

ORDINANCE NO. 3728

AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF FRANKLIN, MORE SPECIFICALLY, CHAPTER 112, LAND DEVELOPMENT, ARTICLE IV, SUPPLEMENTARY ZONING REGULATIONS, SECTION 112-33, RECYCLING AND SOLID WASTE REQUIREMENTS FOR NEW DEVELOPMENTS OF MULTI-FAMILY RESIDENTIAL UNITS OR COMMERCIAL, INSTITUTIONAL, GOVERNMENT OR INDUSTRIAL PROPERTIES, CHAPTER 146, CONSTRUCTION CODES UNIFORM, SECTION 146-1, FEES; AND CHAPTER 284, RECYCLING, ARTICLE I, MANDATORY RESIDENTIAL PROGRAM, SECTION 284-1, DEFINITIONS, AND ARTICLE III, MANDATORY COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, GOVERNMENT AND OFFICE PARK, SECTION 284-13, DEFINITIONS.

SUMMARY

An ordinance revising, amending and supplementing the Municipal Code of the Township of Franklin, County of Somerset, State of New Jersey for compliance with updated guidelines and/or requirements for recycling of certain materials as issued by the Somerset County Department of Public Works, Division of Solid Waste Management.

**WHEREAS**, the Somerset County Department of Public Works Division of Solid Waste Management has issued updated guidelines and/or requirements for recycling of certain materials; and

**WHEREAS**, the Township Engineer of the Township of Franklin, County of Somerset, State of New Jersey has reviewed the Township Code and believes that some amendments to the following chapters are necessary: Chapter 112, Land Development; Chapter 146, Construction Codes Uniform; and Chapter 284, Recycling; and

**WHEREAS**, the Township Council concur that such amendments are necessary to comply with the recent Somerset County Department of Public Works Division of Solid Waste Management's requirements; and

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Code of the Township of Franklin be and it is hereby revised, amended and supplemented as follows:

SECTION I

**Chapter 112, Land Development, Article IV, Supplementary Zoning Regulations, Section 112-33, Recycling and solid waste requirements for new developments of multi-family residential units or commercial, institutional, government or industrial properties, is hereby amended, in its entirety as follows:**

**§ 112-33. Recycling facilities in multifamily housing developments.**

A. Definitions. The terms used in this chapter are defined as follows:

MULTIFAMILY HOUSING DEVELOPMENT *shall mean a* building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

RECYCLING AREA *shall mean a* space allocated for collection and storage of source separated recyclable materials.

B. There shall be included in any *application to the Township Planning Board and/or Zoning Board of Adjustment* ~~new multifamily housing development~~ that requires subdivision or site plan approval ~~an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area~~

~~and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator, and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1D-99.13) and any applicable requirements of the Municipal Master Plan, adopted pursuant to Section 26 of P.L. 1987, c.102.~~ *for the construction of multifamily housing, single family developments of fifty (50) or more units or any commercial, institutional, government or industrial development for the utilization of one thousand (1,000) square feet or more of land, a recycling plan. The plan must contain, at a minimum, the following:*

- a) *A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and*
  - b) *Locations documented on the application's site plan that provide for an indoor or outdoor recycling area for the collection and storage of residentially-generated recycling materials.*
    1. *The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located; and*
    2. *The dimensions of the recycling area and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator, and shall be consistent with the District Recycling Plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the Municipal Master Plan, adopted pursuant to Section 26 of P.L. 1987, c. 102; and*
    3. *The location of the recycling area shall be convenient for the residential disposition of source separated recycling materials, preferably near, but clearly distinct from, a refuse dumpster; and*
    4. *The plan shall represent that:*
      - a) *The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles; and*
      - b) *Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles.*
- C. ~~The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster. Reasonable measures shall be taken to protect the recycling area and the bins or containers placed therein, against theft of recycling materials, bins or containers.~~
- D. ~~The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers. Prior to the issuance of a Certificate of Occupancy by the Township, the owner of any new multi-family housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the Township or Somerset County does not otherwise provide this service.~~
- E. The recycling area or the bins or container placed therein shall be designed so as to provide protection against adverse environmental conditions, which might render the collected materials unmarketable. Any bins or containers which are used for collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid or otherwise covered so as to keep the paper or cardboard dry.

