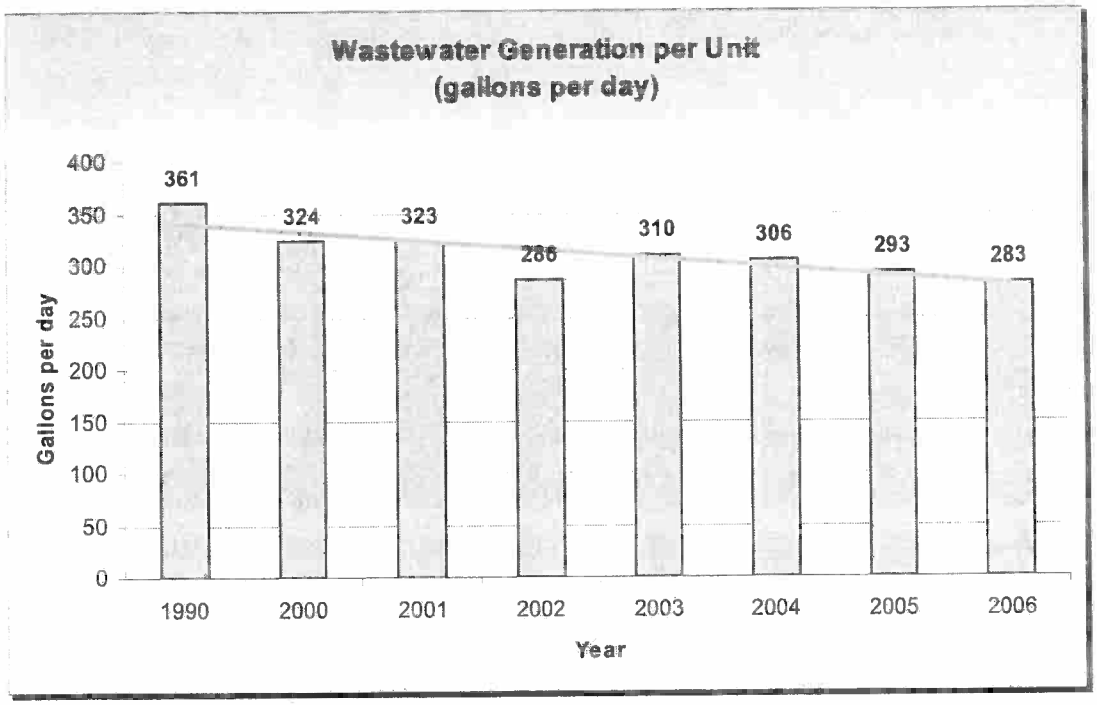
APPENDIX F

Wastewater Trend Analysis

Sea Isle City Wastewater Generation Trend

Year	New Units Constructed	Housing Units per US Census	Total Housing Units	Two (2) Month Summer Average Wastewater Flow (MGD)	Wastewater Generation per Unit (Gallons Per Day)
1990	NA	5,991	5,991	2.1635	361
2000	110	6,622	6,732	2.178	324
2001	63	NA	6,795	2.198	323
2002	51	NA	6,846	1.96	286
2003	65	NA	6,911	2.143	310
2004	55	NA	6,966	2.1289	306
2005	62	NA	7,028	2.0595	293
2006	52	NA	7,080	2.007	283

* 2007 data is not yet available to complete an annual analysis



APPENDIX G

Build Out Analysis

Table 1

SEA ISLE CITY – EXISTING ZONING BUILD-OUT ANALYSIS	
Housing units (as of Census 2000)	6,622
New Housing units constructed from 2000 thru 2006	458
Total Existing Housing units (as of 31 Dec 2006)	7,080
Total Housing units at Build-out with EXISTING zoning	**8,380**
Total Number of New Residential Units at Build-out Capacity	**1,300**
Wastewater generated at 8,380 Residential Units x 283.47 gpd (Summer 2006 Average for July/August)	*2.375 MGD*
RESIDENTIAL UNITS IN COMMERCIAL DISTRICTS	
Existing Residential Units in Commercial Zones (C1-C4)	842
Number of Residential Units at Build-out Capacity in COMMERCIAL ZONES (C1-C4)	998
Current Number of Residential Units SHORT of Build-out Capacity in Commercial Zones (C1-C4)	**156**
RESIDENTIAL ZONING DISTRICT TOTALS	
Existing Residential Units in Residential Zones	6,238
Number of Total Residential Units at Build-out Capacity in RESIDENTIAL Zones	7,382
Current Number of Residential Units SHORT of Build-out Capacity in RESIDENTIAL Zones	**1,144**

Table 2

SEA ISLE CITY – PROPOSED C-1 & C-4 ZONING DISTRICT CHANGED TO R-2 BUILD-OUT ANALYSIS	
Housing units (as of Census 2000)	6,622
New Housing units constructed from 2000 thru 2006	458
Total Existing Housing units (as of 31 Dec 2006)	7,080
Total Housing units at Build-out with PROPOSED zoning changes noted	**8,380**
Total Number of New Residential Units at Build-out Capacity	**1,300**
Wastewater generated at 8,380 Residential Units x 283.47 gpd (Summer 2006 Average for July/August)	*2.375 MGD*
RESIDENTIAL UNITS IN COMMERCIAL DISTRICTS	
Existing Residential Units in Commercial Zones (C1-C4)	842
Number of Residential Units at Build-out Capacity in COMMERCIAL ZONES (C1-C4) with the C-1 district reduced from 32nd Street to 37th Street and the C-4 District reduced from 32nd Street to 35th Street and replaced with R-2 District	885
Current Number of Residential Units SHORT of Build-out Capacity in Commercial Zones (C1-C4)	**43**
RESIDENTIAL ZONING DISTRICT TOTALS	
Existing Residential Units in Residential Zones	6,238
Number of Total Residential Units at Build-out Capacity in RESIDENTIAL Zones	7,495
Current Number of Residential Units SHORT of Build-out Capacity in RESIDENTIAL Zones	**1,257**

