

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Campgrounds

8.08 Fire Code

8.12 Litter

8.16 Noise

8.20 Nuisances

8.22 Trimming of Brush, Hedges and Other Plant Life

8.24 Outside Toilets

8.28 Recycling

8.32 Sanitary Landfill

8.36 Septic System

8.40 Transfer Station

Chapter 8.04

CAMPGROUNDS

Sections:

8.04.010 Adopted.

8.04.020 Zoning enforcement officer.

8.04.030 Violation.

8.04.040 Campground code.

8.04.050 Amended.

8.04.010 Adopted.

Pursuant to N.J.S.A. 40:49-5.1, as amended, Chapter XI Campground of the New Jersey State Sanitary Code as hereinafter supplemented and amended is adopted by the township, to be known as the Bass River Campground Code, as a minimum set of standards and requirements applying to all campgrounds within the township for the purpose of assuring that camping units as well as their servicing facilities located in the township are safe, sanitary and fit for human occupation and rental. A copy of Chapter XI Campground of the New Jersey State Sanitary Code is annexed to the ordinance codified in this chapter and three copies of the same have been placed on file in the office of the township clerk and are available to all persons desiring to use

and examine them.
(Ord. 1988-3 § 1)

8.04.020 Zoning enforcement officer.

A. The zoning enforcement officer of the township is designated as the officer to exercise enforcement authority described by this chapter and the code herein adopted.

B. The zoning enforcement officer is authorized and directed to make all necessary inspections to determine the conditions of camp units as well as their service facilities located within the township in order that he or she may perform his or her duties of safeguarding the health and safety and general welfare of the public of the township. For the purpose of making such inspections, he or she is authorized to enter, examine and survey at all reasonable times, all camp units as well as their facilities. The owner or occupant of every camp unit, or the person in charge thereof, shall give the zoning enforcement officer free access to any such camp unit as well as its facilities at all reasonable times for the purposes of such inspection, examination and survey. In the case of rented units, every occupant of such units shall give the owner thereof, or his agent or employee, access to any part of such camp unit as well as its facilities, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this or any other township ordinance related to campgrounds.
(Ord. 1988-3 §§ 2, 3)

8.04.030 Violation.

A. Wherever the zoning enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or other campground regulation, he or she shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

1. Be put in writing;
2. Include a statement of the reasons why it is being issued;
3. Show a reasonable time for the performance of any act it requires;
4. Be served upon a campground owner or his or her agent or upon the owner of a unit or his or her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner, or agent, or upon such occupant, if a copy thereof is served upon him or her personally, or if a copy thereof is sent by registered mail to his or her last known address, or if a copy thereof is posted in a conspicuous place in or about the camping unit or facility affected by the notice, or if he or she is served such notice by any other method authorized or required under the laws of the state of New Jersey.

B. If the owner, agent or occupant, whichever is applicable, within ten (10) days shall not comply with the notice of violation issued by the zoning enforcement officer, the zoning enforcement officer shall forthwith cause a summons to issue citing the particular violation or violations therein and which summons is

returnable in the municipal court of the township. The township may also take steps to obtain injunctive relief in a court of competent jurisdiction if it deems such action necessary.
(Ord. 1988-3 § 4)

8.04.040 Campground code.

No person shall occupy as owner, or occupant, or shall rent or make available to another for occupancy, any camp unit, or supporting facilities, for the purpose of living thereon, which does not conform to the provisions of this Campground Code.
(Ord. 1988-3 § 5)

8.04.050 Amended.

A. The above-referenced code is amended by adding thereto a new section to be designated as 8:22-1.2(b) as follows:

1.2(b) 'Registration Of campers'. The owner or designated manager of every campground shall maintain a log of every camper who uses campground facilities. The log shall contain:

- a. the camper's name and place of residence.
- b. the number of people in the camper's party.
- c. the license number and type of camping vehicle or unit and the make, model, year of manufacture and license number of any motor vehicle.
- d. time and date of arrival and departure.

B. Section 8:22-1.10(a) is amended to read as follows:

1.10(a) No campsite shall be less than one hundred feet (100') from a public highway right-of-way, no less than one hundred feet (100') from a property line.

C. Section 8:22-1.16 of the above-referenced code is amended to read as follows:

1.16 'Fireplaces.' Camping and/or cooking fires shall be confined entirely to fireplaces which shall be located in a safe, convenient location, meeting the approval of the State Fire Warden having jurisdiction over the area involved. Said fireplaces shall be located where they will not constitute a fire hazard to vegetation, undergrowth, trees or camping units.

D. Section 8:22-1.17(d) is added to the above-referenced code to read as follows:

1.17(d). Individual point or driven wells, dry wells, springs, and other sources of supply may be used only for wilderness camps where all campsites are separated by more than one hundred fifty (150) feet and only if approved by the State Department of Health or the local Board of Health. Such sources of supply shall be properly located, constructed and maintained to avoid contamination of the water

therefrom.

E. Section 8:22-1.24(a) of the above-referenced code is amended to read as follows:

1.24(a) Privies, and pit toilets shall be permitted only in wilderness camps where all campsites are separated by more than one hundred fifty (150) feet; shall be constructed of material permitting satisfactory cleaning; and shall be provided with adequate natural lighting and ventilation.

F. Section 8:22-1.30(a) of the above-referenced code is amended to read as follows:

1.30(a) Where sewage is to be effected by subsurface means, no more than twenty (20) campsites shall be connected to one disposal unit and the facilities shall be designated and constructed in accordance with the requirements of Standards for the Construction of Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9-2) and the New Jersey Water Pollution Control Act Regulations (N.J.A.C. 7:14) promulgated by the Department of Environmental Protection and shall be approved by the local health authority and the Department of Environmental Protection.

G. Section 8:22-1.47 is added to the above-referenced code to read as follows:

1.47(a) Every application for a permit to construct or expand a campground shall be accompanied by payment to the Building inspector of an application fee of 720.00 to cover the cost of professional review of site plans in accordance with these and other Township standards and regulations, site inspections and other expenses. In the event the professional and other services required exceed the amount of the fee, the applicant will be billed for such excess costs prior to final approval. In the event said professional and other services cost less than the amount of the required application fee, any portion of the fee remaining upon final approval or disapproval shall be returned to the applicant. The fee requirements of this paragraph shall not apply to any proposed modification or alteration to an existing building which is situated in an existing approved camp-ground which modification or alteration:

(a) will not change the use of the building;

(b) will not add a new story to the building;

(c) will not exceed one thousand (1,000) square feet which includes but is not necessarily limited to porches and other such uncovered appurtenances;

(d) will not substantially alter or affect the existing environment.

(b) Upon certification to the Township Board of Commissioners by the Building Inspector that the construction or expansion of a campground has been completed in accordance with all applicable requirements, and upon a payment to the Township Clerk of the annual operating permit fee hereinafter provided, the Township Board of Commissioners shall issue a license permitting the operation of said new or expanded campgrounds.

(c) It shall be unlawful for any person or corporation to maintain or operate a campground within the limits of Bass River Township without first obtaining a campground operating permit from

the Board of Commissioners of Bass River Township.

(d) Each campground operating permit shall expire December 31 of the year in which issued. A new operating permit shall and may be obtained from the Township Clerk, upon approval of the Board of Commissioners for each succeeding calendar year in which operation of the then existing campground is sought to be continued provided, however, that no such permit shall be issued if there is outstanding and unresolved any notice of an alleged violation issued pursuant to this or other applicable Township ordinances. The annual operating permit fee for every campground in Bass River Township is hereby fixed at \$200.00 for campgrounds including up to fifty (50) campsites plus \$4.00 for each campsite in excess of fifty (50). Such fee for the first operating permit, if issued after July 1 for any new campground, or an expanded portion of an existing campground, shall be pro-rated for the balance of the year from the date of the issuance of the permit. Thereafter, the annual operating fee should be paid on or before January 1 of each year.

(e) In addition to the fees listed in subsection (d) above, a fee of six dollars (\$6.00) per stored camping unit shall be due and payable as of January 1 of each year. (NOTE: THE FOLLOWING WORDING HAS BEEN ELIMINATED DUE TO THE ELIMINATION OF SECTION 3.9(C) OF THE CAMPGROUND CODE -- "stored in accordance with the requirements of Section 3.9(c) of the above-referenced code shall be due and payable as of January 1 of each year.")

