

ORDINANCE NO. 25-12

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTIONS 154-7. AND 154-17. UNDER CHAPTER 154 OF THE CODE OF THE TOWNSHIP GARBAGE, RUBBISH AND REFUSE RELATED TO THE UNAUTHORIZED COLLECTION OF FERROUS RECYCLABLE METALS BY SCAVENGERS

WHEREAS, Section 154-16.C. of Chapter 154 of the Code of the Township entitled Garbage, Rubbish and Refuse prohibits persons, other than those authorized by the Township from collecting or removing recyclable materials placed at curbside; and

WHEREAS, the Township has determined that one or more unknown persons may be cruising the streets of the Township to remove and collect certain ferrous metals, such as copper, brass or scrap for the purpose of selling and deriving revenue; and

WHEREAS, it is the intention of the Township Committee to amend Section 154-7. entitled "Definitions" with the inclusion of a definition of ferrous metals and Section 154-17. entitled "Sale of Recyclables Permitted; Restrictions" to prohibit the removal and collection of all ferrous metals that are placed at curbside for collection by the Township or the Township's agents.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. Section 154-7. entitled "Definitions" under Chapter 154 of the Code of the Township entitled Garbage, Rubbish and Refuse is hereby amended and supplemented with the inclusion of a new definition of "ferrous metals" as follows:

R. FERROUS METALS – copper, brass, scrap metals or any other metals derived from, containing, or alloyed with iron and steel, including metal pipes, conduits or fixtures that are used by plumbers, electricians or other home improvement and construction contractors.

Section 2. Section 154-17. entitled “Sale of Recyclables Permitted; Restrictions” under Chapter 154 of the Code of the Township entitled Garbage, Rubbish and Refuse is hereby amended and supplemented with the inclusion of the following new paragraph:

Anything herein to the contrary notwithstanding, any person who is an owner or occupant of a residential unit or any person who is an owner or occupant of commercial and industrial property, including institutional facilities, may donate or sell newspapers, magazines, corrugated cardboard, household cardboard, yard waste, glass containers or aluminum beverage containers to any person, partnership or corporation whether operating for profit or not-for-profit.

No person, partnership or corporation, whether operating for profit or not-for-profit, except for the Township, shall under any circumstances, tamper with, handle, collect or remove from the curbside collection any recyclables, including ferrous metals as defined under Section 154-7. of the Code, within the Township, whether or not said recyclables are placed at curbside on scheduled dates. Any owner, tenant, lessee or occupant of commercial and industrial property, and any public or private institutions who donate their recyclable materials are required to submit the appropriate documentation of these recyclable materials as required under § 154-14.C. of this Article.

It shall be a violation of this Article for any person not authorized by the Township to remove and/or collect ferrous metals from curbside. Each such removal and/or collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided under Section 154-17.4. entitled “Violation and penalties; trust fund.”

Section 3. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 4. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 5. This ordinance shall take effect immediately.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATE OF INTRODUCTION: November 19, 2012
DATE OF ADOPTION: December 13, 2012

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 19th day of November, 2012, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 13th day of December, 2012, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: November 29, 2012