



**Town of Dover**  
**Mayor and Board of Aldermen**

**Date of First Reading 3-25-08**

**Date of Public Hearing/  
Second Reading 5-13-08**

**Ordinance No. 07-2008**

**An ordinance of the Mayor and Board of Alderman of the Town of Dover, County of Morris and the State of New Jersey amending Chapter 291, RECYCLING of the Code of the Town of Dover to replace it in its entirety and Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE V, 236-54. Standard required improvements, to replace Paragraph M. and amend Chapter 333, SOLID WASTE DISPOSAL.**

**BE IT ORDAINED** by the Mayor and Board of Alderman of the Town of Dover, County of Morris and state of New Jersey as follows:

**Section 1**

Chapter 291, RECYCLING, is replaced with the following:

**Chapter 291, RECYCLING**

**§ 291-1. Short Title. /**

This chapter shall be known and may be cited as the "Town of Dover Recycling Ordinance."

**§ 291-2. Purpose.**

In accordance with the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:E-1 et seq.), Morris County has been designated as a solid waste management district, along with each of the remaining New Jersey counties and the New Jersey Meadowlands Commission. Each solid waste management district has been charged with the responsibility of developing a solid waste management plan consistent with the state's goals and objectives. The Morris County Municipal Utilities Authority ("MCMUA") has been designated by the Morris County Board of Chosen Freeholders as the agency responsible for implementing the Morris County Solid Waste Management Plan ("SWMP" or "Plan").

In order to insure the achievement of the Municipal Solid Waste Recycling Goal established by Morris County, and in order to meet the requirements as set forth in N.J.S.A. 13:1E-99.16, this ordinance sets forth the mandated municipal responsibilities and recommendations identified in the Town of Dover Recycling Element of the Master Plan.

**§ 291-3. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

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**COMMINGLED** - means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling; **DESIGNATED RECYCLABLE MATERIALS** - means those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

**Aluminum Cans** - Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

**Glass Bottles and Jars** - Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

**Plastic Bottles (coded 1 and 2)** - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as



polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.

**Steel (Tin) Cans** - An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

**Newspaper** - A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.

**Corrugated Cardboard** - Shipping containers made with kraft paper linerboard and corrugated medium.

**Mixed Paper** - Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.

**Leaves** - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

**Grass Clippings** - Vegetative material generated when grass (lawns) are cut.

**Brush** - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

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Natural Wood Waste - Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non hazardous in accordance with the standards set forth in N.J.A.C. 7:26.

Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-Acid Batteries - Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

Hazardous Dry Cell Batteries - Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

Metal Appliances - Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

Whole Tires\* - Tires that are whole, not chipped into small pieces.

\*Tires are allowed to be recycled and/or incinerated for energy recovery.;

ELECTRONIC WASTE - (to be included in those instances where a recycling program has been, or will be, established for these materials. Additionally, the following definition may be changed to reflect individual municipal program requirements) shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches

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measured diagonally and that contains one or more circuit boards, including a television, and cell phones;

**MULTIFAMILY DWELLING** - means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include 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.);

**MUNICIPAL RECYCLING COORDINATOR** - means the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

**MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR** – means the person or persons named by the municipality who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment Section 8.6. This person may be the same person designated as the Municipal Recycling Coordinator.

**MUNICIPAL SOLID WASTE (MSW) STREAM** - means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Town of Dover which is not bulky waste or construction and demolition debris;

**RECYCLABLE MATERIAL** - means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

**SOURCE-SEPARATED RECYCLABLE MATERIALS** - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

**SOURCE SEPARATION** - means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

**§ 291-4. Source Separation; Exemption from Source Separation Requirements.**

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Town of Dover, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Town of Dover.

B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a

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municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

**§ 291-5. Acceptance of the Municipal Solid Waste Recycling Goal**

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Town of Dover accepts the goal of 50% recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.]

