

**ORDINANCE**  
**TOWNSHIP OF FRANKLIN**  
**ESTABLISHING PROCEDURES AND POLICIES FOR THE PROPER PICK-UP,**  
**HANDLING AND DISPOSAL OF SOLID WASTE AND RECYCLABLES AND**  
**PROHIBITING THE LITTERING AND DUMPING OF SOLID WASTE AND**  
**RECYCLABLES, AND THE REPEAL OF ORDINANCES 73-9, 01-85, 02-90 AND**  
**CHAPTERS 257, 265 OF THE CODE OF THE TOWNSHIP OF FRANKLIN**

**O 22-2001**

**WHEREAS**, in the interest of preserving the natural beauty and habitat of our Community, safeguarding our environment, protecting the public health, preserving the safety of our public employees and providing for a more efficient removal of our waste materials, it is appropriate to establish procedures and policies in dealing with waste and recyclables; and

**WHEREAS**, the State of New Jersey has established a Mandatory Recycling Act to reduce the amount of solid waste being disposed of within the State;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Franklin, County of Gloucester, New Jersey as follows:

**1. Program Established.**

- A. There is hereby established a program for the mandatory source separation of recyclable materials within the Township of Franklin and the requirements of this Ordinance shall apply to all property owners and tenants of such property situated within the Township of Franklin. Such separation, collection and disposal of specified solid waste and recyclable materials shall be made under the supervision, guidance and scheduling of the Superintendent of Public Works.
- B. There is hereby established a program to prohibit scavenging of recyclable materials within the Township of Franklin and the requirements of this Ordinance shall apply to all.
- C. There is hereby established a program to prohibit littering and dumping within the Township of Franklin and the requirements of this Ordinance shall apply to all.
- D. The Township Committee shall adopt regulations regarding the conduct, hours, regulations and requirements in conjunction with the Superintendent of the Public Works to ensure a safe, environmentally effective and economical program to benefit the residents and tenants of the Township of Franklin.
- E. This Ordinance shall be enforced by the Superintendent or Forman of the Township of Franklin Department of Public Works, the Township Code Enforcement Officer, any

Township Police Officer or any other person(s) designated by resolution of the Township Committee.

**2. Definitions.**

A. For the purpose of this and succeeding sections, the following words shall have the meanings respectively ascribed to them by this section:

1. Establishments.

- a. Establishment: A place where people live or conduct business.
- b. Unit: A single commercial, municipal or residential establishment.
- c. Building: A structure that contains one (1) or more units.
- d. Complex: A property that contains more than one building.

2. Generators.

- a. Commercial Sector: All dedicated commercial retail, wholesale, institutional, markets and manufacturing facilities including, but not limited to:
  - 1. Buildings: Taverns, restaurants, churches, offices, shops, professional offices, daycare schools and facilities, strip stores.
  - 2. Complexes: Agricultural operations, private schools, construction and demolition projects and properties containing more than one (1) building.
- b. Municipal Sector: All government buildings, parks, public events, public school facilities, fire and ambulance facilities.
- c. Residential Sector: All single-family buildings, multi-family buildings, apartments, trailer parks, group homes and farm labor housing.
- d. Mixed Use Sector: All residential with an integrated commercial operation.

3. Containers.

- a. Dumpsters: An all metal container designed to hold solid waste or recyclable materials, solidly constructed to prevent spillage or leakage of its contents. These containers must be able to be mechanically emptied by rear loading trucks. These containers shall be no larger than three (3) cubic yards. These containers must have lids. These containers may have locking lids.
- b. Metal or plastic containers: Each unit shall provide suitable and sufficient containers for the collection and removal of solid waste and recyclable materials. These containers shall be made of metal or plastic, with a capacity of no more than thirty-five (35) gallons, solidly constructed to prevent spillage or leakage of

contents and weighing not more than fifty (50) pounds when placed for collection.