H. Section 8:22-1.48 is added to the above-referenced code to read as follows:

1.48 Any mobile home, as defined in the Zoning Ordinance of the Township of Bass River and amendments and supplements thereto which has heretofore been located in a licensed trailer park pursuant to the terms of an ordinance entitled "An Ordinance for the Regulation and Licensing of Trailers and Trailer Camps within the Township of Bass River, County of Burlington and State of New Jersey" and amendments and supplements thereto and any mobile home park as defined in the Zoning Ordinance of the Township of Bass River and amendments and supplements thereto which may previously have been licensed under either or both of the above-mentioned ordinances, be and are hereby declared to be nonconforming uses by virtue of the Zoning Ordinance of the Township of Bass River and amendments and supplements thereto. Any such nonconforming mobile home park which may exist in the Township of Bass River is expressly subject to the provisions of this ordinance where applicable including the fee requirements in Section XI hereinabove set forth. Only one annual operating permit fee per year shall be required under the terms of this ordinance for any one campground or nonconforming mobile home park if one may exist or any combination thereof. However, in the event that a nonconforming mobile home occupies a site in any campground, nonconforming mobile home park, or combination thereof, all of which are regulated by the terms of the within ordinance, the operator of such campground, nonconforming mobile home park, or combination thereof shall pay to the Township a monthly fee in the amount of \$18.00 for each such nonconforming mobile home occupying a site in such campground, nonconforming mobile home park, or combination thereof for each month or part thereof as said space is occupied. In addition, the operator shall file a statement under oath of the first of each month with the Township Clerk stating the number of sites occupied during the previous month.

I. Section 8:22-1.49 is added to the above-referenced Code to read as follows:

1.49 Any person, firm or corporation who shall violate the provisions of this ordinance shall, upon conviction, be punished by a fine not exceeding \$500.00 or be imprisoned in the Burlington County jail for a period not to exceed ninety (90) days or shall suffer both such fine and such imprisonment, and each illegally occupied campsite shall be deemed to constitute a separate and distinct offense for each day during any part of which such violation is permitted to exist.

J. Section 8:22-1.50 is added to the above-referenced code as follows:

1.50 In any case where there are conflicts between the standards contained in this ordinance or the campground code adopted hereby, and any other Bass River Township ordinance or regulation, as they may apply to new or expanded campground applications, the more stringent standard or requirement shall be deemed to apply.

K. Section 8:22-1.51 is added to the above code to read as follows:

1.51 The storage of mobile homes is prohibited in all campgrounds.
(Ord. 1988-3 §§ 6--16)

Chapter 8.08

FIRE CODE

Sections:

- 8.08.010 BOCA Basic Fire Prevention Code.**
- 8.08.020 Uniform Fire Code enforcement.**
- 8.08.030 Designation of enforcing agent.**
- 8.08.040 Duties.**
- 8.08.050 Life hazard uses.**
- 8.08.060 Appointments of fire subcode official.**
- 8.08.070 Removal from office.**
- 8.08.080 Board of appeals.**
- 8.08.090 Additional required inspections and fees.**
- 8.08.100 Permits.**
- 8.08.110 Penalties.**

8.08.010 BOCA Basic Fire Prevention Code.

The BOCA Basic Fire Prevention Code and all amendments and supplements thereto to the extent that the provisions of same of Bass River for the purpose of establishing rules and regulations to improve the safety of the public by promoting the control of fire hazards and establishing and implementing standards to achieve the objectives. The standards, rules and regulations set forth in the code shall be and the same are incorporated in this section by reference, three copies of which have been filed in the office of the clerk of the township.
(Ord. 86-5 § 1.1)

8.08.020 Uniform Fire Code enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L 1983, c. 383), the New Jersey Uniform Fire Code shall be enforced locally within the township.

(Ord. 86-5 § 2.1)

8.08.030 Designation of enforcing agent.

The fire subcode official, hereinafter appointed by resolution of the board of commissioners of the township shall be the enforcing agent within the township.

(Ord. 86-5 § 2.2)

8.08.040 Duties.

The fire subcode official shall enforce the Uniform Fire Safety Act and the codes and regulations adopted pursuant thereto in all buildings, structures and premises within the township, other than the owner-occupied one and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. In addition to the duties assigned heretofore the fire subcode official shall enforce within the township the BOCA Fire Prevention Code provisions not incorporated within the Uniform Fire Code.

(Ord. 86-5 § 2.3)

8.08.050 Life hazard uses.

The fire subcode official, as established in Section 8.08.030, shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the commissioners of community affairs.

(Ord. 86-5 § 2.4)

8.08.060 Appointments of fire subcode official.

A. The fire subcode official shall be directly under the supervision of the commissioner of public affairs and safety.

B. The appointment for the fire subcode official shall be for a period of one year, commencing January 1st and terminating December 31st of the same year and the fire subcode official shall continue in office until a successor has been appointed and qualified.

(Ord. 86-5 § 2.5)

8.08.070 Removal from office.

The fire subcode official shall be subject to removal by the board of commissioners of the township for inefficiency or misconduct or failure to perform duties, but each person so removed shall be afforded an opportunity to be heard by the appointing authority consistent with recognized standards of due process.

(Ord. 86-5 § 2.6)

8.08.080 Board of appeals.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by an order of the fire subcode official shall have the right to appeal to the county construction board of appeals in the county of Burlington.

(Ord. 86-5 § 2.7)

8.08.090 Additional required inspections and fees.

In addition to the inspection and fees required pursuant to this Act and the regulations of the Department of Community Affairs, the following additional inspections and fees for those uses not defined as life hazard uses shall be required:

- A. The following buildings, uses, premises contained in this section other than those that are incidental or auxiliary to the agricultural use of farm property are subject to registration and periodic inspection requirements as established.

Where two or more of the same uses or different uses exist at the same building or premises, each one shall be considered as separate and distinct for the purpose of this ordinance and shall be registered pursuant thereto.

- B. Type L Uses:

- 1. Business use as defined in the latest edition of the BOCA Basic National Building Code, five hundred (500) square feet or less than total gross floor area. (Exception: Any Type L uses with suppression/detection systems shall be classified under Type M).

- C. Type M Uses:

- 1. Business uses as defined in the latest edition of the BOCA Basic National Building Code, more than five hundred (500) square feet but less than two thousand five hundred (2,500) square feet total gross floor area;
- 2. Storage buildings as defined in the latest edition of the BOCA Basic National Building Code, less than two thousand five hundred (2,500) square feet total gross floor area.

- D. Type N Uses:

- 1. Business uses as defined in the latest edition of the BOCA Basic National Building Code, two thousand five hundred (2,500) square feet or more, but less than five thousand (5,000) square feet total gross floor area;
- 2. Mercantile uses as defined in the latest edition of the BOCA Basic National Building Code, two thousand five hundred (2,500) square feet or more, but less than five thousand (5,000) square feet total gross floor area;
- 3. Storage buildings as defined in the latest edition of the BOCA Basic National Building Code, two thousand five hundred (2,500) square feet or more, but less than five thousand (5,000) square feet total gross floor area.

- E. Type O Uses:

1. Business uses as defined in the latest edition of the BOCA Basic National Building Code, five thousand (5,000) square feet or more, but less than seven thousand five hundred (7,500) square feet total gross floor area;
2. Mercantile uses as defined in the latest edition of the BOCA Basic National Building Code, five thousand (5,000) square feet or more, but less than seven thousand five hundred (7,500) square ft. total gross floor area;
3. Storage buildings as defined in the latest edition of the BOCA Basic National Building Code, five thousand (5,000) square feet or more, but less than seven thousand five hundred (7,500) square feet total gross floor area.

F. Type P Uses:

1. Business uses as defined in the latest edition of the BOCA Basic National Building Code, seven thousand five hundred (7,500) square feet or more, but less than ten thousand (10,000) square feet total gross floor area;
2. Mercantile uses as defined in the latest edition of the BOCA Basic National Building Code, seven thousand five hundred (7,500) square feet or more, but less than ten thousand (10,000) square feet total gross floor area;
3. Storage buildings as defined in the latest edition of the BOCA National Building Code, seven thousand five hundred (7,500) square feet or more, but less than ten thousand (10,000) square feet total gross floor area.
4. Hotels and Motels with one hundred (100) rooms or less and not defined as life hazard uses.
5. Buildings where less than one hundred (100) persons assemble for the purpose of amusement, entertainment, recreation centers and health spas.