**§ 291-6. Collection of Recyclable Materials.**

**A. Prohibited deposit in Business Areas.**

It shall be unlawful to deposit or leave any Recyclable Materials, including containers for same, of any kind upon the sidewalks, curbs or gutters of the Town of Dover on the following streets, except that such Recyclable Materials, including containers for same, of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated Recyclable Materials removal date until 5:00 p.m. the day of the Recyclable Materials collection for such section. The streets in question are as follows:

- (1) Blackwell Street from Prospect Street to Mercer Street.
- (2) Dickerson Street from Warren Street to Essex Street.
- (3) Bassett Highway from Warren Street to Sussex Street.
- (4) Warren Street from Dickerson Street to Bassett Highway.
- (5) Sussex Street from Dickerson Street to Clinton Street.
- (6) Morris Street from Dickerson Street to Clinton Street.
- (7) Essex Street from Dickerson Street to Central Railroad tracks.
- (8) Bergen Street from the Dover Train Station to the Central Railroad tracks.
- (9) Union Street from Blackwell Street to the Central Railroad tracks.

**B. Prohibited deposit in Other Areas.**

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It shall be unlawful to deposit or leave any Recyclable Materials of any kind upon the sidewalks, curbs or gutters of the Town of Dover, on any streets in the Town of Dover, except those streets set forth in § 291-5.A. above, except that such Recyclable Materials of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated Recyclable Materials removal date until 8:00 p.m. the day of the Recyclable Materials collection for such section.

**C. Recyclable Materials Containers.**

Recyclable Materials Containers shall be used for commingled aluminum cans, glass bottles, glass jars, plastic bottles coded 1 and 2, and steel and tin cans properly prepared. Recyclable Materials Containers shall be any light-gauge steel, plastic or galvanized receptacle, closed at one end and open at the other, furnished with a top or lid, and weighing not more than 30 pounds when full of Recyclable Materials.

**D. Preparation of Recyclable Materials.**

Recyclable Materials shall be prepared in accordance with the annual Recycling and Garbage Handbook, copies of which are available at the office of the Town Clerk.

**E. Storage of Recyclable Material**

Recyclable materials and recyclable material containers shall not be permitted to be stored in the front yard space, as defined in §236-5, for any residential use regardless of zoning district.

**F. Recyclable Materials Collection Contractor**

The Recyclable Materials Collection Contractor for the Town of Dover shall, subject to procedures and exceptions set forth in the contract with the Town of Dover, as amended, provide curbside recyclable materials collection for all recyclable materials generated in the Town of Dover from each residential dwelling unit, multifamily dwelling, business, office and store. Such work shall be under the supervision of the Town of Dover Health Department. Specifically excluded from recyclable materials pickup are schools, hospitals and industrial buildings. Also specifically excluded from recyclable materials collection is the collection of Municipal Solid Waste, medical waste, industrial waste, hazardous materials and construction debris. The Town of Dover Department of Public Works or an authorized contractor will provide collection of white goods and tires to all premises receiving curbside solid waste collection, subject to the requirements of the sticker program.

G. All receptacles and dumpsters used for the storage of recyclable materials shall be kept in a clean and safe manner.

**§ 291-7. Residential Dwelling Compliance Requirements.**

The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in

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accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

**§ 291-8. Non-Residential Establishment Compliance Requirements.**

- A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.
  
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
  
- C. Non-residential facilities meeting the minimum size indicated in the table below, shall report on an annual basis to the Municipal Recycling Coordinator no later than March 1<sup>st</sup> of the year following the reporting period, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

<b>Facility Type/Use</b>	<b>Minimum Size Requiring Reporting (Square Feet of Gross Floor Area)</b>
Retail	6,000
Manufacturing and other General Commercial	7,500
Office, Educational & Institutional	5,000
Multi-Dwellings	10 Units or More

- D. All retail food establishments as defined in NJAC 8:24, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

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**§ 291-9. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties**

- A. Any application to the Planning Board or Board of Adjustment of Town of Dover for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan in accordance with § 236-54.M (1).
- B. Prior to the issuance of a Certificate of Occupancy by the Construction Official of the Town of Dover, 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 municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Town Engineer.