- c. Plastic bags: Each unit shall provide suitable bags for the collection and removal of solid waste and recyclable materials. These bags shall not exceed a capacity of more than 35 gallons and/or weigh more than fifty (50) pounds when placed for collection.
- d. Item: A product too large to fit into a container or plastic bag.
- e. Tied bundles: Each unit shall provide suitable bundles for the collection and removal of solid waste and recyclable materials. These bundles shall not weigh more than fifty (50) pounds when placed for collection.
- f. Any container, bag or bundle in excess of the above specified weight or capacity may not be subject to municipal collection and shall be the responsibility of the owner, occupant or lessee to properly dispose of the collected material(s).

4. Receptacle.

- a. Shall mean a container designed to receive and accept solid waste and/or recyclable materials.

5. Recyclable Materials.

a. Appliances/Metal.

- 1. All ferrous and non-ferrous metal products - Examples of which are: washers, dryers, dish washers, ovens, refrigerators, freezers, hot water tanks, hot and cold water tanks, air conditioners, gas/oil/electric heaters, gas tanks, bicycles, metal lawn equipment or other large appliances commonly referred to as white goods.

b. Cans.

- 1. Aluminum, steel, tin and bi-metal containers and foil.  
Labels may be left on.
  - a. All beverage and food containers including pet food containers and foil.
  - b. This **shall not include** paint cans, solvent or containers holding other hazardous or toxic materials.

c. Glass.

- 1. All bottles, jars and jugs made from silica or sand, soda ash and limestone, and used for packaging or bottling or the holding of various matters. Clear, green, brown and other colors are included.
- 2. This **shall not include** ceramics, window glass, light bulbs, cooking ware, or mirrors.

d. Plastic.

- 1. All bottles, jugs, and jars commonly marked or known as PET (1)

and HDPE (2).

2. This **shall not include** tubs, buckets or other items not considered a bottle, jug, or jar identified as PET (1) or HDPE (2).

e. Paper.

1. All uncontaminated corrugated boxes and panels, newspaper, magazines, books, junk mail, chipboard, computer paper, office paper, copy paper, school paper, etc.
2. This **shall not include** paper that is treated, waxed, or contaminated by body fluids or food so as to be health concern or problem.

f. Batteries.

1. Wet cell automotive, motorcycle and boat batteries. Commonly found in six (6), twelve (12) and twenty-four (24) volt charges.
2. Dry cell rechargeable batteries.

g. Oil.

1. Motor and transmission oils.

h. Vegetative.

1. All shrubs, limbs, branches, leaves, brush, bushes, hedge trimmings and Christmas trees.

- i. Additionally, every generator of waste is encouraged to examine its disposal practices and operation for any additional item(s), including but not limited to food waste, and other plastic, that can be recycled, over and above those items mandated by these regulations.

7. Solid Waste

a. Commercial.

1. Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry non-hazardous chemical wastes).

- a. This **shall not include** hazardous and/or medical bio-hazardous waste.

b. Municipal.

1. Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry non-hazardous chemical wastes).

- a. This **shall not include** hazardous and/or medical bio-hazardous waste.
  
- c. Residential.
  - 1. Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry non-hazardous chemical wastes).
    - a. This **shall not include** hazardous and/or medical bio-hazardous waste.
  
- d. Mixed Used.
  - 1. Consisting of solid waste types: 10 (consisting of non-recycled rags, food, plastic, etc); 13 (consisting of non-recycled furniture and other bulk items too large to fit into a trash bag or container); 13C (consisting of non-recycled construction and demolition materials: doors, windows, wallboard, paneling, etc.); 23 (consisting of non-recycled vegetative); 25 (consisting of non-recycled animal and food processing wastes); and 27 (consisting of non-recycled dry non-hazardous chemical wastes).
    - a. This **shall not include** hazardous and/or medical bio-hazardous waste.
  
- e. Hazardous.
  - 1. Including, but not limited to, explosives, paints, paint thinners/cleaners, insecticides, pesticides and any other items so designated by the federal or state environmental protection agencies as to require special handling.
  
