

## **ARTICLE II      Separation and Recycling of Solid Waste (§ 142-4 — § 142-9)**

[Adopted 12-21-2010 by Ord. No. 10-23

Editor's Note: This ordinance also repealed former Art. II, Separation and Recycling of Solid Waste, adopted 12-23-1986 by Ord. No. 17-86, as amended.

]

### **§ 142-4              Acceptance of municipal solid waste recycling goal.**

As set forth in N.J.S.A. 13:1E-99.13b.(4)(c), the Borough of Florham Park accepts the goal of fifty-percent recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.

### **§ 142-5              Source separation requirements.**

#### A.

Mandatory source separation. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Borough of Florham Park to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. 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 schedules promulgated by the Director of the Department of Community Services.

#### B.

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

#### (1)

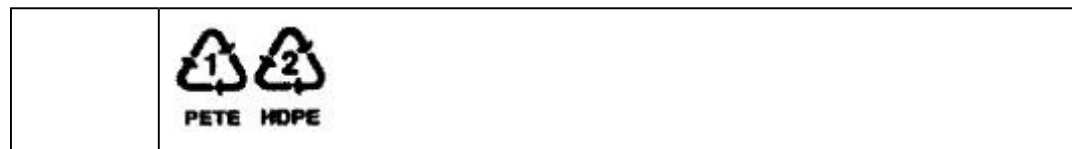
Aluminum cans: cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

#### (2)

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.

#### (3)

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 the 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 below is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.



#### (4)

Steel (tin) cans: an airtight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

#### (5)

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.

(6)

Corrugated cardboard: shipping containers made with kraft paper linerboard and corrugated medium.

(7)

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.

(8)

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

(9)

Grass clippings: vegetative material generated when grass (lawns) are cut.

(10)

Brush: branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

(11)

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

(12)

Oil-contaminated soil: nonhazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, No. 4 and No. 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.

(13)

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

(14)

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.

(15)

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). Nonrechargeable, 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.

(16)

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.

(17)

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

(18)

Electronic waste: televisions and portable, desktop or personal computers, which includes 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 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

C.

Hazardous waste. Residents are prohibited from depositing hazardous items with solid waste. Household and businesses shall place such items in tightly closed and labeled containers and deliver only on certain specified days to the Morris County hazardous waste disposal facility.

**§ 142-6                    Preparation of recyclables for collection or delivery.**A.

All containers and brown paper bags containing 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.

B.

Designated recyclable materials shall be prepared for collection in accordance with rules promulgated by the Morris County Municipal Utilities Authority.

C.

Designated recyclable materials may be delivered to the Borough's Recycling Center.

D.

Sale or donation. 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) as long as the recycling individual or company submits documentation to the Recycling Coordinator on a quarterly basis.

**§ 142-7                    Compliance requirements.**A.

Residential compliance requirements. The owner of any property shall be responsible for compliance with this article. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

B.

Nonresidential establishment compliance requirements.

(1)

All nonresidential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this article.

(2)

The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

(3)

All nonresidential facilities shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

(4)

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.

**§ 142-8                    Coordination of recycling program by Recycling Coordinator.**

The Recycling Coordinator, in conjunction with the Director of Public Works and the Director of Community Services, shall jointly coordinate and structure the recycling program in the following manner:

A.

Promulgate necessary schedules and instructions which, as from time to time amended, become enforceable provisions of this article when approved by the Mayor and Borough Council.

B.

Supervise activities at the Recycling Center and collection points.

C.

Submit to the Mayor and Council timely budget estimates to conduct this activity.

D.

Designate personnel, as necessary, and make them available to supervise the Recycling Center.

E.

Plan for and furnish storage facilities for recyclables.

F.

Record and report, as required, volumes of recyclables collected, stored, sold and otherwise disposed of.

G.

Maintain supplies of forms and distribute them to the businesses and collectors, respectively, as required.

H.

Inspect solid waste containers at random times and places to verify compliance with this article.

I.

Prepare and maintain an annual recycling tonnage report which shall be submitted to the Department of Environmental Protection and the Morris County Recycling Coordinator.

J.

Enforce the mandates of this article and failures to comply.

**§ 142-9                    Prohibition of collection of solid waste mixed with recyclable materials; enforcement; penalty for noncompliance.**

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 resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C.

Designated recyclable materials placed at the curb or the Recycling Center are the property of the Borough, or its authorized agent. It is a violation of this article for any person unauthorized by the Borough to tamper with, collect, remove or otherwise handle, or cause to be tampered with, collected, removed or otherwise handled, such recyclables.

D.

Enforcement. The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

E.

Penalty for noncompliance with source separation requirement. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000. Each day for which a violation of this article occurs shall be considered a separate offense. Fines levied and collected pursuant to the provisions of this article shall be immediately deposited into the Recycling Trust Fund. Monies in the Municipal Trust Fund shall be used for the expenses of the municipal recycling program.