

## CHAPTER XXIII MANDATORY RECYCLING\*

### 23-1 DEFINITIONS.

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

*Commercial* shall mean any nonresidential building or establishment, including but not limited to those used for industrial purposes, retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias.

*Commingled* shall mean a combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

*Designated recyclable materials* shall mean those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

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

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

*Plastic Bottles (coded 1 and 2)* — Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.



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

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\* Editor's Note: Prior ordinances codified herein include portions of Ordinance No. 33-86.

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

*Corrugated cardboard* — Shipping containers made with kraft paper linerboard and corrugated medium.

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

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

*Grass clippings* — Vegetative material generated when grass (lawns) are cut.

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

*Natural wood waste* — Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

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

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

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

*Hazardous dry cell batteries* — Rechargeable batteries, such as nickel-cadmium, nickel iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for nonrechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are nonrechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium, button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc nonrechargeable

batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

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

*Whole tires* — Tires that are whole, not chipped into small pieces. (Tires are allowed to be recycled and/or incinerated for energy recovery.)

*Electronic waste* shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four (4) inches measured diagonally and that contains one (1) or more circuit boards, including a television, and cell phones.

*Institution* shall mean an established organization or foundation dedicated to public service or culture, including but not limited to religious, educational, health-care and governmental establishments.

*Multifamily dwelling* shall mean any building or structure, or complex of buildings in which three (3) or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1 E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55:13A-1 et seq.);

*Municipal Recycling Coordinator* shall mean the person or persons appointed by the municipal Governing Body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefor.

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

*Municipal solid waste (MSW) stream* shall mean all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Township of Denville, which is not bulky waste or construction and demolition debris.

*Recyclable material* shall mean 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.

*Resident* shall mean any person who owns, leases and/or occupies dwellings within the municipality, including those in multifamily dwellings and/or single-family developments.

*Source-separated recyclable materials* shall mean recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

*Source separation* shall mean 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.

(Ord. No. 3-08, S 1)

## **23-2 SEPARATION OF RECYCLABLES REQUIRED.**

On and after the date of final approval of this chapter, it shall be mandatory for all residential, institutional and commercial inhabitants of the Township of Denville to source-separate designated materials from all other solid waste for recycling. This shall be done in the manner set forth in section 23-3.

## **23-3 PROGRAM RESPONSIBILITIES AND DESCRIPTIONS.**

### **a. Residential establishments.**

1. Residents shall separate all designated materials from all other solid waste and shall segregate newspaper, cardboard, brown bags, glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, plastic bottles, yard waste, vehicular batteries, motor oil, anti-freeze, household dry cell batteries, and white goods for deposit at the recycling depot. These materials shall be deposited at the recycling depot located at 140 Morris Avenue during the hours established pursuant to section 23-8 or placed at curbside if a property owner has been notified by the township that curbside collection is available. Materials deposited at the recycling depot shall be disposed in the manner directed by signs or attendants at the site. Material shall be prepared in the following manner:

(a) Newspaper: May not be yellowed, dirty, or wet. For curbside pickup must be cross-tied with string or twine into bundles not to exceed 50 pounds. For deposit at the recycling depot may be loose or tied into bundles.

(b) Cardboard: flatten and reduce to lengths of not more than three feet and tie.

(c) Glass: rinse and remove cap and rings; color separate into green, brown and clear.\*

(d) Aluminum cans: rinse.\*

(e) Plastic bottles: rinse.\*

(f) Ferrous containers: rinse.\*

(g) High-grade aluminum: rinse.\*

\*Glass, aluminum cans, plastic bottles and ferrous containers may be commingled for curbside collection (in rigid containers) or for deposit in the appropriate receptacle at the recycling depot.

(h) Mixed paper: separate from other paper products; bundle separately from newspapers and brown bags.

(i) Brown bags: flatten.

(j) Motor oil: placed in tank provided at recycling depot.

(k) Vehicular batteries: no special preparation.

(l) Household dry cell batteries: no special preparation.

(m) Grass: may be brought loose (no bags) to recycling depot; composted on property on which it is generated, or cut and left on the property on which it is generated.

(n) Brush: tied in bundles not more than four feet in length; no greater than six inches in diameter for curbside pickup during times as may be designated pursuant to section 23-8, or deposit at recycling depot.

(o) Leaves: for curbside pickup during times as may be designated pursuant to section 23-8, in 30 gallon brown biodegradable self-standing waterproof paper bags. Loose leaves may not be swept, raked, blown or deposited onto any street or gutter. Leaves may also be deposited loose at the recycling depot or composted on the property on which they are generated.