- f. Medical/Bio-Hazardous.
  - 1. Including, but not limited to, any solid or nonsolid waste, which is generated in the diagnosis, treatment (for example: provision of medical service) or immunization of human beings or animals in research pertaining thereto or in the production of testing of biologicals. The term does not include any hazardous waste identified or listed under 40 C.F.R. part 261 or any household waste generated from home self care as defined in this section.
  
- g. All other items shall be considered non-designated items and shall not be placed out for municipal collection.
  
- 8. Transfer Station.
  - a. Shall mean a facility designed exclusively to accept solid waste.
  - b. This facility shall be designed and permitted to meet all Federal and New Jersey Environmental Protection Agency rules and standards.
  
- 9. Landfill.
  - a. Shall mean a facility designed exclusively to accept solid waste.
  - b. This facility shall be designed and permitted to meet all Federal and New Jersey Environmental Protection Agency rules and standards.

10. Solid Waste Incinerator.

- a. This may also be known as a Resource Recovery Facility.
- b. Shall mean a facility designed exclusively to accept solid waste.
- c. This facility shall be designed and permitted to meet all Federal and New Jersey Environmental Protection Agency rules and standards.

11. Documentation.

- a. Original or clear copies of receipts or letters in the form of certified weight receipts or a signed business form letter. It shall include the name of the solid waste and/or recycling market, the hauler, and the generator and shall show the dates and quantity/weight of each generated material. A separate summary sheet shall be provided for each of the materials.
  1. Recycling Market(s); or
  2. Solid Waste Facility; or
  3. Hauler(s); or
  4. Letter from owner of property stating material(s) were processed with the municipal collection program; or
  5. Letter from owner of property stating that no receipts were provided to them from the identified market(s) and/or hauler(s); or
  6. Letter from permit applicant stating that no material was generated.
- b. Volume.
  1. A product disposed/sold by count, gallonage or yardage may be reported by volume instead of by weight.
- c. Hazardous wastes.
  1. Documentation for recycled hazardous waste(s) (example: oil, solvents) must include a copy of the hazardous waste haulers receipt, clearly showing the New Jersey Department of Environmental Protection Hazardous Waste Hauler Permit Number.

12. Littering.

- a. Placement of any form of solid waste or recyclables of less than .148 cubic yards of solids or the equivalent of 30 U.S. gallons of liquid not placed in a public receptacle or in authorized private receptacles for collection, upon any street, sidewalk, or public or private property.

13. Dumping.

- a. Placement of any form of solid waste or recyclables of more than .148 cubic yards of solids or 30 U.S. gallons of liquid not placed in a public receptacle or in authorized private receptacles for collection, upon any street, sidewalk, or public or private property.

14. Curbs.

- a. Curb shall mean the area adjoining the edge/line of the streets.

15. Streets.

- a. Streets shall mean public highways, avenues, streets, lanes, boulevards, circles, terraces, and public places, whether dedicated or not, within the limits of the Township of Franklin and used for vehicular and/or pedestrian travel.

16. Shopping Center.

- a. A group of retail or other commercial establishments that is planned, constructed and managed as a single entity, with customer and employee parking provided on site, provision for goods delivery to establishments separate from customer access, aesthetic considerations and protection from elements, and landscaping and signage in accordance with an approved plan.

**3. Recyclable Materials Separation and Placement for Removal.**

A. Collected Recyclable Materials.

1. Appliances/Metal.

- a. Small items may be placed in a container.
- b. Appliances and large cabinets must have their door(s) removed.
- c. These items may be commingled together.

2. Glass bottles, jugs and jars.

- a. These shall be sorted by color into their own containers: Clear, Green and Brown

3. Cans.

- a. This shall include ferrous and non-ferrous cans.
- b. These items may be commingled together.

4. Plastic.

- a. These items may be commingled together.

5. Paper.

- a. Corrugated.
  1. Shall be flattened and tied or placed in a paper bag, box or container.
- b. Newspaper
  1. Shall be tied or placed in a paper bag, box or container.
- c. Mix Paper
  1. Shall be tied or placed in a paper bag, box or container.
- d. Notwithstanding the above, these items may be commingled together.