**§ 291-10. Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

- A. 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.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

**§ 291-11. Enforcement**

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

**§ 291-12. Penalty for Non-compliance with Source Separation Requirement**

- A. Any person who violates a provision of Chapter 291 shall, upon conviction, forfeit and pay a fine of seventy-five dollars (\$75.) for the first offense, one



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hundred fifty dollars (\$150) for the second offense and, for the third and any subsequent offenses, shall be subject to one (1) or more of the following: a minimum fine of two hundred fifty dollars(\$250) but not exceeding one thousand, two hundred fifty dollars (\$1,250.), a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days. And if the municipality has provided for clean up and disposal, an additional penalty for the reasonable costs of this work, as specified in the following section.

- B. Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

**Section 2**

**Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE V, 236-54.**

**Standard required improvements, paragraph M. is replaced with the following:**

**M. Recycling Plan and Solid Waste & Recyclable Materials Storage.**

**(1) Recycling Plan**

Any application to the Planning Board or Board of Adjustment of Town of Dover for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This 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 convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as required below, and as may be recommended by the municipal recycling coordinator.

- (2) Solid Waste & Recyclable Materials Storage There shall be included in all uses other than single or two-family homes that require subdivision or site plan approval an indoor and/or outdoor solid waste and recycling area(s) for the collection and storage of commercially and/or residentially-generated solid waste and recyclable materials. The number of sites and dimensions of the solid waste and recycling areas shall be sufficient to accommodate solid waste and 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 number of sites and dimensions of the solid waste and recycling areas, and the bins or containers shall be determined in consultation with the Health Department and the Municipal Recycling

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Coordinator, and shall be consistent with the Morris County Solid Waste Management 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 Town of Dover Master Plan, adopted pursuant to section 26 of P.L. 1987, c102, but in no case smaller than that indicated below.

<b>Facility Type/Use</b>	<b>Minimum Enclosure Size</b>
Retail	5 SF / 1,000 GFA*
Manufacturing and other General Commercial	3 SF / 1,000 GFA*
Office, Educational & Institutional	2 SF / 1,000 GFA*
Multi-Dwellings	100 SF for 1st 10 DU Plus 5 SF/Additional DU **

\*65 SF Min., 1,000 SF Max.

\*\* DU = Dwelling Unit

(3) For existing developed sites, this requirement may be waived by the Planning Board or Board of Adjustment upon showing by the applicant that the site currently handles all solid waste and recyclable materials in an existing location not meeting these standards, but in a satisfactory manner. Evidence of this shall include a report from the Town of Dover Health Department and Recycling Coordinator indicating same.

(4) Solid waste and recycling areas shall be subject to the following minimum standards:

(a) The solid waste and recycling areas should not be located within any front yard area.

(b) The walls of each solid waste and recycling enclosure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure(s). Split face concrete block finish is recommended. The walls shall be a minimum of six feet in height.

(c) Each recycling and trash enclosure shall have decorative solid heavy gauge metal gates and be designed with cane bolts to secure the gates when in the open and closed positions

(d) One side should contain a gate of sufficient width to accommodate the containers.

(e) A separate pedestrian entrance shall be provided. The pedestrian entrance shall be located such that it shields the view of the containers, or in the alternative accommodated with a decorative solid heavy gauge metal gate

(f) A concrete apron shall be constructed either in front of each recycling and trash enclosure or at the point of receptacle pick-up to minimize damage to the surrounding asphalt paving. The minimum dimensions of the concrete apron shall be 10 feet wide and twenty feet long. The apron material shall consist of five inch dense graded aggregate base and six inch Class B concrete slab.

(g) The location, size and shape of the storage area should be such that each container can be moved in and out of the storage area without interfering with other containers in the storage area or other land uses adjacent to the storage area. The size shall be in accordance with paragraph 3. above, unless otherwise approved by the Planning Board.

