

PUBLIC NOTICE  
CITY OF ELIZABETH, NEW JERSEY  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following proposed ordinance was introduced and passed on its first reading at a meeting of City Council of the City of Elizabeth, the County of Union, held on the 8th of February, 2011, and that said ordinance will be taken up for further consideration for final passage at a meeting of the City Council to be held in the City Council Chamber, City Hall, Winfield Scott Plaza, Elizabeth, New Jersey, on the 22nd day of February, 2011, at 7:30 P.M. or as soon thereafter as the matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the ordinance.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the City Hall, and a copy is available up to and including the time of said meeting to the members of the general public of the City who shall request same, at the City Clerk's Office, City Hall, Elizabeth, New Jersey.

YOLANDA M. ROBERTS, R.M.C.  
CITY CLERK

ORDINANCE NO. 4189

AN ORDINANCE TO AMEND CHAPTER 8.36 MANDATORY RECYCLING PROGRAM OF THE CODE OF THE CITY OF ELIZABETH

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1 -That 8.36.020 is hereby amended to read as follows

**8.36.020 Program established.**

A. Residential Separations and Collection Program Established. There is established a program for the mandatory separation and collection of the following clean and uncontaminated recyclable materials from residential solid waste by the owners or occupants of premises within the city:

1. Aluminum cans;
2. Ferrous cans;
3. Pourable glass containers;
4. Plastic; all pourable #1 and #2 beverage and laundry detergent containers;
5. Newspapers;
6. Corrugated cardboard;
7. Mixed paper;
8. Grass;
9. Leaves;
10. Vegetative waste;
11. Roofing materials;
12. Used motor oil
13. Antifreeze;
14. Vehicle batteries;
15. Consumer batteries;
16. White goods;
17. Other heavy irons;
18. Construction and demolition materials;
19. Tires;

20. Cinder block, stone, concrete and brick;
21. Motor oil filter;
22. Wood; and
23. Electronics. (Electronic devices such as TV's, monitors, computers, VCR's & desktop fax machines.)

B. Nonresidential Separations and Collection Program Established. There is established a program for mandatory separation of the following clean and uncontaminated recyclable materials from nonresidential solid waste by the owners or occupants of nonresidential premises, including but not limited to offices, commercial businesses, industries or institutions as well as fairs, parks, concerts, streets and other outdoor events within the city and the separate disposal of same.

1. Corrugated paper products;
2. Newspapers;
3. Mixed paper;
4. Glass containers, aluminum and ferrous cans;
5. Plastic; all pourable #1 and #2 beverage and laundry detergent containers;
6. Vehicle batteries;
7. Consumer batteries
8. Used motor oil;
9. Antifreeze
10. Uncontaminated food waste in all in institutional, commercial and industrial facilities serving five hundred (500) or more meals per day and major food processors;
11. Roofing material;
12. Asphalt and concrete
13. Construction and/or demolition debris;
14. White goods;
15. Other heavy iron;
16. Wood;
17. Tires;

18. Electronics. (Electronic devices such as TV's, monitors, computers, VCR's & desktop fax machines);

19. Fluorescent bulbs;

20. Grass;

21. Leaves;

22. Brush; and

23. Motor oil filters.

**SECTION 2** - That 8.34.055 is hereby added and shall read as follows:

**8.36.055 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.**

It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or 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 which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

**SECTION 3** - That Section 8.36.080 is hereby amended to read as follows:

**8.36.080 Multi-family dwelling over three units.**

Owners of multifamily dwellings with four units or more shall provide and maintain a clearly marked area for occupants to recycle glass, metal, plastic cans, bottles, newspapers and cardboard.

**SECTION 4** - That 8.36.085 is hereby added and shall read as follows:

**8.36.085 New developments of multi-family residential units or commercial, institutional, or industrial and properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c).**

Any application to the planning board of the municipality of Elizabeth, for subdivision or site plan approval for the construction of 25 or more units of multi-family residential housing, single-family developments of 50 or more units, or any commercial, institutional or industrial development proposal for the utilization of 1,000 square feet or more of land, must include a recycling plan to be reviewed and approved by the Department of Public Works.

**SECTION 5** - That Section 8.36.086 is hereby added and shall read as follows:

**8.36.086 Compliance requirements for fairs, parks, concerts, street and other outdoor events.**

A. The organizer/owner/contractor of the location must provide a recycling system that is operated in compliance with the requirements of this municipal ordinance.

B. The recycling system must provide for any mandated recyclables generated at the event. It must be clear to any inspector that the system is being serviced: i.e., containers must be clearly marked and they are neatly maintained; there must not be garbage in the recyclables or recyclables in the garbage; container capacity must be adequate to hold materials between pick-ups. There must be sufficient recycling containers for any mandated recyclables generated at the event.

C. The organizer/owner/contractor of the location is responsible for arranging for recyclables to be removed from the premises and for ensuring that they are taken to an approved recyclables market. The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center or curbside collection) if permitted by the municipality. Otherwise, the owner/operator/contractor is responsible for arranging to have recyclables collected and transported and for resolving any problems with the transporter of recyclables.

D. The recycling system must be made accessible and available to all patrons, customers and employees. Notice/sign must be provided to ensure all are aware of their responsibilities.

E. The owner/operator/contractor of the location is responsible for obtaining pertinent documentation in order to report the tonnages of materials recycled at least once per year or else he/she must arrange to have the collector provide that documentation directly to the municipality.

F. Dual Stream Recycling: The recycling system must utilize separate containers for each recyclable material.

**SECTION 6** - That Section 8.36.100 be hereby amended as follows

**8.36.100 Recycling documentation.**

D. Name and address of the transporter(s) used. Such documentation shall be reported to the city on an annual basis at dates to be established and promulgated by the director of public works.

**SECTION 7** – All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

**SECTION 8** – If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this Ordinance.

**SECTION 9** – The effective date of this Ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
JOSEPH KEENAN  
PRESIDENT OF CITY COUNCIL

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
J. CHRISTIAN BOLLWAGE  
MAYOR

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
YOLANDA M. ROBERTS  
MUNICIPAL CLERK