6. Vegetative.

- a. Limbs, branches (not more than 5" in diameter), shrubs, brush, bushes, and hedge trimmings shall be tied into bundles no more than four (4' long x 4' wide x 4' high).
- b. Christmas trees shall be collected as is.
- c. Leaves placed at street side in a row not more than 6' away from edge of street.

B. Non-Collected Recyclable Materials.

1. Batteries.
  - a. Wet cell automotive, motorcycle and boat batteries. Commonly found in six (6), twelve (12) and twenty-four (24) volt charges.
  - b. Rechargeable dry cell batteries.
2. Oil.
  - a. Motor and transmission oils.

**4. Collection.**

A. Municipal Collection.

1. The collection, removal and disposal of all designated materials shall be supervised by the Superintendent of Public Works and such other party as may be designated.
2. All designated solid waste and recyclable materials shall be placed at the curb line for municipal collection no earlier than the day immediately preceding the specified day.
  - a. Materials placed for collection may not block public ways or access.
3. All designated solid waste and recyclable materials shall be placed in dumpsters in their loading/storage area for municipal collection.
  - a. Materials placed for collection may not block public ways or access.
4. Following collection all containers shall be removed as soon as possible, but no later than sundown the following day of the day immediately following the collection day.
5. Township of Franklin Public Parks and sidewalk receptacles shall be cleaned and maintained by the Township of Franklin Public Works Department or such other party as may be designated.

B. Non-Municipal Collection.

1. The owner, occupant, or lessee shall arrange for separate timely collection, transportation and disposal, at their expense, of all collected solid waste and/or recyclables. Collection shall be on an as needed basis, but must be done so as to protect and promote the health and safety of the owner, occupant, lessee and community.
2. All solid waste shall be removed from special events within twenty-four (24) hours of their completion.
3. All generators shall complete a form provided by the Township indicating the destination of collected materials.

**5. Collection Container Limits.**

A. Municipal Collection.

1. Commercial Sector.
  - a. Recycling.
    1. No limit to number of containers or volume.
      - a. Rear loading dumpsters are limited to three (3) cubic yards capacity.
  - b. Solid Waste

1. Limited to a total of six (6) containers equal to thirty (35) gallons each in size per week.
  2. Municipal Sector.
    - a. Recycling.
      1. No limit to number of containers or volume.
    - b. Solid Waste.
      1. No limit to number of containers or volume.
  3. Residential Sector.
    - a. Recycling.
      1. A reasonable number of containers or volume.
    - b. Solid Waste
      1. A reasonable number of containers or volume in accord with normal residential household trash.
    - c. Bulk Items.
      1. Limited to three (3) items per week. In the event there is more than three (3) items, the office of Public Works shall be contacted prior to pickup date so that proper arrangements can be made to accommodate the excess volume.
  4. Mixed Use Sector.
    - a. Recycling
      1. No Limit to number of containers or volume.
    - b. Solid Waste
      1. Limited to a total of six (6) containers equal to thirty five (35) gallons each in size per week and in accord with normal residential household waste.
    - c. Bulk Items.
      1. Limited to a total of three (3) items per week
- B. Non-Municipal Collection.
1. Commercial.
    - a. Containers or items that exceed the limits noted in Section 5A shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste.
      1. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements as set forth above if their leases designate the owner of the building as responsible for this service.
    - b. Owners or operators of commercially zoned shopping center buildings shall provide separately labeled trash and recycling containers for the public at a minimum of one (1) set of containers for every two entrances.

2. Residential.

- a. Containers or items that exceed the limits noted in Section 5A shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste.
  - 1. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements as set forth above if their leases designate the owner of the building as responsible for this service.

3. Mixed Use.

- a. Containers or items that exceed the limits noted in Section 5A shall be the responsibility of the owner, occupant or lessee to arrange for separate collection, transportation and proper disposal of collected solid waste.
  - 1. Tenants or lessees of commercial buildings may be exempt from collection, transportation and disposal requirements as set forth above if their leases designate the owner of the building as responsible for this service.
- b. Owners or operators of commercially zoned shopping center buildings shall provide separately labeled trash and recycling containers for the public at a minimum of one (1) set of containers for every two entrances.