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(h) A five-foot-minimum-width landscape area should be provided along the fence or wall enclosing the refuse storage area where deemed appropriate by the Planning Board or Board of Adjustment. The landscaping to be provided should be shown on the site plan submitted to the Planning Board or Board of Adjustment for approval.

(i) The solid waste and recycling areas should be well lit, and shall be safely and easily accessible by solid waste and recycling personnel and vehicles. Collection vehicles shall be able to access the solid waste and recycling areas without interference from parked cars or other obstacles. Reasonable measures should be taken to protect the solid waste and recycling areas, and the bins or containers.

(j) The solid waste and recycling areas and the bins/containers placed therein should be designed so as to provide protection against adverse environmental conditions which might render the recyclable materials unmarketable. Any bins or containers which are located in an outdoor solid waste and recycling area, should be equipped with a lid, or otherwise covered, so as to keep the contents dry.

(k) Signs clearly identifying the recycling portion of the solid waste and recycling areas and the materials accepted therein should be posted adjacent to all points of access to the solid waste and recycling areas. Individual bins or containers for recyclable materials should be equipped with signs indicating the materials to be placed therein.

(l) No containers or solid waste and recycling materials should be maintained anywhere on a site except in a solid waste and recycling area meeting these requirements.

(m) It should be a violation of the site plan when the gates of a solid waste and recycling area are left open or when solid waste or recyclable material is placed outside of the approved solid waste and recycling area(s).

(n) If outdoor storage of solid waste or recyclable materials is not proposed, the site plan should detail the methods proposed for accommodating the solid waste or recyclable materials within the structure. The Planning Board or Board of Adjustment may require that a suitable area be set aside, but not improved, for a future solid waste and recycling area meeting these requirements even if indoor accommodations are proposed.

(5) Standard details of solid waste and recyclable material enclosures prepared by the Town Engineer and approved by the Recycling Coordinator that meet the requirements of (4) above shall be made available to applicants required to comply with this section.

**Section 3**

Chapter 333, SOLID WASTE DISPOSAL, § 333-4. Residential Solid Waste, is supplemented with the following:

B. Storage of Municipal Solid Waste

Municipal Solid Waste and Municipal Solid Waste Containers shall not be permitted to be stored in the front yard space, as defined in §236-5, for any residential use regardless of zoning district.

**Section 4**

Chapter 333, SOLID WASTE DISPOSAL, § 333-16. Violations and penalties. Additional penalty for cleanup cost, is replaced with the following:

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Any person who violates a provision of Chapter 291 shall, upon conviction, forfeit and pay a fine of seventy-five dollars (\$75.) for the first offense, one hundred fifty dollars (\$150) for the second offense and, for the third and any subsequent offenses, shall be subject to one (1) or more of the following: a minimum fine of two hundred fifty dollars(\$250) but not exceeding one thousand, two hundred fifty dollars (\$1,250.), a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days. And if the municipality has provided for clean up and disposal, an additional penalty for the reasonable costs of this work, as specified in the following section.

**Section 5**

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

**Section 6**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section 7**

This ordinance shall take effect immediately upon final publication as provided by law.

Mover: Mayor Dodd

Seconded: Alderman Poolas

Aldermen	AYE	NAY	N.V.	A.B
PICCIALLO	X X			
POOLAS	X X			
DONOFRIO	X X			
ROMAINE	X X			

Aldermen	AYE	NAY	N.V.	A.B
VISIOLI	X X			
FAHY	X X			
DELANEY	X X			
TIMPANI				X X
MAYOR DODD	X X			

X - Indicates Vote

A.B. - Absent

N.V - Not Voting (Abstained or Excused)

Tabled \_\_\_\_\_

Removed from Table \_\_\_\_\_

Entered on Board of Aldermen Minutes, Page \_\_\_\_\_

Adopted May 13 20 08

Mun. Clerk's Cert. Margaret J. Verge

Mayor [Signature]