G. Type Q Uses:

1. Business uses as defined in the latest edition of the BOCA Basic National Building Code, ten thousand (10,000) square feet or more total gross floor area;
2. Mercantile uses as defined in the latest edition of the BOCA Basic National Building Code, ten thousand (10,000) square feet or more total gross floor area and not defined as life hazard uses;
3. Storage buildings as defined in the latest edition of the BOCA Basic National Building Code, ten thousand (10,000) square feet or more total gross floor area;
4. Factory and Industrial uses as defined in the latest edition of the BOCA Basic National

Building Code, not defined as life hazard uses.

H. Required Inspections: All additional uses as listed in the aforementioned schedule shall be inspected for compliance with the provisions of this chapter periodically but not less than specified therein.

1. Type L uses: once every twenty-four (24) months;
2. Type M uses: once every twelve (12) months;
3. Type N uses: once every twelve (12) months;
4. Type O uses: once every twelve (12) months;
5. Type P uses: once every twelve (12) months;
6. Type Q uses: once every twelve (12) months.

I. Registration fees for all additional uses:

1. Type L uses: twenty dollars (\$20.00) every two years;
2. Type M uses: thirty dollars (\$30.00) per year;
3. Type N uses: forty dollars (\$40.00) per year;
4. Type O uses: fifty dollars (\$50.00) per year;
5. Type P uses: seventy-five dollars (\$75.00) per year;
6. Type Q uses: one hundred twenty-five dollars (\$125.00) per year.

Where more than one additional use exists under one ownership at a given location, the highest use shall be registered at full fee and subsequent use at one-half the schedule fee.

J. Site Plans Fee: ten dollars (\$10.00). For the review of any site plan or subdivision for the purpose of fire prevention as to the location of fire hydrants, fire drafting stations, water mains and fire lanes/zones.

(Ord. 86-5 § 2.8)

8.08.100 Permits.

All permit fees as indicated in the New Jersey Administrative Code, Title 5, Chapters 18 and 18.3, under Section 5:18-2.8 of Schedule C shall be adopted by the local enforcing agencies for the purpose of enforcing this ordinance.

(Ord. 86-5 § 2.9)

8.08.110 Penalties.

A. All penalties as indicated in the New Jersey Administrative Code, Title 5, Chapter 18 and 18B (Uniform Fire Code) shall be adopted for the purpose of enforcing this chapter except those penalties imposed as hereinafter provided for violations of this ordinance not included within the Uniform Fire Code or authorized by the Uniform Fire Safety Act.

B. Except as otherwise provided in subsection A of this section any violations of this chapter including the 1984 BOCA Basic Fire Prevention Code and amendments and supplements thereto shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both. Each and every day that a violation of the provisions of this chapter shall continue after notification thereof by the Bureau of Fire Prevention shall be deemed and considered a separate and specific violation of this chapter. Such penalties as hereinabove provided shall not be exclusive and in addition thereto, any violation may be abated by a civil action instituted in a court of competent jurisdiction.

(Ord. 86-5 § 2.10)

Chapter 8.12

LITTER

Sections:

8.12.010 Definitions.

8.12.020 Litter in public places.

8.12.030 Sweeping litter into gutters prohibited.

8.12.040 Litter thrown by persons in vehicles.

8.12.050 Truck loads causing litter.

8.12.060 Penalty.

8.12.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Litter" means garbage, refuse and rubbish as defined herein, and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a hazard to public health, safety and welfare.

"Public place" means any and all streets, sidewalks, boulevards, alleys, beaches or other public ways and any and all public parks, squares, spaces, docks, grounds and buildings.

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible

wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, street or public rights-of-way.
(Ord. 82-10 § 1)

8.12.020 Litter in public places.

No person shall sweep, throw or deposit litter-in or upon any occupied, open or vacant property, either owned by such person or not, or in or upon any street, sidewalk, park or other public place or in any pond, lake, stream or any other body of water within the township, except in public receptacles, in authorized private receptacles for collection, or in official township disposal areas. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or any other public place, or upon private property.
(Ord. 82-10 § 2)

8.12.030 Sweeping litter into gutters prohibited.

No person, including merchants owning or occupying a place of business shall sweep into or deposit in any gutter, street or any other public place within the township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
(Ord. 82-10 § 3)

8.12.040 Litter thrown by persons in vehicles.

To person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the township or upon private property.
(Ord. 82-10 § 4)

8.12.050 Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or any public place.
(Ord. 82-10 § 5)

8.12.060 Penalty.

Any person violating any provision of this chapter shall be subject to a fine not exceeding two thousand dollars (\$2,000.00) or imprisonment for ninety (90) days, or both.
(Ord. 2006-06 § 1 (part); Ord. 82-10 § 6)

Chapter 8.16

NOISE

Sections:

8.16.010 Findings and declaration of purpose.

8.16.020 Noise prohibited.

8.16.030 Unlawful acts enumerated.

8.16.040 Exceptions.

8.16.050 Enforcement.

8.16.010 Findings and declaration of purpose.

A. The making and creation of loud, unnecessary or unusual noises within the limits of the township is a condition which has existed for some time, and the extent and volume of such noises are increasing.

B. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the township.

C. The provisions and prohibitions hereinafter contained in this chapter are necessary in the public interest, embody the public policy of this township and are for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the township and its inhabitants.

(Ord. 96-9 § 1)

8.16.020 Noise prohibited.

No person shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the township.

(Ord. 96-9 § 2)

8.16.030 Unlawful acts enumerated.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive, namely:

A. Horns, Audible Signalling Devices and the Like.

1. The sounding of any horn or audible signalling device on any automobile, motorcycle or other vehicle on any street or public place of the township, except as a danger warning;
2. The creation by means of any audible signalling device of any unreasonably loud or harsh sound and the sounding of any such device for an unnecessary period of time;
3. The use of any horn, whistle or other audible device operated by engine exhaust;
4. The use of any such audible signalling device when traffic is held up for any reason.

- B. Radios, Television, Phonographs, CD Players and the Like.
1. The using, operating or permitting to be placed, used or operated of any radio receiving set, television, CD player, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.
 2. The aforesaid operation of any such set, instrument, phonograph, machine or device between the hours of eleven p.m. and seven a.m. in such manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of the provisions of this section.
- C. Loudspeakers, Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound or emitting of loud and raucous noises which are cast upon the public streets for the purpose of commercial advertising.
- D. Yelling, Shouting and the Like. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m. or any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any person in the vicinity.
- E. Birds, Dogs or Other Animals. The keeping, harboring or maintaining of any bird, dog or other animal which, by frequent, habitual or long continued noise, shall annoy or disturb the peace, comfort or repose of any person in the neighborhood or of any persons passing upon the streets or highways.
- F. Whistles. The blowing of any whistle, except to give notice:
1. Of the time to begin or stop work;
 2. Warning of fire or danger;
 3. Upon request of proper township authorities; or
 4. As may be required by general law or ordinance.
- G. Exhausts. The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorcycle, dirt bike, off road vehicle, all terrain vehicle or the like, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

- H. Defect in Vehicle or Load. The use or operation of any automobile, motorcycle or vehicle so out of repair or so loaded with iron or steel or other material in such manner as to create loud and unnecessary grating, grinding, rattling or other noise, or so as to cause loud noises to the disturbance of the peace and quiet of the neighborhood.
- I. Loading, Unloading -- Opening Boxes. The creation of loud or excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates or containers.
- J. Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of seven a.m. and nine p.m., except in case of urgent necessity in the interest of public health and safety and then only after obtaining a permit from the township engineer, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the township engineer should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of nine p.m. and seven a.m., and if he or she shall further determine that loss or inconvenience would result to any party or interest, he or she may grant permission for such work to be done within the hours of 9:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- K. Schools, Courts, Houses of Worship, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, house of worship or judicial court, while the same are in use, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, house of worship or court street.
- L. Drums, Bells and the Like. The use of any drum, bell, horn or other instrument or device for the purpose of attracting attention to any performance, show or sale by any creation of noise.
- M. Hawkers, Peddlers and Vendors. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- N. Railroad Cars and Buses. The causing, permitting or continuing of any excessive unnecessary or avoidable noise in the operation of railroad cars, locomotives, and buses.
- O. Pile Drivers, Hammers and the Like. The operation, other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, of any pile driver, steam shovel, bulldozer or other earth moving machinery, pneumatic hammer, derrick, steam or electric hoist or any other appliance, equipment or machinery, the use of which is attended by loud or unusual noise.
- P. Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noises.