Table 3

SEA ISLE CITY – PROPOSED DENSITY INCREASE IN THE C-1 THRU C-4 ZONES BUILD-OUT ANALYSIS	
Housing units (as of Census 2000)	6.622
New Housing units constructed from 2000 thru 2006	458
Total Existing Housing units (as of 31 Dec 2006)	7,080
Total Housing units at Build-out with PROPOSED zoning changes noted	**8,889**
Total Number of New Residential Units at Build-out Capacity	**1,809**
Wastewater generated at 8,889 Residential Units x 283.47 gpd (Summer 2006 Average for July/August)	*2.520 MGD*
RESIDENTIAL UNITS IN COMMERCIAL DISTRICTS	
Existing Residential Units in Commercial Zones (C1-C4)	842
Number of Residential Units at Build-out Capacity in COMMERCIAL ZONES (C1-C4) if the density is increased to one (1) residential unit per 1250 SF in the City's C-1 thru C-4 Zones	1,507
Current Number of Residential Units SHORT of Build-out Capacity in Commercial Zones (C1-C4)	**665**
RESIDENTIAL ZONING DISTRICT TOTALS	
Existing Residential Units in Residential Zones	6,238
Number of Total Residential Units at Build-out Capacity in RESIDENTIAL Zones	7,382
Current Number of Residential Units SHORT of Build-out Capacity in RESIDENTIAL Zones	**1,144**

Table 4

SEA ISLE CITY – PROPOSED C-1 & C-2 ZONING DISTRICT CHANGES AND WITH REDUCED COMMERCIAL ZONING DISTRICT (32ND TO 37TH) TO R-2 BUILD-OUT ANALYSIS	
Housing units (as of Census 2000)	6,622
New Housing units constructed from 2000 thru 2006	458
Total Existing Housing units (as of 31 Dec 2006)	7,080
Total Housing units at Build-out with PROPOSED zoning changes noted	**8,804**
Total Number of New Residential Units at Build-out Capacity	**1,724**
Wastewater generated at 8,804 Residential Units x 283.47 gpd (Summer 2006 Average for July/August)	*2.496 MGD*
RESIDENTIAL UNITS IN COMMERCIAL DISTRICTS	
Existing Residential Units in Commercial Zones (C1-C4)	842
Number of Residential Units at Build-out Capacity in COMMERCIAL ZONES (C1-C4) with the C-1 district reduced from 32nd Street to 37th Street and the C-4 District reduced from 32nd Street to 35th Street and replaced with R-2 District; and the density is increased to one (1) residential unit per 1250 SF in the City's C-1 thru C-4 Zones	1,308
Current Number of Residential Units SHORT of Build-out Capacity in Commercial Zones (C1-C4)	**466**
RESIDENTIAL ZONING DISTRICT TOTALS	
Existing Residential Units in Residential Zones	6,238
Number of Total Residential Units at Build-out Capacity in RESIDENTIAL Zones	7,496
Current Number of Residential Units SHORT of Build-out Capacity in RESIDENTIAL Zones	**1,258**

APPENDIX H

Stormwater Management Plan

#473

MAYOR LEONARD C. DESIDERIO
DIRECTOR
DEPARTMENT OF REVENUE AND FINANCE

COMMISSIONER JAMES R. IANNONE
DIRECTOR
DEPARTMENT OF PUBLIC AFFAIRS
AND PUBLIC SAFETY

COMMISSIONER ANGELA D. DALRYMPLE
DIRECTOR
DEPARTMENT OF PUBLIC WORKS, PARKS
AND PUBLIC SAFTY

City of Sea Isle City

4416 LANDIS AVENUE
SEA ISLE CITY, NEW JERSEY 08243
CITY HALL 609-263-4461
FAX 609-263-6139

IN REPLY REFER TO:

March 24, 2005

Mr. Andrew A. Previti, P.E.
Walker, Previti, Holmes & Associates
156 Stagecoach Road
Marmora, NJ 08223

Re: Stormwater Management Plan
City of Sea Isle City

Dear Mr. Previti:

This is to advise that the Board of Commissioners, at their meeting held on March 22, 2005, adopted the Stormwater Management Plan for the City of Sea Isle City as required by NJDEP.

Thank you for your attention.

Very truly yours,

CITY OF SEA ISLE CITY

Theresa J. Tighe

Theresa J. Tighe, RMC, CMC
Municipal Clerk

WALKER, PREVITI, HOLMES & ASSOCIATES
Engineers - Surveyors
Environmental Consultants - Planners

JOHN R. WALKER
ANDREW A. PREVITI

JAMES N. HOLMES
(1963-1999)

JOHN A. FEAIRHELLER, JR.
ROGER D. McLARNON

Mailing Address:
P.O. Box 569
Ocean City, NJ 08226-0569

156 Stagecoach Road
Marmora, NJ 08223
(609) 390-1927
Fax: (609) 390-0040

March 17, 2005

Mrs. Theresa Tighe, RMC
City of Sea Isle City P.W.D.
4416 Landis Avenue
Sea Isle City, New Jersey 08243

Re: R9-Tier A Municipal Stormwater General Permit
NJPDES:NJG0150037
PI ID: # 214061
City of Sea Isle City, Cape May County, NJ
Project No. 8473

Dear Terry:

The above referenced Stormwater General Permit requires the City to adopt a Stormwater Management Plan (MSWMP). Please be advised that I have prepared this plan in accordance with the requirements of the Municipal Stormwater Regulations and I am enclosing same for review by the Board of Commissioners and adoption.

Please be advised that I must submit this plan to the Cape May County Planning Dept. by April 1, 2005 and I would therefore ask that we adopt the plan at the March 22, 2005 Commission meeting.

I am transmitting a copy of this plan to the Mayor and Board of Commissioners for their review and comment.

If you or they should have any questions, please feel free to call me.

Very truly yours,

WALKER, PREVITI, HOLMES & ASSOCIATES

Andrew A. Previti, P.E.
City Engineer

AAP/pp
Enclosure

c: with Encl.: Mayor Leonard C. Desiderio
Commissioner Angela Dalrymple
Commissioner James R. Iannone
Paul Baldini, Esquire

file:c:mydocuments/sic8473/steelman.lwp

Stormwater Management Plan
City of Sea Isle City
Cape May County, New Jersey

Prepared by:

Walker, Previti, Holmes & Associates
156 Stagecoach Road
Marmora, New Jersey 08223

March, 2005

Andrew A. Previti, P.E.
City Engineer

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I. Introduction

This Municipal Stormwater Management Plan (MSWMP) documents the strategy for the City of Sea Isle City to address stormwater-related impacts. The creation of this plan is required by N.J.A.C. 7:14A-25 Municipal Stormwater Regulations. This plan contains all of the required elements described in N.J.A.C. 7:8 Stormwater Management Rules. The plan addresses groundwater recharge, stormwater quantity, and stormwater quality impacts by incorporating stormwater design and performance standards for new major development, defined as projects that disturb one or more acre of land. These standards are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and the loss of groundwater recharge that provides baseflow in receiving water bodies. The plan describes long-term operation and maintenance measures for existing and future stormwater facilities.