**6. Container Storage.**

- A. All waste disposal containers must be stored in a protected area or enclosure so as not to allow debris to blow onto the streets or adjacent properties.
  - 1. No enclosure shall be erected in a public right of way or easement.
- B. All solid waste shall be placed in waste disposal containers (trash cans, bags, dumpsters) and secured to as to prevent easy access of vermin, pests and household pets.
- C. No waste disposal containers shall be filled to the point of overflowing.
- D. Debris or litter on or around trash containers shall not be allowed to accumulate or be stored in such a manner that it is likely to be removed by natural forces onto adjacent property.
- E. Debris or litter on or around construction or demolition projects shall not be allowed to accumulate or be stored in such a manner that it is likely to be removed by natural forces onto adjacent property.
- F. Hazardous waste shall be disposed of separately according to Federal (40) C.F.R. 261) or New Jersey Department of Environmental Protection (NJAC 7:26-7) disposal regulations.
- G. Medical/Biohazard waste shall be disposed of separately according to Federal (40 C.F.R. 261) or New Jersey Department of Environmental Protection (NJAC 7:26-7) disposal regulations.

## **7. Collection Sites.**

### **A. Recycling.**

#### **1. Commercial Sector.**

- a. All materials shall be placed for municipal collection along the curb before each building.
- b. All mechanically rear-loading dumpsters may be collected by the municipality from their loading/storage area after the property owner and the generator sign a liability waiver provided by the Township.

#### **2. Municipal Sector.**

- a. All materials shall be placed for collection along the curb or in a loading/storage area at each municipal building, park, event, public school or fire or ambulance facility. Dumpsters shall be collected from their loading/storage area.

#### **3. Residential Sector.**

- a. All materials shall be placed for collection along curb before each building.
- b. Multifamily buildings of 10 or more shall have a designated off street contained area where recycling will be placed for pickup.

#### **4. Mixed Used Sector.**

- a. All materials shall be placed for collection along the curb before each building.
- b. All mechanically rear-loading dumpsters may be collected by the municipality from their loading/storage area after the property owner and the generator sign a liability waiver provided by the Township.

### **B. Solid Waste.**

#### **1. Commercial Sector.**

- a. All materials shall be placed for municipal collection along the curb before each building.

#### **2. Municipal Sector.**

- a. All materials shall be placed for collection along the curb or in a loading/storage area at each municipal building, park, event, public school or fire or ambulance facility. Dumpsters shall be collected from their loading/storage area.

#### **3. Residential Sector.**

- a. All materials shall be placed for collection along the curb before each building.
- b. Multi-family buildings of ten (10) units or more shall have all mechanically rear-loading dumpsters which may be collected by the municipality from their loading/storage area if the property owner and the generator sign a liability waiver provided by the Township.
  1. The property owner/manager must sign the building up for collection between October 1 and December 1 for collection to start on a calendar year basis effective the following January 1 - December 31.
  2. The mechanically rear-loading dumpsters are limited to a maximum size of three (3) cubic yards. They must have lids and may be lockable.

#### **4. Mixed Use Sector.**

- a. All materials shall be placed for collection along the curb before each building.

**8. Collection Sources.**

- A. Commercial Sector.
  - 1. All designated commercial retail, wholesale, institutional, manufacturing facilities, taverns, restaurants, churches, offices, shops, professional offices, daycare facilities, private schools, malls, strip store buildings/complexes, and construction and demolition sites.
- B. Municipal Sector.
  - 1. All designated government buildings, parks, public events, public school facilities, fire, and ambulance facilities.
- C. Residential Sector.
  - 1. All designated single and multi-family buildings.
- D. Mixed Use Sector.
  - 1. All designated residential structures with an integrated commercial operation.