- Q. Convoys of Vehicles. The intentional congregation and procession of vehicles, so spaced that the cumulative effects of the noise of each individual vehicle becomes cumulatively excessive, causing disturbance to the peace and quiet of the residents of the township.

(Ord. 96-9 § 3)

8.16.040 Exceptions.

Nothing herein contained shall be construed to apply to:

- A. The use of bells, chimes or sound amplifiers by churches engaged in church activities;
- B. Activities of township departments in the performance of their duties, drills or public demonstrations;
- C. Activities in public parks, playgrounds or public buildings under permission or authority of the mayor and township commissions or their agents.

(Ord. 96-9 § 4)

8.16.050 Enforcement.

A. Issuance of Summons. Violation of any provision of this chapter shall be cause for a summons to be issued by the Code Enforcement Officer, New Jersey State Police, N.J. Parks and Forest Rangers, N.J. State Police Marine Bureau Officers, Fish and Game and Wildlife Officers and Citizens.

B. Penalties, N.J. Conservation Officers.

- 1. Any person who violates any provision of this chapter shall be subject to a penalty for each offense of not more than two thousand dollars (\$2,000.00) or be imprisoned for a term not exceeding ninety (90) days, or both, for each offense. Additionally, a term of community service not to exceed thirty (30) days may be imposed in addition to or in lieu of any of the aforementioned penalties.

- 2. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

C. Other Remedies. No provision of this chapter shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this chapter or from other law.

(Ord. 2006-06 § 1 (part); Ord. 96-9 § 5)

Chapter 8.20

NUISANCES

Sections:

8.20.010 Purpose and policy.

8.20.020 Definitions.

8.20.030 Zoning enforcement officer.

8.20.040 Debris and unfit structures prohibited.

8.20.050 Inspection and notice.

8.20.060 Service of notice, complaints and orders.

8.20.070 Correction of conditions by township--Lien for costs.

8.20.080 Appeal by person subject of unfit building violation charge.

8.20.090 Additional powers of public officer.

8.20.100 Remedies not exclusive.

8.20.010 Purpose and policy.

It is declared to be the purpose and policy of this chapter, consistent with N.J.S.A. 40:48-1 et seq., to provide for the expedient abatement and removal of nuisances, hereinafter defined, as shall be necessary for the preservation of the public health, safety, general welfare, or to eliminate a fire or other potential hazard. The purpose of this chapter is to permit the township to act and to abate such hazards quickly and efficiently where the owner of the premises of such hazard refuses to act or where such owner cannot be located or contacted. The policy underlining this chapter recognizes the necessity on such occasions of acting quickly and providing for an expedient and cost-effective means of obtaining reimbursement for the cost and expenses incurred in taking such necessary action, while at the same time recognizing and considering the rights of property owners and individual choice as to style, design and aesthetics consistent with law.

(Ord. 89-15 § 1)

8.20.020 Definitions.

As used in this chapter:

"Debris" means any or all brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, litter, garbage, refuse, rubbish, putrescible and non-putrescible animal and vegetable waste, solid waste, ashes, street cleanings, dead animals, abandoned vehicles or trailers, market and industrial waste, combustible and non-combustible waste, paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials and debris.

"Unfit building" means any structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith, which are determined by the public officer designated or appointed to exercise such power that any such building or structure or part thereof is dangerous or injurious to the health or safety of the occupants of such building or structure, the occupants of neighboring buildings or structures or other residents of the municipality or the public at large or if such public officer determines that such conditions as the following, without limitation, exist: Defects or other conditions increasing hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair, structural defects; uncleanliness; otherwise inimicable to the public health, safety and welfare.

(Ord. 89-15 § 2)

8.20.030 Zoning enforcement officer.

The public officer charged with enforcement of this chapter and entitled to exercise the powers set forth herein shall be the construction code official of the township or such other person or persons as shall from time to time be designated or appointed by the township.

(Ord. 89-15 § 3)

8.20.040 Debris and unfit structures prohibited.

It is unlawful for any owner, tenant, controller, person, agent or business entity to gather, accumulate, keep, cause or permit any debris or unfit building to be located or exist in, at, or upon any land or premises owned, occupied or controlled by such person, or any other land or place, public or private in the township which tends to create a danger to the public health, safety and welfare.

(Ord. 89-15 § 4)

8.20.050 Inspection and notice.

A. Debris. If upon inspection by the public officer, such public officer deems a property to be in violation of Section 8.20.040 hereof as same pertains to debris, such public officer shall notify the owner of the subject land of such violation and that such owner must remedy the violation by removal or destruction of the debris within ten (10) days of receipt of notice to do so. The notice shall further provide that should the owner fail to remedy the violation, that the municipality may remove or destroy same and that any expenses and costs so incurred shall become a lien upon such land and become part of the taxes next to be assessed and levied upon such lands. After expiration of ten (10) days from receipt of any said notice of violation, all owners of the lands in violation hereof shall be subject to a complaint for enforcement brought by the Bass River Township Public Officer or other designated representative in the Bass River Township Municipal Court.

B. Unfit Buildings.

1. Whenever a petition is filed with the public officer designated by this chapter by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer that any building is unfit for human habitation or occupancy or use, the public officer shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his or her designated agent at a place therein fixed not less than seven days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, to give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling the hearings before the public officer or his or her agent.
2. If after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:
 - a. Requiring the repair, alteration and improvement of the building to be made by the owner, within a reasonable time, at which time shall be set forth in the order or at the option of the owner to vacate or have the building vacated and closed within the time set forth in the order; and

- b. If the building is in such condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.
3. If the owner fails to comply with an order to repair, alter or improve, or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any building so closed, a placard with the following words:

This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful.

4. If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor, if required by law.
5. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgement and summary proceedings for the demolition thereof.

(Ord. 89-15 § 5)

(Ord. No. 2010-04, 6-7-2010)

8.20.060 Service of notice, complaints and orders.

A. Debris Violations.

1. Service of notice of debris violation shall be made either personally or by certified mail, return receipt requested and by regular mail.
2. The public officer or his or her agent shall execute an affidavit indicating date and manner of service.

B. Unfit Building Violations. Complaints or orders issued by the public officer or agent under this chapter as same pertains to unfit buildings shall be served upon persons either personally or by certified, return receipt requested and regular mail, but if the whereabouts of such person or persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such person or persons may be made by posting the same once in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one published and printed in the county and circulating in the municipality in which the building or buildings are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of the county in which the building is located.

(Ord. 89-15 § 6)

8.20.070 Correction of conditions by township--Lien for costs.

A. Debris Violation. In all cases where debris is removed or destroyed by or under the direction of the public officer, such public officer shall certify the costs thereof to the governing body which shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against such lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become in form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate of taxes, and shall be collected and enforced by the officers and in the same manner as taxes.

B. Unfit Building Violations. In all cases where the public officer has taken action regarding unfit buildings pursuant to this chapter, the costs and expenses to become a lien and treated as taxes shall be calculated as follows:

1. The amount of the cost of filing of legal papers, expert witness fees, search fees and advertising charges, incurred in the course of any proceeding taken under this chapter determined in favor of the municipality, and
2. Such expenses and cost of any and all repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of material derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred.
3. If the building is removed or demolished by the public officer, he or she shall sell the materials of such building. There shall be credited against the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building.
4. If there are no such credits or if the sum total of such costs exceed the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by certified mail, and
5. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the superior court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court.

(Ord. 89-15 § 7)

8.20.080 Appeal by person subject of unfit building violation charge.

A. Any owner or party in interest subject of an unfit building violation complaint and aggrieved by an order issued by the public officer under this chapter may, within thirty (30) days after the posting and service of such order, bring an action for injunctive relief to restrain the public officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or

otherwise. The remedy herein provided shall be exclusive, and no person affected by the order of the public officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the public officer.