A "build-out" analysis has not been included in this plan since Sea Isle City has a combined total of less than one square mile of vacant or agricultural lands. Sea Isle City encompasses 2.2 square miles of land and water. The land area consists of developed lands, beach and dune areas and saline wetlands with very little developable vacant land.

The plan also addresses the review and update of existing ordinances, the Township Master Plan, and other planning documents to allow for project designs that include low impact development techniques. The final component of this plan is a mitigation strategy for when a variance or exemption of the design and performance standards is sought. As part of the mitigation section of the stormwater plan, specific stormwater management measures are identified to lessen the impact of existing development.

II. Goals

The goals of its MSWMP are to:

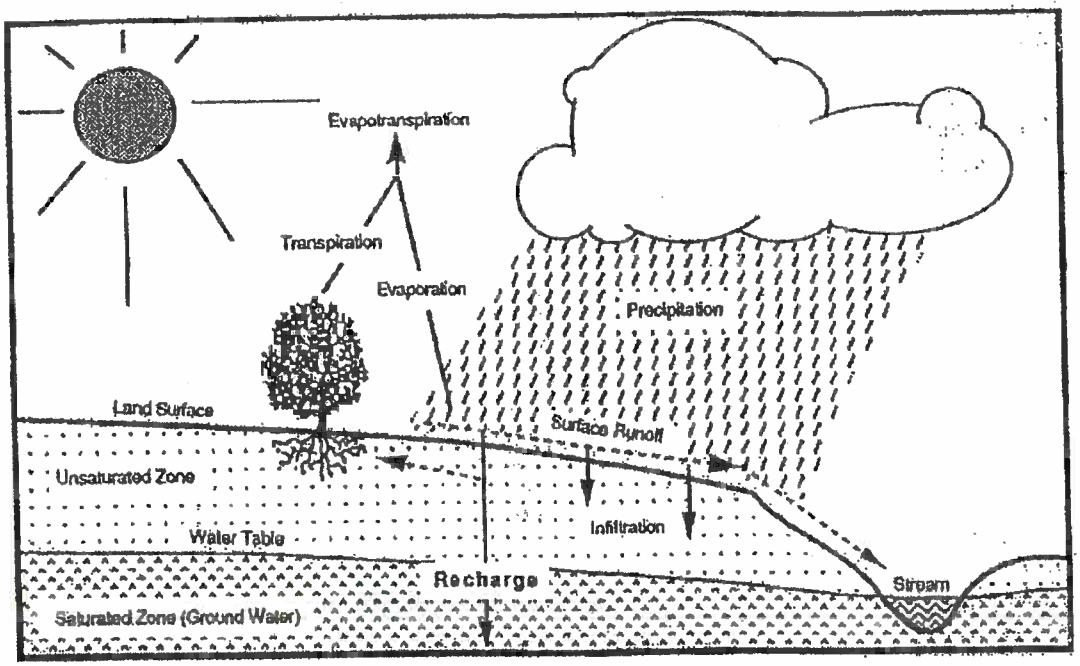
- Reduce flood damage, including damage to life and property;
- Minimize, to the extent practical, any increase in stormwater runoff from any new development;
- Reduce soil erosion from any development or construction project
- Assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- Maintain groundwater recharge;
- Prevent, to the greatest extent feasible, an increase in nonpoint pollution;
- Maintain the integrity of stream channels for their biological functions, as well as for drainage;
- Minimize pollutants in stormwater runoff from new and existing development to restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the state, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, and other uses of water; and
- Protect public safety through the proper design and operation of stormwater basins.

To achieve these goals, this plan outlines specific stormwater design and performance standards for new development. Additionally, the plan proposes stormwater management controls to address impacts from existing development. Preventative and corrective maintenance strategies are included in the plan to ensure long-term effectiveness of stormwater management facilities. The plan also outlines safety standards for stormwater infrastructure to be implemented to protect public safety.

III. Stormwater Discussion

Land development can dramatically alter the hydrologic cycle (See Figure 1) of a site and, ultimately, an entire watershed. Prior to development, native vegetation can either directly intercept precipitation or draw that portion that has infiltrated into the ground and return it to the atmosphere through evapotranspiration. Development can remove this beneficial vegetation and replace it with lawn or impervious cover, reducing the site's evapotranspiration and infiltration rates. Clearing and grading a site can remove depressions that store rainfall. Construction activities may also compact the soil and diminish its infiltration ability, resulting in increased volume and rates of stormwater runoff from the site. Impervious areas that are connected to each other through gutters, channels, and storm sewers can transport runoff more quickly than natural areas. This shortening of the transport or travel time quickens the rainfall-runoff response of the drainage area, causing flow in downstream waterways to peak faster and higher than natural conditions. These increases can create new and aggravate existing downstream flooding and erosion problems and increase the quantity of sediment in the channel. Filtration of runoff and removal of pollutants by surface and channel vegetation is eliminated by storm sewers that discharge runoff directly into a stream. Increases in impervious area can also decrease opportunities for infiltration which, in turn, reduces stream base flow and groundwater recharge. Reduced base flows and increased peak flows produce greater fluctuations between normal and storm flow rates, which can increase channel erosion. Reduced base flows can also negatively impact the hydrology of adjacent wetlands and the health of biological communities that depend on base flows. Finally, erosion and sedimentation can destroy habitat from which some species cannot adapt.

Figure 1: Groundwater Recharge in the Hydrologic Cycle



In addition to increases in runoff peaks, volumes, and loss of groundwater recharge, land development often results in the accumulation of pollutants on the land surface that runoff can mobilize and transport to streams. New impervious surfaces and cleared areas created by development can accumulate a variety of pollutants from the atmosphere, fertilizers, animal wastes, and leakage and wear from vehicles. Pollutants can include metals, suspended solids, hydrocarbons, pathogens, and nutrients.

IV. Background

Sea Isle City encompasses over 1,400 acres (2.2 square miles) of land and water on the eastern coast of Cape May County. It includes most of Ludlam Island, stretching five (5) miles from north to south. It is bounded on the north by Strathmere in Upper Township, on the west by wetlands of Dennis Township, on the south by Avalon, and on the east by the Atlantic Ocean. It is one of the sixteen (16) municipalities comprising Cape May County, the southern-most county in New Jersey. Figure 2 depicts the City boundary on the USGS quadrangle maps.