- F. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- G. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.
- H. *Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Township Engineer.*

## SECTION II

Chapter 146, Construction Codes Uniform, Section 146-2, Fees is hereby amended as follows:

**§ 146-2. Fees. [Amended 3-24-1977 by Ord. No. 844; 4-23-1981 by Ord. No. 1051; 8-13-1981 by Ord. No. 1065]**

- A. A construction permit will be valid for one year from the date of issuance, and the fee shall be the sum of the subcode and surcharge fees in Subsection C(1) through (6) and C(8) and (9) hereafter listed and shall be paid prior to the issuance of a construction permit. **[Amended 4-11-1989 by Ord. No. 1478]**
  
- B. *At the time of issuance of any construction and/or demolition permit(s), where the permittee possesses twenty-one (21) or more cubic yards of construction and/or demolition waste materials, the Construction Official shall provide to the permittee written instruction on proper disposal and recycling of the construction and/or demolition waste materials.*
  - 1. *The Construction Official shall also furnish to the permittee a "Notification of Construction/Demolition Activity Form". The permittee shall complete and execute the form and transmit it via facsimile to the Somerset County Department of Health – CEHA OPERATIONS within forty-eight (48) hours of the issuance of a construction and/or demolition permit.*
  - 2. *Violation of any provision of this Section shall be subject to the penalties imposed pursuant to Chapter 1, Article II, General Penalty.*
  
- B C. Waiver of fees.
  - (1) Fees are hereby waived for public institutions, churches and volunteer fire companies. Fees may also be waived or reduced for community organizations, charitable institutions receiving tax-exempt status under the Internal Revenue Code and for buildings being rebuilt immediately after destruction by fire or acts of nature; provided, however, that such waivers as set forth hereinabove for community organizations, charitable institutions receiving tax-exempt status under the Internal Revenue Code and for buildings being rebuilt immediately after destruction by fire or acts of nature shall be so waived or reduced only by resolution of the Township Council of the Township of Franklin.
  - (2) Fees are hereby waived for any disabled person or a parent or sibling of a disabled person for construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to his/her own living unit. For the purposes of this subsection, "disabled person" shall mean a person meeting the definition of "disabled person" set forth in N.J.S.A. 52:27D-126e of the State Uniform Construction Code. **[Added 11-12-1998 by Ord. No. 3018]**
  - (3) In situations where the Health Officer declares a general water emergency, fees associated in this chapter may be waived by resolution of the Township Council (effective April 28, 2004). **[Added 2-14-2004 by Ord. No. 3590]**

**€ D. Fees. [Amended 11-26-1991 by Ord. No. 1682; 5-28-1996 by Ord. No. 1956; 9-9-2002 by**

SECTION III

Chapter 284, Recycling, Article I, Mandatory Residential Program, Section 284-1, Definitions is hereby amended as follows:

ARTICLE I Mandatory Residential Program

§ 284-1. Definitions.

The following words and phrases shall have the following meanings:

ALUMINUM *shall mean* all aluminum beverage containers.

BATTERIES *shall mean* dry cell batteries such as, but not limited to, radio, toy, watch and/or calculator batteries.

CORRUGATED CARDBOARD *shall mean* paper cartons, sheets, spacer material or any other container consisting of two (2) layers of brown paper separated by an inner rippled core.

GLASS *shall mean* all glass bottles and jars of any color, thoroughly rinsed with caps and closures removed.

NEWSPAPERS *shall mean* all paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions, containing advertisements and other matters of public interest. The term "newspapers" shall also include inserts that come with the newspapers, such as comics, colored store or grocery advertisements, TV and magazine sections and glossy coupons.

~~LEAVES — Foliage plant material.~~

MIXED PAPER *shall mean* all magazines, glossy inserts, computer paper, colored paper, catalogs, store fliers with mailing labels, hardcover books with hard covers removed, junk mail, writing or school paper, envelopes, paperback books and copy paper.

PLASTIC *shall mean* plastic bottles or jugs bearing a "#1" or "#2" in a recycling triangle, thoroughly rinsed with caps, lids or closures removed.