**9. Commercial Establishments Solid Waste and Recyclable Materials Reporting and Documentation.**

- A. All commercial establishments or such private hauler responsible for removal of solid waste and/or recyclable materials must file completed Reports with the Superintendent of Public Works.
- B. All construction, demolition and street opening projects shall be required to complete a recycling form and submit it along with a request for a permit.
  - 1. The person who signs the recycling form regarding the project shall be responsible for filing solid waste and recycling documentation when the project is completed or at the end of the calendar year, whichever is first.
- C. All documentation shall be included with the Report.
- D. Reports shall be submitted to the Township's Superintendent of Public Works no later than the 31st day of January for the previous year.

**10. Recycling Collection by Unauthorized Person(s).**

- A. From the time of placement at the curb or in a loading/storage area described herein for the collection by the Township of Franklin, in accordance with the terms hereof, items shall be and become the property of the Township of Franklin or its authorized agent.
- B. It shall be a violation of this Ordinance for any person, firm, charity, corporation, partnership, or employee to collect, pick up or cause to be collected or picked up any recyclable items placed for collection by the Township or its authorized agent without the authorization of the owner.
- C. Any and each collection in violation hereof from one or more properties shall constitute a separate and distinct offense.

**11. Solid Waste Placement for Removal.**

- A. All solid waste placed for municipal collection shall be placed at the curb or in the loading/storage area.
- B. All items shall be prepared in accordance with regulations for collection.

**12. Solid Waste Disposal.**

- A. All solid waste must be properly contained and disposed.
- B. No commercial or residential solid waste shall be disposed of in public or unauthorized private containers.

**13. Littering and Dumping Prohibited.**

- A. No person shall throw or deposit or dump solid waste upon any street, sidewalk, or other property.
- B. No person, while an operator or a passenger in any vehicle, shall throw, deposit, litter or dump solid waste upon any street, sidewalk, or other property.

**14. Unlawful Acts.**

- A. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source separate designated materials for recycling is a violations of this Ordinance.
- B. It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste and/or recyclables which visibly display a warning notice, indicating that the load of solid waste contains designated recyclable materials and therefore should not be removed for disposal.
- C. It shall be the responsibility of any person, firm, corporation, or partnership whose solid waste is not removed because it contains recyclable materials, to properly segregate the uncollected waste for proper recycling. Allowing such non separated refuse to accumulate shall be considered a violation of this Ordinance and the "Public Health Nuisance Code of New Jersey (1953)."
- D. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of grass clippings, leaves, or other matter except for recycling collection.
- E. No person shall burn trash or designated recyclables without a permit issued by the New Jersey Department of Environmental Protection or their authorized agent.
- F. No person shall place or deposit household or commercial solid waste or recyclable material in sidewalk receptacles or in unauthorized private or municipal containers.
- G. No person shall bring, import or solicit any solid waste or recyclable material(s) generated from outside the Township of Franklin to be brought into the Township of Franklin for public collection and disposal or marketing.

**15. Unauthorized Receptacle.**

- A. Private Receptacle.
  - 1. Any privately owned/leased receptacle used by any person other than the owner/lessor without the express permission of the owner/lessor.
- B. Public Receptacle.
  - 1. Any publicly owned/leased receptacle used by any person other than the owner/lessor without the express permission of the owner/lessor.

**16. Unauthorized Landfill.**

- A. Any facility not licensed by the New Jersey Department of Environmental Protection.
- B. Any public or private property used for littering or dumping, with or without the property owners permission.

**17. Scavenging of Source Separated Recyclable Materials.**

- A. No person, firm, charity, corporation, partnership, or employee shall collect, pick up, or cause to be collected or picked up any recyclable item placed at the curb line for collection by the Township, or its authorized agent without authorization of the owner.

**18. Additional Methods of Disposal.**

- A. Any resident or commercial establishment may donate or sell any recyclable materials to any person, partnership, corporation or charity whether operating for profit. This source must be listed on the Recycling Report for businesses.
- B. Said person, partnership, corporation, or charity may not, however, under any circumstances pick up any recyclable materials set out for collection by the Township of Franklin without authorization of the owner.