B. Any owner or party in interest subject of a lien resulting from unfit building violation may, within thirty (30) days of the filing of the lien certificate, proceed in a summary manner in the superior court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate. (Ord. 89-15 § 8)

8.20.090 Additional powers of public officer.

The public officer herein designated is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including, without limitation, the following:

To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation or occupancy or use; to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; to administer oaths, affirmations, examine witnesses and receive evidence; to appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of the chapter; and to delegate any of his or her functions and powers under the chapter as such officers and agents as he or she may designate. (Ord. 89-15 § 9)

8.20.100 Remedies not exclusive.

A. Nothing in this chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause the removal or abatement, by summary proceedings or otherwise, or to seek penalties for violation of this chapter in any and all manner provided by law, nor is anything in this act intended to limit the authority of the enforcing agency or construction official under the State Uniform Construction Code Act or any rules or regulations adopted thereunder.

B. Nothing in this chapter shall be construed to abrogate or impair the powers of courts or of any department of the municipality to enforce any provisions of its ordinances or regulations nor to prevent or punish violations thereof and the powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law. (Ord. 89-15 § 10)

Chapter 8.22

TRIMMING OF BRUSH, HEDGES AND OTHER PLANT LIFE

Sections:

8.22.010 Purpose.

8.22.020 Enforcement.

8.22.030 Penalties.

8.22.010 Purpose.

Any owner or tenant of lands lying within the limits of the township of Bass River shall be required to keep all brush, hedges and other plant life, growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two roadways cut to a height of not more than two and one half feet where it shall be necessary and expedient for the preservation of public safety, within ten days after notice to cut the same by the municipality. In the event such brush, hedges, or other plant life is not cut by the owner or tenants of lands where it is located within ten (10) days after notice to cut the same, then the township shall have the authority to cut the same under the direction of the code enforcement officer.

(Ord. 2003-10 § 1)

8.22.020 Enforcement.

In all cases where brush, hedges and other plant life are cut from any lands described in Section 8.22.010 herein under the direction of the code enforcement officer and by township employees, the code enforcement officer shall certify the cost thereof to the governing body, which shall examine the certificate, and if found correct, shall cause the cost as shown thereon to be charged against said lands. In the event the board of commissioners determine that such cost is excessive, then the board of commissioners will establish a reasonable cost and shall charge such reasonable cost against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, and shall bear interest at the same rate as other taxes and be collected and enforced by the same officers and in the same manor as taxes.

(Ord. 2003-10 § 2)

8.22.030 Penalties.

Penalties for violation of this chapter shall be as set forth in Chapter 1.08 of the code of the township of Bass River.

(Ord. 2003-10 § 3)

Chapter 8.24

OUTSIDE TOILETS

Sections:

8.24.010 Purpose.

8.24.020 General regulations.

8.24.010 Purpose.

The board of commissioners of the township has determined it is necessary to enact and enforce rules and regulations and issue permits for outside toilets to promote the public health, safety and welfare of the township. This chapter is enacted pursuant to N.J.S.A. 26:3-1 et seq. and N.J.S.A. 40:48-2.

(Ord. 91-5 § 1)

8.24.020 General regulations.

A. General Provision. It is unlawful for any person to use, construct, maintain, empty or clean any toilet of the type commonly known as "outside toilets" within the township, without first obtaining a permit from the local board of health.

B. Outside Toilet Defined. "Outside toilet" means outside lavatory, portable toilet, outhouse, or other similar device used for the reception or storage of human excrement, whether temporary or permanent in nature, except that chemical or portable toilets located on boats or recreational vehicles are specifically excluded from this definition.

C. Permit -- Application Requirement and Contents.

1. Application Requirement. Any individual, corporation, partnership, organization or other institution commonly recognized by law as a unit must complete an application obtained from the local board of health of the township before any permit shall be issued for the temporary use of an outdoor toilet. The original application shall be filed with the local board of health for review and determination, and a copy is to be filed with the township clerk.

2. Contents of Application. The application for permit shall contain the following information:

- a. Name and description of the applicant;
- b. Address (legal and local);
- c. Brief description of the basis for the request, proposed location, requested time of use, method of delivery, maintenance and cleanup, and party responsible for same;
- d. Street address, or if there is none, the lot and block number as shown on the tax map, where the outside toilet is to be located;
- e. A statement as to whether the applicant has been convicted of any crime or violation of any municipal ordinance, other than traffic offenses, and if so, the date and place of conviction, the nature of the offense, and the punishment or penalty imposed; and
- f. Any other appropriate information which the local board of health may require by resolution.

D. Permit Fee. Where any individual, corporation, partnership, organization or other institution commonly recognized by law files an original permit application with the local board of health, with a copy to the township clerk, such application shall be accompanied by a permit fee of fifty dollars (\$50.00), which shall be applied toward the administrative costs of enforcing this chapter. The board of health may, in its discretion, waive permit fees for non-profit, charitable, or other public service related entities or events.

E. Issuance of Permit. Upon receiving a completed application and permit fee, the local board of health shall immediately institute whatever reasonable investigation is necessary concerning the application in question. If satisfied, based upon that investigation, the local board of health may issue a temporary permit for the use of an outside toilet only for one of the following purposes:

1. Carnivals, fairs, and other similar public events; or
2. Construction sites; or
3. Where good cause is shown by the applicant to justify the issuance of a temporary permit.

F. Duration of Permit. No permit issued pursuant to this chapter shall be for more than a period of ten days. The board of health may, in its discretion, extend the period of permit effectiveness or allow permit renewals without additional fees for good cause shown.

G. Revocation of Permit. Where any permit holder fails to maintain the outside toilet in a healthy and sanitary manner so as to constitute a nuisance, or violates any of the provisions of this chapter, or any other ordinances of the township or state of New Jersey, in connection therewith, the permit may be revoked by the local board of health, after reasonable notice and hearing.

(Ord. 91-5 § 2)

Chapter 8.28

RECYCLING*

* **Editors Note:** Ord. No. 2010-02, §§ 1--16, adopted June 7, 2010, amended ch. 8.28 in its entirety as set out herein. The former ch. 8.28 pertained to similar subject matter and derived from Ord. 87-10 §§ 1, 3--16 and Ord. No. 93-3, § 1(part).

8.28.010 Purpose.

8.28.020 Statutory authority.

8.28.030 Definitions.

8.28.040 Requirements applicable to source separation of designated recyclables.

8.28.050 Establishment of a municipal recycling depot program.

8.28.060 Requirement to provide common area recycling storage location.

8.28.070 Mandatory commercial and institutional source separation program.

8.28.080 Recycling reporting requirements.

8.28.090 Unlawful activities; nuisance.

8.28.100 Noncollection of solid waste.

8.28.110 Other means of disposal.

8.28.120 Noninterference with existing contracts.

8.28.130 Enforcement.

8.28.140 Schedule of penalties.

8.28.150 Injunctions; concurrent remedies.

8.28.160 Construction.

8.28.010 Purpose.

The Township of Bass River finds that reducing the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the SWMA and the county plan. The recycling of certain materials from the residential, commercial and institutional establishments in this municipality will conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery and conserve natural resources through reduced energy consumption, and reduced water and air pollution.(Ord. No. 2010-02, § 1, 6-7-2010)

8.28.020 Statutory authority.

This chapter is adopted pursuant to P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and any amendments adopted thereto. (Ord. No. 2010-02, § 2, 6-7-2010)

8.28.030 Definitions.

As used in this chapter, the following definitions shall apply:

"Act" or "SWMA" shall mean the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., as amended and supplemented.

"Aluminum can" shall mean empty food and beverage containers comprised of aluminum. Excluded from this definition are aluminum aerosol cans, aluminum foil and trays.

"Antifreeze" shall mean liquid used in a cooling system that is mixed with water and prevents the water from freezing. The solution serves as the engine coolant.

"Burlington County Regional Program" shall mean the program utilized for the collection of those recyclable materials as designated by the division of solid waste management from residential curbside, recycling depot, participating multifamily and participating school collection programs.

"Certified recycling coordinator" shall mean a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the Department of Environmental Protection.

"Class A recyclable material" shall mean source separated, nonputrescible, metal, glass paper and plastic containers; and corrugated and other cardboard.

"Class B recyclable material" shall mean source separated, nonputrescible waste concrete, asphalt, brick, block, asphalt-based roofing, scrap and wood waste; source separated, nonputrescible waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures; source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves, provided that they are not composted; source separated scrap tires; and source separated petroleum-contaminated soils.

"Class C recyclable materials" shall mean source separated compostable or an aerobically digestible material such as source separated food waste, biodegradable plastic and yard trimmings.

