover in the County of Burlington, State of New Jersey, as follows:

Section 1. Purpose of Ordinance

The Township of North Hanover 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, and reduced water and air pollution.

Section 2. Statutory Authority for 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 Division of Solid Waste Management from residential curbside, recycling depot, 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 paper and plastic containers; 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.
- 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 & #2), Rechargeable Batteries, Steel 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.
- DSWM shall mean the Burlington County Division of Solid Waste Management, its successors and assigns.
- 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 North Hanover 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 terephthalate (PET) and coded as #1 and high - density polyethylene terephthalate (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 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 the Division of Solid Waste Management.
- 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 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 (list location): North Hanover Township Waste Facility located on Meany Road, during the times and

days advertised.

- 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 Cans
 - g. and other recyclable materials as designated by the Municipality.

Section 6. Requirement to provide Common Area Recycling Storage location.

- 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 section Chapter 20-050 of the Land Use Ordinances.
- B. Development ordinances of the Township of North Hanover entitled “**Design of Containment Areas for Designated Recyclable Materials on Residential Sites**” and in accordance with the requirements of the Burlington County Division of Solid Waste Management (DSWM).
- C. Designated Source Separated Recyclables:
 - Aluminum Cans
 - Corrugated Cardboard
 - Glass Containers
 - Paper
 - Plastic Bottles (Coded 1 & 2)
 - Steel Cans
 - and other recyclable materials as designated by the Municipality.
- D. The owner or manager of each of the above referenced locations shall notify all new residents within thirty (30) days of occupancy and all residents of such locations no less than two (2) times each calendar year, as to the list of materials required to be recycled; the location of all recycling containers; and the requirements for recyclable material preparation.
- E. The owner or manager of each 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.
- F. The owner or manager of each and every one of the above referenced locations shall be required to report recycling tonnages of all designated recyclable materials as described in Section 8 except for those materials collected through the Burlington County Regional Program.

Section 7. 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 Cans
Textiles
Tires
Used Motor Oil
Ink Jet Cartridges
Toner Cartridges
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 8.
- 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 8. Recycling Reporting Requirements.

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

- A. The 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 calendar year's total recycling (expressed by weight) for each material recycled on forms as prescribed by the DSWM.
- 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 9. 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 10. 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 11. 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 12. 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 13. Enforcement.

- A. Enforcement of this Ordinance shall be the responsibility of the following: Municipal Recycling Coordinator or Code Enforcement Official.
- B. In addition to the Municipal Recycling Coordinator and Code Enforcement Official, the Burlington County Health Department and the DSWM are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.
- C. Any penalties or fines collected in an enforcement action shall be paid to the Municipality when the Municipality brings such action.
- D. 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 DSWM.

Section 14. 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 (\$1,000.00).
- 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 (\$1,000.00) and not more than four thousand five hundred dollars (\$4,500.00).
- 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 (\$1,000.00).
- 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 15. 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 14 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 16. 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 17. 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 18. Repealer.

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

Section 19. Effective Date.

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

Adopted: March 18, 2010

Deborah Butler, Mayor

Attest:

Maureen Horton Gross, RMC
Deputy Clerk