Sea Isle City is a barrier island community, primarily developed with one and two family residential land uses. The entire City is located east of the intracoastal waterway on land which is a typical barrier island characterized by sandy soils, beaches, dunes and tidal flats. The entire island is subject to storm-related flooding, with several areas vulnerable to wave damage. Virtually all of the land within the City's boundaries, which is not developed, is beach, wetlands or is under water.

Access to the City from the mainland is via the John F. Kennedy Boulevard Bridge and Sea Isle Boulevard (County Route 625), which is a causeway to the Garden State Parkway and U.S. Route 9. The only other access to the City is via Ocean Drive which connects Sea Isle City with other coastal communities to the north and south. These roads are County maintained. No other roads from Sea Isle City connect with adjacent communities.

Sea Isle City had a year round population of 2,835 according to the 2000 census. This was an increase of 143 persons from 1990 (5%). While Sea Isle hasn't recorded a decline in population similar to other resort towns in Cape May County, the minimal population growth is consistent with the trend of converting year round homes to seasonal homes. According to the 2000 Census Report, 74% of the City's homes were designated for seasonal use. The 2000 Census Data also shows that Sea Isle's median year for housing units is 1981, the youngest of all the resort towns. This is also a substantial increase in age of housing units from 1990 where the median year built for housing units was 1975.**(1)**

FIGURE 2: SEA ISLE CITY BOUNDARY ON USGS QUADRANGLES

It is projected that the City will have a summer population of 37,002 residents in 2005.**(2)** This is substantially greater than the City's year round population and further substantiates the housing trends discussed above.

Sea Isle City's employment base was projected at 1,152 jobs during 2000. Available jobs are forecasted to increase y 16.5% to 1,342 by 2025.**(3)**

(1) Source: US Census Bureau, 1990 and 2000 (obtained via www.census.gov)
(2) Source: Cape May County Planning Department
(3) **Source: SJTPO Regional Transportation Plan, 2004 Update**

Sea Isle City is an established community with a relatively stable land use. Development primarily consists of redevelopment of older residential properties. Residential redevelopment is limited to single family or two-family homes. This redevelopment does not significantly increase stormwater runoff volumes. However, the City does not have a maximum percent of impervious cover in its development ordinances. The City is addressing this condition.

The New Jersey Department of Environmental Protection (NJDEP) has established in Ambient Biomonitoring Network (AMNET) to document the health of the states waterways. There are over 800 AMNET sites throughout the state of New Jersey. These sites are sampled for benthic macroinvertebrates by NJDEP on a five-year cycle. Streams are classified as non-impaired, moderately impaired, or severely impaired based on the AMNET data. The data is used to generate a New Jersey Impairment Score (NJIS), which is based on a number of biometrics related to benthic macroinvertebrate community dynamics. Sea Isle City has no impaired waterways.

Water Supply in Sea Isle City is supplied by five (5) deep wells that withdraw groundwater from the Kirkwood aquifer. These wells have depths ranging from 800 to 900 feet. Wells 5, 6 & 7 are active wells and well 8 is being planned to replace well 4. Wells 6 & 7 are triple cased wells with 400 foot surface casings which extend to a clay strata. This design protects the aquifer from pollutant infiltration and provides wellhead protection. Well 8 is being designed as a triple cased well.

V. Design & Performance Standards

The City will adopt the design and performance standards for stormwater management measures as presented in N.J.A.C. 7:8-5 to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. The design and performance standards include the language for maintenance of stormwater management measures consistent with the stormwater management rules at N.J.A.C. 7:8-5.8 Maintenance Requirements, and language for safety standards consistent with N.J.A.C. 7:8-6 Safety Standards for Stormwater Management Basins. The ordinances will be submitted to the county for review and approval.

During construction, City inspectors will observe the construction of the project to ensure that the stormwater management measures are constructed and function as designed.

VI. Plan Consistency

The City is not within a Regional Stormwater Management Planning Area and no Total Maximum Daily Loads (TMDLs) have been developed for waters within the City; therefore this plan does not need to be consistent with any regional stormwater management plans (RSWMPs) nor any TMDLs. If any RSWMPs or TMDLs are developed in the future, this Municipal Stormwater Management Plan will be updated to be consistent.

The Municipal Stormwater Management Plan is consistent with the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21. The municipality will utilize the most current update of the RSIS in the stormwater management review of residential areas. This Municipal Stormwater Management Plan will be updated to be consistent with any future updates to RSIS.

The City's Stormwater Management Ordinance requires all new development and redevelopment plans to comply with the New Jersey's Soil Erosion and Sediment Control Standards. During construction, City inspectors will observe on-site soil erosion and sediment control measures and report any inconsistencies to the local Soil Conservation District.

VII. Nonstructural Stormwater Management Strategies

The City has reviewed the master plan and ordinances, and has provided a list of the sections in the City land use and zoning ordinances that are to be modified to incorporate nonstructural stormwater management strategies. These are the ordinances identified for revision. Once the ordinance texts are completed, they will be submitted to the county review agency for review and approval. A copy will be sent to the Department of Environmental Protection at the time of submission.

Chapter 26 of the City Code, entitled Zoning, was reviewed for the purpose of incorporating nonstructural stormwater management strategies. Modifications are proposed for Article IV, General Requirements, which would incorporate these strategies. The following is a list of the applicable sections of Article IV:

Section 26-23 Off-Street Parking
Section 26-23.1 Parking Space Dimensions requires a ten (10) feet by twenty (20) feet standard parking space size. This section will be amended to permit a nine (9) feet by eighteen (18) feet space size which will reduce impervious surface area to minimize stormwater runoff and promote groundwater recharge.

Section 26-23.6 Paving for Residential Uses
Section 26-23.7 Paving for Non-Residential Uses include standards for driveways and parking areas on site. These sections will be revised to allow the use of pervious paving materials to minimize stormwater runoff and promote groundwater recharge.

Section 26-24 Loading describes the standards for off-street loading areas. This section will be revised to allow the use of pervious paving material to minimize stormwater runoff and promote groundwater recharge.

Section 26-25 Landscaping and Buffers contains standards for all areas not covered by driveways, pedestrian walkways and parking areas, as well as buffer requirements for multi-family developments and between business, commercial and industrial uses and residential uses. This section also allows stone paving as a yard covering. The landscape requirements for these areas do not recommend the use of native vegetation. The language of this section will be amended to require the use of native vegetation, which requires less fertilization and watering than non-native species. Language will be added to allow buffer areas to be used for stormwater management by disconnecting impervious surfaces and treating runoff from these impervious surface. The section will also be revised to eliminate stone pavers as a yard cover.