"Class D recyclable material" shall mean used oil, antifreeze, latex paints, thermostats, fluorescent lamps (light bulbs), oil-based finishes, batteries, mercury containing devices and consumer electronics.

"Commercial establishment" shall mean all commercial and industrial activities that operate for profit and are involved in retail or manufacture of goods and services provided for sale.

"Commingled" shall mean a combining of source separated recyclable materials for the purpose of

recycling.

"Common area recycling storage location" shall mean a location designed in accordance with the land use ordinances of this municipality as required for multifamily dwellings with more than twenty (20) residential units where curbside collection is not provided under the Burlington County Regional Program.

"Condominium complex" shall mean a group of units, arranged horizontally or vertically, where the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

"Consumer electronics" shall mean computer equipment, including desktop and laptop computers and related components including monitors, circuit boards, terminals, and CPUs, and peripheral equipment including keyboards, printers, copiers, and fax machines. It shall also include VCRs, CD players, DVD players, and cellular phones. Consumer electronics shall not include televisions as defined herein until such time as such devices are banned at solid waste disposal facilities in accordance with the Electronics Waste Recycling Act, P.L 2008, c.130 et seq. and any amendments thereto.

"Contaminant" shall mean solid waste, food waste, or other material which adheres to, or which is otherwise contained on or in, source separated recyclable materials.

"Corrugated and other cardboard" shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, foil or wax-coated or soiled corrugated cardboard.

"County" shall mean the Burlington County Board of Chosen Freeholders, and its successors and assigns, acting through the Burlington County Division of Solid Waste Management.

"De minimis" shall mean less than one percent by volume.

"DEP" or "department" shall mean the New Jersey Department of Environmental Protection.

"Designated recyclable materials" shall mean those recyclable materials to be source separated in this municipality, including, but not limited to, aluminum cans, antifreeze, consumer electronics, corrugated cardboard, fluorescent lights, glass containers, lead acid batteries, leaves, metal appliances, paper, plastic bottles (coded #1 and #2), rechargeable batteries, steel cans, textiles, tires and used motor oil.

"Disposition" or "disposition of designated recyclable materials" shall mean the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal as solid waste.

"DSWM" shall mean the Burlington County Division of Solid Waste Management, its successors and assigns.

"Fluorescent lights" shall mean a lighting system which works by creating electric arcs inside a gas-rich tube to produce ultraviolet light, then converting this to visible fluorescent light by its passage through a layer

of phosphor on the inside of the glass.

"Generator" shall mean any person(s) who causes solid waste to be produced for any purpose whatsoever.

"Glass" shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.

"Inkjet cartridge" shall mean a replaceable unit that holds ink and the print nozzles for inkjet printers.

"Institutional establishment" shall mean any entity, either public or private, either for profit or nonprofit, who operates for educational, charitable, religious, fraternal or other public purpose.

"Lead acid battery" shall mean storage batteries with lead electrodes and that contain dilute sulfuric acid as the electrolyte. These include starting batteries, such as vehicle batteries, marine batteries, small sealed lead acids and deep-cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.

"Leaves" shall mean vegetative material, typically generated in the autumn, which fall from trees and are collected for removal from a property.

"Metal appliances" shall mean appliances composed predominantly of metal, including stoves, washing machines, dryers and water heaters. Also included are all Freon-containing appliances, including air conditioners, freezers, refrigerators and dehumidifiers.

"Mobile home park" shall mean any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis as defined in N.J.S.A. 2A: 18-61.7 et seq.

"Multifamily dwelling" shall mean any building or structure or complex of buildings or structures in which three or more dwelling units are rented or leased or offered for rental or lease for residential purposes; whether privately or publicly financed, except hotels, motels or other guesthouses 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.) and N.J.S.A 40:66-1.2 et seq.

"Municipality" shall mean the Township of Bass River located within the County of Burlington, State of New Jersey.

"Municipal recycling depot" shall mean a site owned and operated by a municipality for the receipt and temporary storage of certain designated class A recyclable materials delivered by residents, small commercial and nonprofit establishments for a period not exceeding two months prior to their transport to a recycling center or end-market.

"Municipal solid waste" shall mean residential, commercial and institutional solid waste generated within a community.

"Municipal solid waste stream" shall mean residential, commercial and institutional waste in the context

of the Statewide Solid Waste Management Plan Update, which constitutes the waste stream, used to calculate the state-mandated fifty (50) percent recycling rate. This waste stream includes waste types 10 and 23.

"Paper" shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material, whether shredded or whole, but excluding tissue and towel paper, wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food-contaminated or soiled paper.

"Person" shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency of any other entity or any group of such persons, which is recognized by law as the subject of rights and duties.

"Plastic bottles" shall mean all bottles that are labeled as made from polyethylene terephthalate (PET) and coded as #1 and high-density polyethylene terephthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to, paint, solvents, motor oil and pesticides and herbicides.

"Putrescible waste" shall mean organic material which is capable of, and prone to, a rapid process of biological and biochemical decomposition, under anaerobic or aerobic conditions, resulting in the formation of malodorous byproducts.

"Qualified private community" shall mean a residential condominium, cooperative or fee-simple community or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction comprised of a community trust or other trust device, condominium association, homeowners' association or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered a qualified private community. No "proprietary campground facility," as defined in section 1 of P.L.1993, c.258 (C.45: 22A-49), shall be considered to be a qualified private community.

"Rechargeable batteries" shall mean batteries used in portable electronic devices composed of nickel cadmium (Ni-Cd), nickel metal hydride (Ni-MH), lithium ion (Li-ion) and small sealed lead (Pb).

"Recyclable materials" shall mean materials that would otherwise become solid waste that can be separated, collected and/or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling" shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling center" shall mean a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable material (class A, class B, class C and/or class D recyclable materials).

"Resident" shall mean any person residing within the municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.

"Scrap metal" shall mean bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad boxcars) which when worn or superfluous can be recycled. Included are all ferrous and nonferrous metals including appliances and appliances containing refrigerants.

"Solid waste" shall mean garbage, refuse and other discarded materials as defined in N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 48:13A-1 et seq.

"SWMA" shall mean the New Jersey Solid Waste Management Act, as amended.

"Source separated" shall mean recyclable materials separated from the solid waste stream at the point of generation.

"Steel can" [shall mean] empty food, beverage and aerosol containers comprised of tin, steel or a combination thereof which formerly contained only nonhazardous substances or such other substances as have been approved for recycling by the division of solid waste management.

"Television" shall mean a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.

"Textiles" shall mean clean, dry clothing or other fabric measuring at least one foot by one foot in size. It shall not include material that is wet or mildewed.

"Tires" shall mean rubber wheels used on motorized transport or equipment whether bias-ply, cross-ply or radial.

"Toner cartridge" shall mean an exhausted replaceable cartridge containing toner powder and sometimes the photosensitive drum on which a laser printer generates the image to be printed.

"Type 10 municipal solid waste" shall mean waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments such as restaurants, stores, markets, theatres, hotels and warehouses, and institutional waste material originated in schools, hospitals, research institutions and public buildings.

"Type 13 bulky waste" shall mean large items of waste material such as appliances and furniture. Discarded automobiles, boats, trucks and trailers and large vehicle parts, and tires are included under this category.

"Used oil" shall mean any oil that has been refined from crude oil, or any synthetic oil, that has been used, and as a result of such use is contaminated by physical or chemical impurities; or unused oil that is

contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

"Used oil collection center" shall mean the municipal recycling center that manages used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under N.J.A.C. 7:26A-6.4 that bring used oil to the collection center in shipments of no more than fifty-five (55) gallons pursuant to N.J.A.C. 7:26A-6.4(e). Used oil accumulation centers may also accept used oil from household "do-it-yourselfer" used oil generators.

(Ord. No. 2010-02, § 3, 6-7-2010)

8.28.040 Requirements applicable to source separation of designated recyclables.

Notwithstanding the limitations to the Burlington County Regional Program (BCRP) or the municipal recycling depot as outlined within this chapter, every person is required to source separate and recycle each of the designated recyclable materials outlined within this chapter.

(Ord. No. 2010-02, § 4, 6-7-2010)

8.28.050 Establishment of a municipal recycling depot program.

A. There is hereby established a municipal depot program for the convenience of the residents. Source separated recyclables listed below may be brought to the Bass River Township Convenience Center located at South Maple Avenue during the times and days advertised, which are presently Tuesday, 8:00 a.m.--12:00 noon and 1:00--5:00 p.m., Thursday 1:00 p.m.--5:00 p.m., and Saturday 8:00 a.m.--3:00 p.m.

