

ORD. #15-2008

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE
TO BE KNOWN AS THE CONSTRUCTION, RENOVATION
AND DEMOLITION DEBRIS RECOVERY PLAN
ORDINANCE**

WHEREAS, the Township of Mount Olive wishes to bring itself current with new requirements issued by New Jersey Department of Environmental Protection and the March 2007, Morris County Solid Waste Management Plan Amendment, referred to as the County Plan Update, dealing with recovery of Construction, Renovation and Demolition Debris;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, County of Morris, as follows:

CHAPTER 1

Section 1-Definitions.

Section 2-Construction, Renovation, Demolition Debris Recovery Plan.

Section 3-Review of Debris Recovery Plan.

Section 4-Diversion requirement adjustment.

Section 5-Debris recovery plan reporting requirements.

Section 6-Compliance with diversion requirement.

Section 7-Appeal to the Department of Public Works.

Section 8-Enforcement.

Section 9-Violations and Penalties.

Section 10 – Severability; Effective Date.

Section 1. Definitions.

Covered project means a construction, renovation, or demolition project for which a building permit, or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

Section 2. Construction, Renovation and Demolition Debris Recovery Plan.

A debris recovery plan shall be filed with the municipal recycling coordinator and code enforcement officer prior to the commencement of any activity for which municipal approval is required, as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction, renovation and demolition (“C,R&D”) debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The debris recovery plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

Section 3. Review of Debris Recovery Plan.

A. Approval: A debris recovery plan shall be reviewed by the municipal recycling coordinator and the code enforcement officer and approved if it provides for all of the information required by this Ordinance. An approved debris recovery plan shall be marked “Approved” and returned to the owner of the entity which submitted the plan.

B. Denial: A debris recovery plan shall not be approved if it does not provide all of the information required by this Ordinance. If a debris recovery plan is not approved, the owner of the entity that submitted the debris recovery plan shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or

demolition permit sought, the owner of the entity that will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the debris recovery plan to the municipal recycling coordinator and code enforcement officer.

Section 4. Diversion Requirement Adjustment.

A. Application: If the owner of an entity carrying out a covered project experiences circumstances that make it not feasible to comply with the diversion requirement cited in this Ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is not feasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

B. Review: The municipal recycling coordinator and code enforcement officer shall review the information supplied by the owner. If warranted, the municipal recycling coordinator or the code enforcement officer shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

C. Granting of an adjustment: If the municipal recycling coordinator and or the code enforcement officer determines that it is not feasible for the entity carrying out a covered project to divert 50% of the generated C, R&D debris from the covered project, the percentage of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C, R&D debris required by the adjustment.

D. Denial of adjustment: If the municipal recycling coordinator and or the code enforcement officer determines that it is feasible for the owner of an entity carrying out a

covered project to meet the diversion requirement cited in this Ordinance, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

Section 5. Debris Recovery Plan Reporting Requirements.

Documentation: Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the municipal recycling coordinator and code enforcement officer the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

- 1) A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project that was diverted or disposed;
- 2) Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project, and
- 3) Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

Section 6. Compliance With Diversion Requirement.

The municipal recycling coordinator and the code enforcement officer shall review the information submitted pursuant to this Ordinance and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

Section 7. Appeal.

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Ordinance to the municipality within 30 days of the decision or determination. The appeal shall be in writing, directed to the Department of Public Works, and shall state the facts and basis for the appeal. A decision by the Department of Public Works shall be final.

Section 8. Enforcement.

The Code Enforcement Official, the Police Department, the Department of Health, the Recycling Coordinator, the Property Maintenance Official and the Housing Officer are hereby individually and severally empowered to enforce the provisions of this Ordinance. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

Section 9. Violations and Penalties.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder, shall, upon conviction thereof, be punishable by a fine of not less than \$250, nor more than \$1000.

Section 10. Severability; Effective Date.

If it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately.

TOWNSHIP OF MOUNT OLIVE

RAYMOND T. PERKINS
Council President

ATTEST:

LISA M. LASHWAY
Township Clerk