Article V of Chapter 26 does not have a maximum allowable percent impervious surface for each zoning district. This article will be amended to provide a maximum allowable percent of impervious surface for each district.

Chapter 30 of the City Code, entitled Site Plan Review, was reviewed for the purpose of incorporating nonstructural stormwater management strategies. Modifications are proposed for Section 30-2.9 Grant of Preliminary Approval; Standards and Regulations which would incorporate these strategies. The following is a list of the applicable sub-sections of Section 30-2.9:

Sub-section 30-2.9h requires that trees and shrubs shall be suitable for the coastal environment, but does not require native vegetation. The language of this sub-section will be amended to require the use of native vegetation, which requires less fertilization and watering than non-native species.

Sub-section 30-2.9j requires that adequate provisions shall be made to prevent any drainage problems. The language of this sub-section will be amended to encourage the use of natural vegetated swales for stormwater conveyance and to promote groundwater recharge, and the use of curb cuts and flush curbs to channel storm runoff to the swales.

Sub-sections 30-2.9k and y require landscaped buffer strips along lot lines which abut a residential district and landscape requirements for all areas not covered by driveways, pedestrian walkways or parking areas. These sections will be amended to require the use of native vegetation. Language will be added to allow buffer areas to be used for stormwater management by disconnecting impervious surfaces and treating runoff from these impervious surfaces.

Sub-section 30-2.9l requires paved parking areas and access drives. This section will be revised to allow the use of pervious paving materials to minimize stormwater runoff and promote groundwater recharge.

Sub-section 30-2.9p requires landscaping for parking lots. Language will be added to this sub-section which requires the use of native vegetation which requires less fertilization and watering than non-native species. Language will also be added to allow for curb cuts and flush curbs with curb stops to allow vegetated swales to be used for stormwater conveyance and to allow disconnection of impervious surfaces.

Chapter 32 of the City Code, entitled Land Subdivision, was reviewed for the purpose of incorporating nonstructural stormwater management strategies. Modifications are proposed for Section 32-6, Design and Improvement Standards, which would incorporate these strategies. The following is a list of the applicable sub-sections of Section 32-6:

Sub-section 32-6.7 Sidewalks, Curbs and Gutters includes standards for construction along streets which are part of the proposed subdivision. This section will be amended to allow for curb cuts or flush curbs with curb stops to allow vegetated swales to be used for stormwater conveyance and to allow the disconnection of impervious areas.

Sub-section 32-6.8 Shade Trees and
Sub-section 32-6.9 Planted Buffer Area require shade trees along both sides of streets and buffer areas where determined necessary by the Planning Board. The language of these sub-sections will be amended to require the use of native vegetation. Language will be added to allow buffer areas to be used for stormwater management by disconnecting impervious surfaces and treating runoff from these impervious surfaces.

Sub-section 32-6.21 Soil Erosion and Sediment Control requires submission of a plan for review and approval by the Planning Board and City Engineer. This sub-section will be revised to require developers to comply with the New Jersey Soil Erosion and Sediment Control Standards.

Sub-section 32-6.25 Stormwater Drainage System
Sub-section 32-6.26 Surface Water Runoff System address the requirements for the collection and conveyance of stormwater and the management, regulation and control of the rate and velocity of surface, water runoff created by development These sub-sections encourage the use of rooftop systems, dry wells and leaching basins, porous pavements, porous leaching systems and any combination of such systems. These sub-sections will be revised by referencing the City's Stormwater Control Ordinance which includes all requirements outlined in N.J.A.C.7:8-5.

VIII. Land Use/Build-Out Analysis

Sea Isle City is a barrier island community primarily developed with one and two family residential uses. The City encompasses over 1,400 acres (2.2 square miles) of land and water. Virtually all of the land within the City's boundaries which is not developed is beach, dunes, wetlands or is under water.

Sea Isle City has much less than one square mile of vacant land and has no agricultural land. Therefore, a "build-out" analysis has not been included in this plan.

IX. Mitigation Plans

This mitigation plan is provided for a proposed development that is granted a variance or exemption from the stormwater management design and performance standards. Presented is a hierarchy of options.

Mitigation Project Criteria

1. The mitigation project must be implemented in the same drainage area as the proposed development. The project must provide additional groundwater recharge benefits, or protection from stormwater runoff quality and quantity from previously developed property that does not currently meet the design and performance standards outlined in the Municipal Stormwater Management Plan. The developer must ensure the long-term maintenance of the project, including the maintenance requirements under Chapters 8 and 9 of the NJDEP Stormwater BMP Manual.

a. The applicant can select one of the following projects listed to compensate for the deficit from the performance standards resulting from the proposed project. More detailed information on the projects can be obtained from the City Engineer. Listed below are specific projects that can be used to address the mitigation requirement.

Groundwater Recharge

- Replace the existing deteriorated 23,300 S.F. impervious parking lot at the Municipal Public Safety Building with permeable paving to provide 175,000 C.F. of additional average annual groundwater recharge.

Water Quality

- Retrofit the existing stormwater management system at the Dealy Field Recreation Complex to provide removal of 80 percent of total suspended solids from the areas of impervious runoff.

Water Quantity

- Install stormwater management measures at municipal facilities to reduce peak flow from the facilities for the 2,10 and 100-year storms.

2. If a suitable site cannot be located in the same drainage area as the proposed development, as discussed in Option 1, the mitigation project may provide mitigation that is not equivalent to the impacts for which the variance or exemption is sought, but that addresses the same issue. For example, if a variance is given because the 80 percent TSS requirement is not met, the selected project may address water quality impacts due to a fecal impairment. Listed below are specific projects that can be used to address the mitigation option.

   - The video inspection and cleaning of municipal stormwater sewer mains

   - The video inspection of county storm sewer systems within the City, to verify the absence of illegal connections.

   The City may allow a developer to provide funding or partial funding to the City for an environmental enhancement project that has been identified in a Municipal Stormwater Management Plan, or towards the development of a Regional Stormwater Management Plan. The funding must be equal to or greater than the cost to implement the mitigation outlined above, including costs associated with purchasing the property or easement for mitigation, and the cost associated with the long-term maintenance requirements of the mitigation measure.