RECYCLABLES *shall mean* the following mandatory items to be separate from waste from all Residential Properties:

- Aluminum cans
- Asphalt
- Concrete
- Consumer batteries
- Corrugated cardboard
- Glass containers
- Leaves
- Mixed paper
- Motor oil
- Newspaper
- Plastic containers (#1 & #2 plastic bottles)
- Steel & Bimetal cans
- Telephone books
- Textiles
- Wood waste

~~RESIDENTIAL DWELLING OR STRUCTURE~~ — PROPERTY *shall mean* all single-family and multiple-family dwellings or structures in the Township of Franklin, including, but not limited to, garden and high-rise apartments, townhouses, condominiums and apartments.

STEEL & BIMETAL CANS *shall mean* tin-plated and bimetal food and beverage cans.

TEXTILES *shall mean* any clean clothing, drapes, curtains, sheets, towels, belts, handbags or

*clean clothes at least fifteen inches by fifteen (15"x15") in size.*

#### SECTION IV

Chapter 284, Recycling, Article III, Mandatory Commercial, Industrial Government or Office Park Program, Section 284-13, Definitions is hereby amended as follows:

#### ARTICLE III Mandatory Commercial, Industrial Government or Office Park Program

##### § 284-13. Definitions.

The following words and phrases shall have the following meanings:

ALUMINUM *shall mean* all aluminum beverage containers.

BATTERIES *shall mean* dry cell batteries such as, but not limited to, radio, toy, watch and/or calculator batteries.

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, GOVERNMENT OR OFFICE PARK ESTABLISHMENT OR PROPERTY *shall mean* all commercial, industrial, government, business or institutional businesses or establishments or properties located within the Township of Franklin other than Residential Properties.

CORRUGATED CARDBOARD *shall mean* paper cartons, sheets, spacer material or any other container consisting of two (2) layers of brown paper separated by an inner rippled core.

GLASS *shall mean* all glass bottles and jars of any color, thoroughly rinsed with caps and closures removed.

NEWSPAPERS *shall mean* all paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions, containing advertisements and other matters of public interest. The term "newspapers" shall also include inserts that come with the newspapers, such as comics, colored store or grocery advertisements, TV and magazine sections and glossy coupons.

MIXED PAPER *shall mean* all magazines, glossy inserts, computer paper, colored paper, catalogs, store fliers with mailing labels, hardcover books with hard covers removed, junk mail, writing or school paper, envelopes, paperback books and copy paper.

PAPER PRODUCTS ~~All white office paper as well as newspapers.~~

PLASTIC *shall mean* plastic bottles or jugs bearing a "#1" or "#2" in a recycling triangle, thoroughly rinsed with caps, lids or closures removed.

RECYCLABLES *shall mean* the following mandatory items to be separate from waste from all Commercial, Industrial, Institutional, Government and Office Park Properties:

- Aluminum cans*
- Antifreeze*
- Computer printout/white ledger*
- Concrete*
- Consumer batteries*
- Corrugated cardboard*
- Glass containers*
- Heavy iron*
- Lead-Acid batteries*
- Leaves & Brush*
- Magazines & Junk mail*
- Mercury containing devices*
- Mixed office paper*
- Newspaper*
- Plastic containers (#1 & #2 plastic bottles)*
- Scrap automobiles*
- Steel & Bimetal cans*
- Stumps, logs and tree parts*

*Telephone books*  
*Textiles*  
*Used consumer electronics*  
*Used motor oil*  
*White goods & Light iron*  
*Wood waste*

**STEEL & BIMETAL CANS** shall mean *tin-plated and bimetal food and beverage cans.*

**TEXTILES** shall mean *any clean clothing, drapes, curtains, sheets, towels, belts, handbags or clean clothes at least fifteen inches by fifteen (15"x15") in size.*

#### **SECTION V**

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

#### **SECTION VI**

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

#### **SECTION VII**

This ordinance shall take effect immediately upon adoption and publication according to law.

#### **ORDINANCE NO. 3728**

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: November 8, 2007  
Public Hearing: December 11, 2007  
Adoption: December 11, 2007  
Notice of Adoption: December 17, 2007  
Effective Date: December 31, 2007

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Ann Marie McCarthy, Township Clerk