B. The following source separated recyclables will be accepted at the municipal recycling depot:

1. Aluminum cans;
2. Corrugated cardboard;
3. Glass containers;
4. Paper;
5. Plastic bottles (coded 1 and 2);
6. Steel cans; and
7. Other recyclable materials as designated by the municipality.

(Ord. No. 2010-02, § 5, 6-7-2010)

8.28.060 Requirement to provide common area recycling storage location.

A. It shall be the responsibility of the owner or manager of every multifamily, qualified private community and mobile home park to construct and maintain, in a neat and sanitary condition, recycling storage location(s) and recycling containers on their property in accordance with this chapter and the land development

ordinances of the Township of Bass River which are to be amended to include design requirements entitled "Design of Containment Areas for Designated Recyclable Materials on Residential Sites" and in accordance with the requirements of the Burlington County Division of Solid Waste Management (DSWM).

B. Designated source separated recyclables:

Aluminum cans;

Corrugated cardboard;

Glass containers;

Paper;

Plastic bottles (coded 1 and 2);

Steel cans; and

Other recyclable materials as designated by the municipality.

C. The owner or manager of each of the above-referenced locations shall notify all new residents within thirty (30) days of occupancy, and all residents of such locations no less than two (2) times each calendar year, as to the list of materials required to be recycled; the location of all recycling containers; and the requirements for recyclable material preparation.

D. The owner or manager of each of the above-referenced locations who elects not to participate in the Burlington County Regional Program shall arrange for the collection and recycling of the designated recyclable materials outlined within this section at their own expense as allowed by law.

E. The owner or manager of each and every one of the above-referenced locations shall be required to report recycling tonnages of all designated recyclable materials as described in section 8.28.080 except for those materials collected through the Burlington County Regional Program.
(Ord. No. 2010-02, § 6, 6-7-2010)

8.28.070 Mandatory commercial and institutional source separation program.

All persons generating municipal solid waste within this municipality through the operation of a commercial or institutional establishment shall source separate and arrange for collection of all designated recyclables within thirty (30) days of the effective date of this chapter.

A. Designated recyclable materials for the mandatory commercial and institutional source separation program shall consist of the following materials:

Aluminum cans;

Antifreeze;

Consumer electronics;
Corrugated cardboard;
Fluorescent lights;
Glass containers;
Lead acid batteries;
Leaves;
Metal appliances;
Paper;
Plastic bottles (coded 1 and 2);
Rechargeable batteries;
Steel cans;
Textiles;
Tires;
Used motor oil;
Inkjet cartridges;
Toner cartridges; and
Other recyclable materials as designated by the municipality.

- B. The owner or manager of each and every commercial and institutional source shall be required to report recycling tonnages as described in section 8.28.080.
- C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.

(Ord. No. 2010-02, § 7, 6-7-2010)

8.28.080 Recycling reporting requirements.

Pursuant to 7:26A-10.3, all commercial and institutional generators and all multifamily housing owners or their agents shall report the tonnage of designated recyclable materials collected for recycling from their business or premises, as follows:

- A. The management individual(s) responsible for the provision of recycling services as herein defined at all residential, commercial, institutional and industrial properties that contract for recycling services with a private company, shall submit to the municipal recycling coordinator by the first day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled.
- B. Documentation shall take the form of a letter or report issued by the recycling service provider or end market to the generator of the recycled material. The generator must maintain weight slips or paid invoices and make such records available for inspection by this municipality, county or state for a period not to exceed five years.
- C. Any solid waste or recycling service provider shall submit to the municipal recycling coordinator, by the first day of February of each year, documentation verifying the previous calendar year's total recycling (expressed by weight) for each material recycled on forms as prescribed by the DSWM.
- D. At a minimum, all reporting shall detail the municipality of origin, the name and location of the market or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from the municipality of origin. Those persons specifying this information in cubic yards shall also indicate the conversion ratio utilized for calculating the materials from cubic yards to tons.

(Ord. No. 2010-02, § 8, 6-7-2010)

8.28.090 Unlawful activities; nuisance.

It shall be unlawful for:

- A. Any person other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling depot pursuant to this chapter;
- B. Any person to violate, cause, or assist in the violation of any provision of this chapter or any provision of the county plan concerning recycling;
- C. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling depot.
- D. Any person to hinder, obstruct, prevent or interfere with this municipality, the county or any other authorized persons in the performance of any duty under this chapter or in the enforcement of this chapter.
- E. Any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.

F. Any person required to provide a report as required under this chapter to fail to do so.

All unlawful conduct set forth in this section shall constitute a public nuisance.
(Ord. No. 2010-02, § 9, 6-7-2010)

8.28.100 Noncollection of solid waste.

A. Any person collecting solid waste generated within this municipality shall refuse to collect solid waste from any person who has failed to source separate recyclables designated under any applicable section of this chapter.

B. Any person collecting solid waste generated within this municipality shall refuse to collect solid waste from any person who has placed solid waste into a municipality-issued recycling container.
(Ord. No. 2010-02, § 10, 6-7-2010)

8.28.110 Other means of disposal.

A. Notwithstanding anything herein to the contrary, any resident of the municipality may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling depot without prior written permission from this municipality for such collection.

B. Permission for such collection shall not be given for any day other than a Saturday or Sunday, and in no case shall such permission be given to collect recyclables from a recycling depot.
(Ord. No. 2010-02, § 11, 6-7-2010)

8.28.120 Noninterference with existing contracts.

A. Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with N.J.S.A. 13:1E 29 and in force in the municipality on the effective date of this chapter.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this chapter, unless such renewal or such contract shall conform to the requirements of this chapter.
(Ord. No. 2010-02, § 12, 6-7-2010)

8.28.130 Enforcement.

A. Enforcement of this chapter shall be the responsibility the municipal recycling coordinator, the local code enforcement official, and/or the local health officer.

B. In addition to the municipal recycling coordinator, the local code enforcement official, and/or the

local health officer, the Burlington County Health Department and the DSWM are hereby appointed as enforcement officer(s) for enforcement of all recycling requirements of this chapter.

C. Any penalties or fines collected in an enforcement action shall be paid to the municipality when the municipality brings such action.

D. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department or the DSWM. (Ord. No. 2010-02, § 13, 6-7-2010)

8.28.140 Schedule of penalties.

Any person who violates the provisions of this chapter shall, upon conviction thereof in a proceeding before a court of competent jurisdiction, be subject to the following fines:

- A. Misuse of recycling containers/carts for trash, theft of containers: A fine of not less than sixty-five dollars (\$65.00) and not more than one hundred dollars (\$100.00).
- B. Residential recycling violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).
- C. Scavenging: A fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00).
- D. Commercial or institutional violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).
- E. For any person who offers to collect recyclable materials in any manner except as prescribed within this chapter: A fine of not less than one thousand dollars (\$1,000.00) and not more than four thousand five hundred dollars (\$4,500.00).
- F. For any solid waste or recycling service provider who fails to report as required within this chapter: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1,000.00).
- G. For any management individual(s) responsible for the provision of recycling services as herein defined at all residential, commercial, institutional and industrial properties that contract for recycling services with a private company who fails to report as required within this chapter: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1,000.00).