**19. Enforcement.**

- A. It shall be the responsibility of the Superintendent of Public Works and/or the Township Code Enforcement Officer and/or the Police Department and/or Health Department and their designated agents to enforce all provisions of this Ordinance.

**20. Violations and Fines.**

- A. Placing Trash or Recyclables Out for Collection Early.
  - 1. First Offense - Written warning.
  - 2. Second Offense - committed within one year of the written warning infraction - \$25.00
    - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
  - 3. Third and subsequent offenses committed within one year of the written warning infraction - \$50.00
    - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- B. Failure to separate recyclables from solid waste.
  - 1. Municipal Collection.
    - a. First offense - Written warning
      - 1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
      - 2. Said materials shall be left for the owner to properly separate.
    - b. Second and subsequent offenses - committed within one year of the written warning infraction - \$50.00

1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
  2. Said materials shall be left for the owner to properly separate.
2. Non-Municipal Collection.
- a. First Offense - \$250.00
    1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
    2. Said materials shall be left for the owner to properly separate.
  - b. Second and subsequent offenses - \$500.00
    1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
    2. Said materials shall be left for the owner to properly separate.
  - c. Failure to File a Recycling Form or Report.
    1. First offense - \$50.00
      - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
    2. Second and subsequent offenses - \$100.00
      - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- C. Burning Solid Waste or Recyclable Materials.
1. First offense - \$500.00
  2. Second and subsequent offenses - \$1,000.00
- D. Failure to Contain Solid Waste.
1. Municipal Collection.
    - a. First offense - \$50.00
      1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
    - b. Second and subsequent offenses - \$100.00
      1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
  2. Non-Municipal Collection.
    - a. First offense - \$50.00
      1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
    - b. Second and subsequent offenses - \$100.00
      1. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- E. Placing Household or Commercial Solid Waste or Recyclables in Public Receptacles.
1. First offense - \$50.00
    - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
  2. Second and subsequent offenses - \$100.00

- a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

F. Accepting Solid Waste or Recyclable Materials for Disposal in an Unlicensed Disposal Facility.

1. First offense - \$250.00 and perform the cleanup or be responsible for the cleanup costs.
  - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
2. Second and subsequent offenses - \$5,000.00 and perform the cleanup or be responsible for the cleanup costs.
  - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

G. Littering.

1. First offense - \$250.00
2. Second and subsequent offenses - \$500.00 plus community service

H. Littering from a moving vehicle.

1. First offense - \$500.00 plus community service
2. Second and subsequent offenses - \$1,000.00 plus community service

I. Dumping.

1. First offense - \$250.00 to \$1,000.00 and perform the clean up or pay for clean up costs.
  - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
2. Second and subsequent offenses - \$1,000.00 to 5,000.00 and perform the clean up or pay for clean up costs.
  - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

J. Scavenging.

1. First offense - \$100.00 plus confiscation of all collected recyclable materials and/or up to five (5) days of community service.
2. Second and subsequent offenses - \$250.00 plus confiscation of all collected recyclable materials and/or up to fifteen (15) days of community service.

K. Importing out of Township generated solid waste or recyclables for public collection.

1. First offense - \$1,000.00 and perform the clean up or pay for clean up costs and/or subject to non-collection of material
  - a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
2. Second and subsequent offenses - \$2,500.00 and perform the clean up or pay for clean up costs and/or subject to non-collection of material.

- a. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**21. Repeal.**

- A. This Ordinance repeals all previous Ordinances 73-9, 01-85, 02-90, and Chapters 257 and 265 of the Code of the Township of Franklin.

**BE IT FURTHER ORDAINED**, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

  
CAROL COULBOURN, CLERK

BY:

  
DAVID FERRUCCI, MAYOR

**CERTIFICATION**

I, CAROL COULBOURN, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, November 27, 2001, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on December 27, 2001 at which time any person interested therein will be given an opportunity to be heard.

  
CAROL COULBOURN, CLERK