(p) Anti-freeze: placed in tightly closed original container.

2. White goods, ferrous, and nonferrous metal may either be brought to the recycling depot or picked up by appointment with the department of public works.

3. Oil-contaminated soil, stumps and asphalt and asphalt roofing shingles shall not be disposed of at the recycling depot but rather shall be disposed of by the owner in accordance with procedures approved by the New Jersey Department of Environmental Protection. All persons are prohibited from placing oil-contaminated soil, stumps and asphalt roofing shingles at the curb for collection or in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Township of Denville to provide for the collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles. The collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles is the responsibility of the resident and/or property owner. Documentation of tonnage recycled pursuant to this subsection shall be submitted in accordance with section 23-4.

4. All of the aforementioned provisions may, from time to time, be modified by the municipal recycling coordinator to the extent that procedures are developed for residents to have their recyclables recycled.

b. Commercial establishments and institutions shall separate designated materials for recycling. Glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, newspaper and plastics included as designated materials may be deposited at the recycling depot if prepared according to the above specifications. Materials deposited at the recycling depot shall be disposed in the manner directed by signs or attendants at the site. The commercial establishments and institutions shall be responsible for establishing recycling programs for the collection, transportation and marketing of all other designated materials not deposited at the depot. Documentation of tonnage of materials recycled pursuant to such a program shall be submitted in accordance with section 23-4.

#### **23-4 DOCUMENTATION.**

a. Each commercial establishment and institution in the township must provide the municipal recycling coordinator with a copy of its recycling plan by January 15 of each year. For purposes of this section, a contractual commitment shall be sufficient.

b. All commercial establishments and institutions which do not deposit designated materials at the recycling depot and all property owners recycling materials pursuant to section 23-3a,3 must annually submit documentation of tonnage of materials recycled to the municipal recycling coordinator by January 15 of the following year.

c. The municipal recycling coordinator will compile all recycling documentation and report annually to the New Jersey Department of Environmental

Protection (N.J.D.E.P) and to the county recycling coordinator in accordance with N.J.D.E.P. regulations.

d. Those commercial establishments and institutions which do not comply with this section will be subject to the penalties set forth in section 23-9.

### **23-5 RECYCLABLES BECOME TOWNSHIP PROPERTY.**

From the time of placement at the recycling center or curbside, if permitted, newspapers, cardboard, brown bags, glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, plastic bottles, vehicular batteries, motor oil, household dry cell batteries, anti-freeze, white goods, and yard waste included as designated materials shall be and will become the property of the Township of Denville or its authorized agents. It shall be a violation of this chapter for any person unauthorized by the Township of Denville to collect or pick up or cause to be collected or picked up any such recyclables. Each such collection in violation hereof from one or more properties shall constitute a separate and distinct offense punishable as hereinafter provided.

### **23-6 UNLAWFUL ACTS.**

a. It shall be a violation of this chapter for any person to deposit recyclable materials outside of the designated containers or areas at the recycling depot or to otherwise fail to follow the signs and directions posted at the recycling depot.

b. It shall be a violation of this chapter for any person to deposit any material at the depot center which is not a designated material accepted at the depot center.

c. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source separate designated materials for recycling is a violation of this chapter.

### **23-7 DONATION OR SALE OF RECYCLABLES TO OTHER ENTITIES.**

Any person who is an owner, lessee or occupant may donate or sell recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit, provided that the recycling individual or company submits documentation to the municipal recycling coordinator as described in section 23-4.

### **23-8 ENFORCEMENT.**

The municipal recycling coordinator, the health division, and the department of public works and any agent duly designated by the municipal council are authorized and directed hereby to enforce this chapter. The recycling coordinator, the health division,

and the department of public works shall recommend and the municipal council shall promulgate and/or amend, from time to time, reasonable regulations as to the manner, days and times for the collection and/or deposit of newspapers, cardboard, brown bags, glass, aluminum cans, ferrous containers, high-grade aluminum, mixed paper, plastic bottles, vehicular batteries, motor oil, household dry cell batteries, anti-freeze, white goods, and yard waste include as designated materials in accordance with the terms hereof.

### **23-9 VIOLATIONS AND PENALTIES.**

a. Any person, firm or corporation who or which violates or neglects to comply with any provision of this chapter or any regulation promulgated pursuant thereto shall be subject, upon conviction, to the penalties provided in section 3-1 of these Revised General Ordinances. Enforcement shall commence upon the effective date of this chapter.

b. Each and every day that said violation continues shall be considered a separate offense.

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