Each continuing day of violation of this chapter shall constitute a separate offense. (Ord. No. 2010-02, § 14, 6-7-2010)

8.28.150 Injunctions; concurrent remedies.

In addition to any other remedy provided in this chapter, the municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this chapter for an injunction to restrain a violation of this chapter or the county plan. In addition to an injunction, the court may impose penalties as authorized by section 8.28.140 hereof. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence, exercise or any remedy shall not prevent the municipality or the county from exercising any other remedy provided by this chapter or otherwise provided by law or equity.
(Ord. No. 2010-02, § 15, 6-7-2010)

8.28.160 Construction.

The terms and provisions of this chapter are to be liberally construed so as best to achieve and to effectuate the goals and purposes hereof. This chapter shall be construed in pari materia with the SWMA and the county plan.
(Ord. No. 2010-02, § 16, 6-7-2010)

Chapter 8.32

SANITARY LANDFILL

Sections:

8.32.010 Designated.

8.32.020 Operation conditions.

8.32.030 Violation--Penalty.

8.32.010 Designated.

A municipal sanitary landfill is designated and established on South Maple Avenue, in New Gretna, between South Maple Avenue and Amasa's Landing Road, at the place indicated by signs.
(§ 1 of Ord. dated 8/4/60)

8.32.020 Operation conditions.

Residents of the township, and only residents of the township, may use the sanitary landfill on Saturdays only from nine a.m. to one p.m. for the disposal of trash. There shall be absolutely no dumping of garbage, animal or vegetable matter, nor wood, paper products or other combustible material.
(§ 2 of Ord. dated 8/4/60)

8.32.030 Violation--Penalty.

Any person, firm or corporation violating or contributing in any way to the violation of this chapter or any part thereof, shall upon conviction thereof be punished by a fine of not more than two hundred dollars (\$200.00) or imprisonment for not more than ninety (90) days or both in the discretion of the court having jurisdiction.
(§ 3 of Ord. dated 8/4/60)

Chapter 8.36

SEPTIC SYSTEMS

Sections:

8.36.010 Definitions.

8.36.020 Depth--Soil.

8.36.030 Water table.

8.36.040 Minimum distances.

8.36.050 Seepage pits.

8.36.060 Cesspools.

8.36.070 Violation--Penalty.

8.36.010 Definitions.

For the purpose of this chapter and in the interpretation and application of this chapter the following definitions shall apply:

"Alternate design septic system" means any type of septic system that is not a gravity disposal system as outlined in P.L.199.

"Construct" means building or installing a new individual sewage disposal system or enlarging an existing individual sewage disposal system.

"Disposal area" means the entire area used for underground dispersion of the liquid portion of sewage. It may consist of a seepage pit or a disposal field or a combination thereof.

"Disposal bed" means that part of a disposal field for sanitary sewage comprising a shallow area from which the entire earth contents have been removed and the excavation partially filled with a satisfactory filtering material in which distribution lines have been laid and the entire area covered with top soil and a suitable vegetation growth.

"Disposal field" means an area consisting of disposal trenches, a disposal bed, or a combination thereof used for dispersion of the liquid portion of sanitary sewage into the ground as close to the surface as feasible.

"Disposal trench" means a shallow ditch with vertical sides and flat bottom partially filled with a satisfactory filtering material in which a single distribution line has been laid covered with top soil and a suitable vegetative cover.

"Distribution box" means a water-rights structure which receives sanitary sewage effluent from a septic tank and distributes such sewage effluent in equal portions to two or more pipelines leading to the disposal area.

"Distribution lines" means a series of open-jointed or perforated pipe used for the dispersion of sewage into disposal trenches or disposal beds.

"Grey water system" means a wastewater disposal system that disposes of sink, shower, washwater and other non-human waste liquids.

"Individual sewage disposal system" means a system for the disposal of sanitary sewage into the ground, which is so designed and constructed to treat sewage in a manner that will retain most of the settleable solids in

a septic tank and to discharge the liquid portion to an adequate disposal field.

"Locate" means the designation of the site or place of an individual sewage disposal system; and the term "location" shall be construed accordingly.

"Percolating area" means that portion of soil utilized in a disposal area as the effective disposal media for sewage.

"Professional engineer" means a person licensed to practice engineering in this state.

"Seepage pit" means a covered pit with open-jointed lining through which septic tank effluent or laundry waste may seep or leach into the surrounding soil.

"Septic tank" means a water-tight receptacle which receives the discharge of sewage from a building sewer or part thereof, and is designed and constructed so as to permit settling of settleable solids from the liquid, digestion of the organic matter by detention, and discharge of the liquid portion into a disposal area.

"Watercourse" means any stream, body of water drained by a stream, or ditch that will permit drainage into any waters of the state.

"Waterless toilet" means any composting type system that does not discharge human wastes into the ground.

"Waters of the state" means and includes the ocean and its estuaries, all springs, streams and bodies of surface or groundwater whether natural or artificial.

"Water table" means the upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

(Ord. 87-1 H § 1(1.1): Ord. 80-3 § 1(1.1))

8.36.020 Depth--Soil.

No individual sewage disposal system shall be located or constructed in the township unless the bottom of the disposal bed is located in virgin soil at a minimum of twelve (12) inches. Virgin soil is soil that has formed in place and has been transported to its present location without the aid or influence of man.

(Ord. 87-1 H § 1(1.2): Ord. 80-3 § 2(1.2))

8.36.030 Water table.

The installation of any individual sewage disposal system within the township is forbidden where the water table is closer than five feet to the natural undisturbed surface of the ground before the installation of fill thereon, except as provided herein.

(Ord. 87-1 H § 1(1.3): Ord. 80-3 § 3(1.3))

8.36.040 Minimum distances.

In no event shall any individual sewage disposal system be located within one hundred (100) feet of any lake, pond or running stream, estuaries, bodies of surface water whether natural or artificial, drainage ditch or river. Nor shall any disposal systems to insure their continued use.

(Ord. 87-1 H § 1(1.4); Ord. 80-3 § 4(1.4))

8.36.050 Seepage pits.

No new or replacement seepage pits shall be permitted.

(Ord. 87-1 H § 1.11)

8.36.060 Cesspools.

No new or replacement cesspools shall be permitted.

(Ord. 87-1H § 1.12)

8.36.070 Violation--Penalty.

Any person who shall violate this chapter shall come upon conviction thereof, shall pay a fine not exceeding two thousand dollars (\$2,000.00) for each offense, in the discretion of the court. Each day that a violation shall continue shall constitute a separate offense.

(Ord. 2006-06 § 1 (part); Ord. 2001-2 § 7; Ord. 87-1 H § 1 (1.3); Ord. 80-3 § 1(1.7))

Chapter 8.40

TRANSFER STATION

Sections:

8.40.010 Adopted.

8.40.020 Policy, use, requirements and penalties.

8.40.010 Adopted.

The ordinance codified in this chapter is adopted by the township, to be known as Bass River Township Transfer Station Requirements and Procedures, setting forth the requirements and procedures pertaining to the township transfer station and its use, and providing for penalties for the violation thereof.

(Ord. 90-10 § 1)

8.40.020 Policy, use, requirements and penalties.

The following is the policy, use, requirements and penalties for the township transfer station:

- A. The township will issue one sticker per household only, to use the township transfer station.
 1. The transfer station is for township residents only.
 2. The transfer station stickers will be issued to the primary assessed owners of single family homes within the township. All renters must obtain use of a sticker from the

assessed owner.

3. Residents of trailer parks, campgrounds, recreational facilities or commercial businesses shall not be allowed to use the transfer station in the township.
 4. Under no circumstances will the disposal of medical waste be permitted at the township transfer station.
- B. The transfer station stickers must be permanently affixed to the back of the rear view mirror of the vehicle used by township residents.
1. When a vehicle having a township transfer station sticker is sold, the old sticker must be removed from the vehicle and brought into the township building, before a new sticker can be obtained.
 2. Under no circumstances will any material be accepted from a vehicle without a township transfer station sticker, unless written permission is obtained first from the appropriate municipal official in the township.
- C. When any resident brings tree branches, limbs or other compost materials to the township transfer station, the resident must stop and check in with one of the transfer station operators first.
- D. The township shall not accept any demolition or construction debris as it is not licensed to accept same. However, questions may be directed to one of the operators of the township transfer station concerning the proper disposal of such items.
- E. Recycling of such items as newspapers, aluminum cans and glass bottles is mandatory.
1. Anyone violating the recycling requirements shall be given a warning for the first offense.
 2. For second time offenders of this section, a minimum fifty dollar (\$50.00) fine shall be imposed.
 3. For third time offenders of this section, a minimum one hundred dollar (\$100.00) fine shall be imposed.
- F. No township transfer station stickers shall be issued until all property taxes, sewer charges, or any other municipal charges are brought current with the township.
- G. The township transfer station stickers may be obtained by either mailing the appropriate request form provided by the township, or by bringing the appropriate form to the township building Monday through Thursday from nine a.m. to twelve noon and Thursday evening from six-thirty to eight-thirty p.m.

H. Unless otherwise provided, the following minimum penalties for violators of this chapter shall be as follows:

1. First time offenders are given a warning only.
2. Second time offenders, a minimum fifty dollar (\$50.00) fine shall be imposed.
3. Third time offenders and thereon, a minimum one hundred dollar (\$100.00) fine shall be imposed.

(Ord. 90-10 § 2)