APPENDIX I

Model Recycling Ordinance

MODEL ORDINANCE FOR MANDATORY RECYCLING

AN ORDINANCE ESTABLISHING A SOURCE SEPARATION AND RECYCLING POLICY FOR ---------- (MUNICIPALITY'S NAME) FOR DESIGNATED RECYCLABLES

Whereas, the New Jersey Statewide Mandatory Source Separation and Recycling Act establishes a goal of 50% reduction of Municipal Solid Waste and a 60% reduction of all solid waste through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities; and

Whereas, the Cape May County Solid Waste Management Plan designates the list, included herein, of mandatory recyclables to be source separated for recycling in all sectors of the community; and

Whereas, recycling will reduce the municipality's expense of solid waste disposal, conserve energy and valuable resources, extend the life of Cape May County's only landfill and has the potential to produce revenues from the sale of such recyclable materials.

BE IT ORDAINED BY THE (INSERT NAME OF MUNICIPALITY), IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1 – SHORT TITLE

This chapter shall be known and may be cited as the "[insert name of municipality] Recycling Program Ordinance."

SECTION 2 – DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Commingled - means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

Designated Recyclable Materials[1] - means those materials designated within the Cape May County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials can not be deposited in the landfill and include:

[1] Each municipality may designate additional recyclable materials to supplement those designated in the County Plan.

Materials to be setout at curbside – **Category 1:**

(a) Paper Products – Newspaper with inserts, magazines, office paper, junk mail including shredded paper, telephone and paperback books, corrugated cardboard, brown paper grocery bags;

(b) Glass, Food and Beverage Containers – Clear, green and brown food and beverage bottles and jars, excluding however, blue and flat glass commonly known as "window glass";

(c) Metal Food and Beverage Containers – Aluminum, bi-metal and steel food and beverage containers 2½ gallons or less in size, including empty aerosol cans;

(d) Plastic Bottles and Jugs – Plastic containers imprinted with a (PETE) ♳ or (HDPE) ♴ on the bottom including food, beverage, health, beauty and cleaning products, bottles 2½ gallons or less in size. Automotive fluid containers and other bottles which contained hazardous products are <u>not</u> included; <u>NO</u> motor oil bottles, <u>NO</u> pesticide containers.

(e) Christmas Trees – Free of decorations, tree stands and plastic bags;

*(f) Leaves – Comprised mainly of tree and plant leaves and not contaminated with brush or other material; and

*(g) Grass - Lawn grass clippings.

Materials to be recycled by the individual generator – **Category 2:**

(a) Brush, Tree Branches and Stumps – All parts of vegetative growth from trees, and vegetative materials generated during land clearing;

(b) Ferrous and Non-Ferrous Scrap – Metals, such as copper, iron, sheet metal, aluminum, radiators, structural steel, metal pipe and "white goods" including, but not limited to, appliances containing "CFC's" or Freon;

(c) Electronic Waste – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines, cathode ray tubes, cathode ray tube devices, flat panel displays or similar video display devices with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards including, but not limited to, televisions and cell phones. Also includes VCR's, radios and landline telephones;

* May be shown in **Category 2** if not collected at curbside.

(d) Motor Oil / Kerosene / # 2 Heating Oil - Crank-case oil and similar oils, kerosene fuel and #2 home heating oil which are used to fuel heating equipment;

(e) Wood Pallets and Crates – Clean untreated, unpainted pallets and crates only;

(f) Batteries - Lead Acid Batteries – Used SLA (sealed lead acid) batteries generated from motor vehicles, aviation and marine equipment;

(g) Propane Tanks – Empty 20 to 30 lb BBQ type tanks;

(h) Contaminated Soil – If classified as ID27, all fuel contaminated soil, dewatered soil, and stone from septic beds and similar materials which are allowed to be recycled in accordance with the regulations of the New Jersey Department of Environmental Protection;

(i) Commercial Cooking Grease – Grease and oil generated from food preparation by commercial sources only;

(j) Asphalt and Concrete – Asphalt and concrete materials from construction and demolition projects;

(k) Auto and Truck Bodies – All junk automobiles and trucks and parts thereof;

(l) Tires -- Worn truck and passenger car tires;

(m)Used Oil Filters – Used filters that are generated from changing crankcase oil in automobiles, trucks and other vehicles;

(n) Anti-freeze – Used antifreeze generated from automobiles, trucks and other vehicles/sources; and

(o) Consumer Rechargeable NiCad (Nickel-Cadmium) and Small Sealed Lead Acid Batteries – Small sealed batteries generated from use of electronic equipment.

Municipal Recycling Coordinator - means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded;

Municipal Solid Waste (MSW) Stream - means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of _____;

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

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

Source Separated Recyclable Materials - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SECTION 3 - APPLICABILITY OF MANDATORY SOURCE SEPARATION AND RECYCLING REQUIREMENTS

A. Mandatory Source Separation: It shall be mandatory for all persons who are owners, lessees, tenants or occupants of residential and non-residential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within the municipality of _____, to separate Designated Recyclable Materials from all solid waste.

1) **Category 1** Designated Recyclable Materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by the (municipality or department within the municipality) _____.

2) When municipal curbside collection is not provided for Designated Recyclable Materials, as is the case for those recyclables included in **Category 2**, it shall be the obligation of the generator to deliver or arrange for the delivery of such materials to the Cape May County Municipal Utilities Authority (CMCMUA) recycling facilities located at the Sanitary Landfill and/or Transfer Station as applicable, or to a private sector market for recycling. (*Note: If the municipality provides a depot for one or more of the recyclables they should be mentioned here.)

SECTION 4 - COLLECTION OF RECYCLABLE MATERIALS

The collection of Source Separated Recyclable Materials shall be in the manner prescribed as follows:

A. It is the responsibility of the property owner to provide adequate size and number of containers for the separate placement of recyclables for curbside collection as follows: Paper Products may be commingled in one container or may be placed in brown paper bags, however, plastic bags shall not be used for curbside collection of Paper Products; Glass, Food and Beverage Containers, Metal Food and Beverage Containers, and Plastic Bottles and Jugs may be commingled in one container. All containers and brown paper bags containing Source Separated Recyclable Materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be recycled shall be placed as noted above anytime after 5:00 PM of the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.

