

## ORDINANCE NO. 2021-03

### AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 106 "GARBAGE, RUBBISH, REFUSE AND RECYCLING", ARTICLE II "MANDATORY RECYCLING", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

**Purpose:** The purpose of this Ordinance is to amend Chapter 106-15 Commercial and Institutional Establishment Compliance Requirements to make commercial and industrial establishments located within the Borough responsible for disposal costs generated by the establishment.

**BE IT HEREBY ORDAINED** by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

**NOW THEREFORE**, Existing Chapter 106 "Garbage, Rubbish, Refuse and Recycling", Article II "Mandatory Recycling" be amended as follows, strike through verbiage to be removed:

#### § 106-15 Commercial and Institutional Establishment Compliance Requirements.

- E. The owner/operator/contractor is responsible for arranging for recyclables to be removed from the premises and for assuring that they go into the recyclables market. ~~The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center). Otherwise, The owner/operator/contractor is responsible for arranging to have recyclables picked up and for resolving any problems with the transporter of recyclables.~~
- J. ~~All schools and businesses that have their municipal solid waste (Type 10) picked up by the Borough of Kenilworth must place their MSW in clear plastic bags.~~

Existing items K through L be moved up one row for continuity to J and K as follows:

- J. Single-stream recycling of mixed classes of construction recyclables. Construction/demolition sites may opt to collect all recyclables in one container, provided that there are no other materials (including garbage) in that container. To qualify for this provision, recyclables must go to a transfer station/MRF that is properly permitted by the New Jersey Department of Environmental Protection and has certified that it has the ability to separate out and maximize the capture rate of the mandated materials. The specific materials that may be commingled together will be determined by the provisions in the receiving transfer station/MRF's permit.
- K. All food service establishments, as defined in the Health Code, shall, in addition to compliance with 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.

#### Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

#### Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

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BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI		X	X			
X		X				MARK DAVID	X		X			
		X				JOSEPH FINISTRELLA			X			
		X				GERRY LAUDATI			X			
		X				SCOTT PENTZ			X			
				X		FRED PUGLIESE			X			
Introduced: March 24, 2021			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.									
Final Adoption: April 28, 2021												
Laura Reinertsen, Borough Clerk												