B. All receptacles or dumpsters shall be maintained in a clean and safe manner.

C. The following materials must be Source Separated and recycled through the municipal recycling program in the following manner:

1) Leaves and Grass – (method, location, and times of collection to be determined specific for each municipality)

2) Christmas Trees – (method, location, and times of collection to be determined specific for each municipality)

3) Brush, Tree Branches and Tree Stumps – (method, location, and times of collection to be determined specific for each municipality)

4) White Goods - (method, location, and times of collection to be determined specific for each municipality)

5) Ferrous and Non-Ferrous Scrap – (method, location and times of collection to be determined specific for each municipality)

D. *The following materials must be Source Separated and recycled by the generator at authorized CMCMUA recycling facilities or any NJDEP approved recycling center:

1) Wood Pallets and Crates - (method of collection to be determined specific for each municipality)

* Note to municipalities – feel free to move recyclable commodities between subsections C and D

2) Propane Tanks - (method of collection to be determined specific for each municipality)

3) Electronics - (method of collection to be determined specific for each municipality)

4) Tires - (method of collection to be determined specific for each municipality)

5) Antifreeze - (method of collection to be determined specific for each municipality)

6) Batteries - (method of collection to be determined specific for each municipality)

7) Used Motor Oil - (method of collection to be determined specific for each municipality)

8) Kerosene / #2 Heating Oil - (method of collection to be determined specific for each municipality)

9) Asphalt and Concrete - (method of collection to be determined specific for each municipality)

10) Auto and Truck Bodies – (method of collection to be determined specific for each municipality)

11) Contaminated Soil – (method of collection to be determined specific for each municipality)

12) Cooking Grease – (method of collection to be determined specific for each municipality)

13) Consumer Rechargeable NiCad and Small Sealed Lead Acid Batteries – (method of collection to be determined specific for each municipality)

Subsection 4.1 - Residential Dwelling Compliance Requirements

The owner of each property shall be responsible for compliance with this Ordinance. For multifamily units, including but not limited to condominium complexes and seasonal hotel/motels and guest houses, the management or owner is responsible for setting up and maintaining the recycling system, including collection of Source Separated Recyclable Materials, except for those Designated Recyclable Materials for which municipal collection service is provided to multifamily units. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding

recycling requirements to all new tenants when they arrive and with a reminder a minimum of every 6 months during their occupancy.

Subsection 4.2 - Commercial Establishment Compliance Requirements

A. All commercial, business or industrial facilities shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of all categories of Designated Mandatory Recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, except for those specific Designated Recyclable Materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees, or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.

C. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at their premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.

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

Subsection 4.3 - New Developments of Multi-Family Residential Units or Commercial, Institutional or Industrial Properties

A. Any application to the planning board of the municipality of _____, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 3 or more units or any commercial, institutional or industrial development of 1,000 square feet or more, must include a recycling plan. This plan shall contain, at a minimum, the following:

1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and

2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

B. Prior to the issuance of a Certificate of Occupancy by the municipality of _____, the owner of any new multi-family housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of Source Separated Designated Recyclable Materials for those locations or properties where the municipality does not otherwise provide this service.

SECTION 5 - PROHIBITION OF THE COLLECTION OF WASTE MIXED WITH RECYCLABLE MATERIALS

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, Designated Recyclable Materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains Designated Recyclable Materials.

B. It shall be the responsibility of the owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this ordinance and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

SECTION 6 - CONSTRUCTION, RENOVATION AND DEMOLITION DEBRIS RECOVERY PLAN

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials plan shall be filed

along with all other required permit conditions. The plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

Subsection 6.1 - Compliance with Diversion Requirement

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

SECTION 7 – ENFORCEMENT

The Municipal Recycling Coordinator and the following designees*_____ are hereby individually and severally empowered to enforce the provisions of this Ordinance. The enforcers of the ordinance may conduct an inspection at the site of the generator, which consists of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any Designated Recyclable Material.

Additionally, the Cape May County Health Department (CMCHD) shall be empowered to enforce the provisions of this Ordinance. The municipality shall retain primary enforcement responsibility with the CMCHD serving in a secondary enforcement role which includes inspection of commercial establishments with proof of prior law enforcement actions.

SECTION 8 – SEVERABILITY AND EFFECTIVE DATE

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon enactment by the governing body of the municipality.

SECTION 9 – RULES AND REGULATIONS

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the Source Separation, preparation, placement and collection of Recyclable Materials pursuant to the provisions of this program and subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this subchapter and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

SECTION 10 – PENALTY

Any person or entity violating, or failing to comply with, any of the provisions provided in this Ordinance shall, upon conviction thereof, be punishable by a fine of not less than $50 and not more than $500 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the municipal judge. The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded one warning at the discretion of the enforcement designees before the issuance of any fines.

TOWNSHIP OF

By: , Mayor

ATTEST:

(Insert name), Township Clerk

I, (insert name), Clerk of the Township of (insert), hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the (insert governing body) at their meeting of _____, held in the Municipal Building, (address), New Jersey.

Appendix VI

GUIDANCE DOCUMENT FOR MODEL ORDINANCE MODIFICATION

This guidance document contains a brief description of each section of the model ordinance including a discussion of those elements which should be customized to meet the unique needs of each community and those elements for which the recommended language should be retained to the extent possible.

Section 1 - Short Title: This section names the ordinance. The title suggested is generic and may be changed at the discretion of the municipality.

Section 2 - Definitions: This section defines the specific meaning of terms used in the ordinance. The definitions include terms such as "commingled", "source separation" and "Municipal Recycling Coordinator" which are consistent with the meanings set forth in NJDEP regulations and State statutes and therefore should be used as proposed, if possible. All recyclables designated in the County Plan are also defined in this section and these meanings should not be modified. This section also categorizes designated recyclables according to how they are collected.

The Category 1 definition is intended to include designated materials that are collected at curbside, rear yard or alleyway including such items as mixed paper, bottles and cans, leaves, grass and Christmas trees. Category 2 includes designated recyclables that the municipality collects at its municipal drop off depot or directs residents, business and other generators to deliver to the CMCMUA or a private sector recycling facility. All of the materials listed as Category 1 and Category 2 are designated materials and must be source separated from solid waste and recycled but it is the decision of each municipality to determine which recyclables will be collected at curbside, rear door or alleyway on a routine basis, and therefore listed under the Category 1 definition, and which materials will be directed for drop off by the generator, and therefore listed under the Category 2 definition.

Each municipality may need to add other terms to this section to define "set-out" requirements or otherwise customize this section to meet the needs of the municipality.

Section 3 - Applicability of Mandatory Source Separation and Recycling Requirements: This section of the ordinance must clearly state that everyone in the municipality is required to source separate all designated recyclables. The list of those required to source separate includes, but is not limited to, residents, businesses and institutions, such as government buildings and schools. Municipalities may, at their discretion, include additional language to specifically require individuals visiting

public areas or attending special events to source separate recyclables whenever containers are available for public use.

This section also makes individuals responsible to place source separated recyclables for collection as directed by the municipality (at curbside, rear yard or alleyway) and obligates individuals to recycle the remaining designated materials through programs provided by the municipality or through other public or private recycling programs (municipal drop-off depot, CMCMUA facilities and/or private sector facilities).

Section 4 - Collection of Recyclables: This section should include all details of the collection strategy for Category 1 and Category 2 materials. Although a collection frequency of once per week typically yields the greatest volume of recyclables, it is not practical for municipalities to provide that level of service for all designated recyclables. Municipalities must determine which recyclable, in addition to mixed paper and commingled bottles and cans will be picked up at curbside, rear yard or alleyway. This section should clearly state the set-out specifications and collection frequency for residents, businesses and institutions for materials collected at curbside, rear yard or alleyway, therefore, municipalities should modify this section as needed. It is recommended that the specific collection zones and schedules only be included in this section if they are not frequently modified by the municipality. The municipality may, at its discretion, include a statement that the governing body shall review and establish collection zones and schedules each year.

If the municipality maintains a drop-off depot for recyclables, the materials accepted at the drop-off should be listed along with relevant terms for acceptance. The location of the depot and operating schedule may be included at the discretion of the municipality. For those designated materials that the municipality does not collect, an explanation of how residents, businesses and institutions can recycle such materials is to be included. Please reference Exhibit IV-1 of the Plan Amendment which includes a recommended method of disposition for each type of designated recyclable material. For example, auto and truck bodies can be directed to local scrap yards, antifreeze and many other materials can be directed to the CMCMUA Landfill or Transfer Station, and rechargeable batteries can be directed for return to retail stores that have collection programs (including but not limited to Radio Shack, Home Depot, Staples and other retailer listed at www.rbrc.org). The CMCMUA's recycling staff is available to provide additional assistance in identifying markets/disposition of designated materials.

Subsection 4.1 - Residential Dwelling Compliance Requirements: This subsection clarifies that the owner of the building is primarily responsible for compliance with the ordinance. While the generator should also be held accountable in rental

properties, it is important that owners are primary responsible for compliance particularly in seasonally rented units. This subsection also requires owners to inform renters and guest regarding what and how to recycle at least once every six months.

Subsection 4.2 - Commercial Establishment Compliance Requirements: This subsection states that all commercial, business and industrial facilities are required to recycle. Furthermore, it sets forth that it is the responsibility of the commercial or industrial property owner, or his designee to comply with the ordinance. In addition, if litter is generated by employees or customers, the establishment is required to provide separate recycling and litter receptacles/collection service in areas where litter, mixed paper and commingled bottle and can recyclables are generated.

Businesses and institutions that maintain source separation programs that do not utilize municipal pick up of recyclables are required by the Mandatory Recycling Act to report to the municipal recycling coordinator, on an annual basis, the amount of materials recycled and the end market to which the recyclables were shipped. This subsection requires that such independent recycling information be reported to the municipality on a quarterly basis. The municipality, at its discretion, may modify this submission schedule; however, businesses and institutions must submit this data at least annually. This information is to be included in an annual recycling report/grant application that municipalities must submit to NJDEP. All food service establishments that generate grease and/or cooking oil are required to recycle the grease/oil and maintain records of the amount and the company that picks up the material for recycling. Tons of oil/grease recycled is also to be included in the municipality's annual recycling report submitted to the NJDEP.

Subsection 4.3 - Requirements for New Developments of Multi-Family Residential Units and Commercial, Institutional and Industrial Properties: This subsection sets forth recycling planning requirements for proposals that are reviewed by the municipal planning board. The Mandatory Recycling Act requires that the municipal master plan must specifically provide for the collection, marketing and recycling of designated recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multifamily housing and any commercial or institutional development proposal utilization of 1,000 square feet or more of land. This subsection recommends that the municipal master plan reduce the threshold for construction of residential development to three or more units of single family or multi-family housing to assure that adequate space for short-term storage of source separated materials in new developments is provided and that a municipally sponsored or privately operated recycling collection system is available.

Section 5 - Prohibition of the Collection of Waste Mixed with Recyclable Materials: This section includes a standard anti-scavenging provision. In addition, it requires that the owner/occupant of a residential or commercial property "clean –up" any contaminated set out of recyclables or any trash set out containing excessive recyclables. An important element of this section is the prohibition of collection, by haulers, of trash that contains visible signs of designated recyclables. This provision will help identify individuals that are not properly participating in the municipal recycling program. This collection prohibition will assist haulers who wish to cooperate with local recycling efforts by providing justification for refusing to collect trash containing excessive amounts of designated recyclables. This same section will enable municipalities to take action against haulers who, on an ongoing basis, collect trash that contains excessive recyclables and/or haulers who empty dumpsters of trash and dumpsters of source separated recyclables into the same collection vehicle.

Section 6 - Construction, Renovation and Demolition Debris Recovery Plan: This section requires that permit conditions for activities such as construction, demolition and special events include a plan for recycling. Furthermore, the plan is to be reviewed by the municipal recycling coordinator or the municipal public works director/supervisor. If the plan fails to meet the requirements of the mandatory recycling ordinance, the municipal recycling coordinator will specify conditions to be met by the permit holder. The municipality may expand this section to include additional details and plan provisions.

Section 7 – Enforcement: This section empowers the municipal recycling coordinator, other designees, as determined by the municipality, and the Cape May County Health Department to enforce the ordinance and conduct inspections. The municipality may, if required, modify the enforcement language empowering municipal employees, however, the language setting forth the enforcement provisions for the Cape May County Health Department serving in a secondary enforcement role which includes inspection of commercial establishments with proof of prior law enforcement actions must be incorporated as presented.

Section 8 – Severability and Effective Date: This section provides the legal provisions necessary to ensure that if any portion of the ordinance is invalidated, the remainder of the ordinance is still in effect. This section may be modified by the municipality as needed.

Section 9 - Rules and Regulations: This section allows the municipality to establish additional recycling regulations to supplement the ordinance as long as such rules are consistent with the ordinance and the public is notified. For example, the municipality will need to establish specific collection zones and schedules if they are

not specifically included in the ordinance. This section may be modified by the municipality as needed.

Section 10 – Penalty: This section details the fines for non-compliance. The minimum fine for persons or entities violating any part of the ordinance is $50.00 and the maximum fine is $500.00, or imprisonment not to exceed 90 days, or both, at the discretion of the court. This section also provides that violators may be given one warning and that the continuation of a violation is considered a separate offense. Use of consistent penalties from municipality to municipality will assist the Cape May County Health Department to function in a secondary enforcement role. However, municipalities may choose to include increased fines for repeat offenders.