

RECYCLING

CHAPTER 181

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GENERAL REFERENCES

Littering	See Ch. 144
Property Maintenance	See Ch. 160
Removal of Weeds	See Ch. 161
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Solid Waste	See Ch. 180

¹**181-1. PURPOSE:**

The purpose of this Chapter is to foster and promote the interests on the public health and safety by establishing the means and procedures of recycling designated materials in the Borough of Lincoln Park. The Borough of Lincoln Park does hereby accept the State Policy directive of achieving at least fifty (50%) percent recycling rate of municipal solid waste by 1995. This Ordinance is adopted in compliance with **N.J.S.A. 13:1e-99 et seq.** and the Morris County Solid Waste Management and Recycling Plan ("PLAN") and in the event of any inconsistency between this Ordinance and the enabling status and County Plan, the enabling statute and Plan shall control.

181-2. DEFINITIONS:

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

ALUMINUM: Any products made up entirely of aluminum, including but not limited to cans, foil, pie plates and aluminum siding.

BATTERIES: All batteries, including but not limited to motor vehicle batteries and dry cell batteries.

¹ Amended by Ordinance 1,102 Adopted on April 18, 1994

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BOROUGH: The Borough of Lincoln Park, the Mayor and Governing Body of Lincoln Park, or their designees.

COMMERCIAL SOLID WASTE: Any garbage, refuse, rubbish and trash resulting or originating from any commercial user, premises or activity.

COMMERCIAL USER: Any non-residential building use or establishment, including but not limited to those used for retail, wholesale, dining, office, professional, shipping and receiving, mechanical, manufacturing and cafeteria purposes.

CORRUGATED PAPERBOARD AND CARDBOARD: Any paper in which a portion has been made to have a wavy surface (alternating ridge and grooves) and is placed between two (2) flat surfaces for the purpose of strengthening the same and which is commonly used to form cartons or boxes.

DESIGNATED MATERIALS: Those recyclable materials listed in the Borough of Lincoln Park's Recycling Plan which are mandated to be source-separated for recycling, including but not limited to glass bottles and jars, aluminum (cans, siding, etc.), newspaper, office paper, corrugated paperboard and cardboard, yard waste, waste oil, tires and batteries and plastic bottles.

GARBAGE: Any animal or vegetable waste solids resulting from the handling, preparation, cooking or consumption of foods, not including human waste.

GENERAL CONTRACTOR: Any person and/or firm engaged in a business of service, construction, repairing, refurbishing or remodeling of buildings, the demolition of buildings or the care and maintenance of buildings or grounds.

GLASS: Any and all produce made from silica, soda ash and limestone, the product being transparent or translucent and breakable, commonly used for the packaging, bottling and transportation of various matter, however, specifically excluding plastics, or any other glass products, such as window glass (commonly called "plate") and ceramics.

HAZARDOUS MATERIALS: Wastes presenting a danger to the health and safety of the public by reason of their pathological, explosive, radiological or toxic characteristics.

INSTITUTIONAL SOLID WASTE: Any garbage, refuse, rubbish and trash resulting or originating from any institutional user, premises or activity.

NEWSPAPER: Any printed matter utilizing newsprint-grade paper, which is printed and distributed periodically. It shall not include soiled newspapers or glossy print or glued, bound to stapled printed matter.

OFFICE PAPER: High-grade writing or typing papers, generally used in offices, that do not have a glossy finish, including but not limited to computer, letterhead, ledger and photocopy paper.

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PLASTICS: Any type of plastic bottle.

REFUSE AND TRASH: Combustibles such as paper, wood, plastics and yard debris and non-combustible such as metal, glass, ceramics and stone.

RESIDENTIAL SOLID WASTE: Any garbage, refuse, rubbish and trash resulting or originating from any residential user, premises or activity.

RESIDENTIAL USER: Any person who owns, leases and/or occupies any residential dwelling unit within the Borough of Lincoln Park, including but not limited to those in multi-family (apartment complexes and condominiums) and/or single family buildings.

SCAVENGERS: Any unauthorized or un-licensed person, firm or corporation that collects, picks up or causes to be collected or picked up any recyclables placed at the curb or in the Borough Recycling Center.

SCRAP METALS: All metals, except aluminum, including but not limited to steel, iron, brass and copper, in the form of pipes, appliances, tire rims or bicycles.

SOLID WASTE CONTRACTOR: A person or firm engaged in the business of solid waste collection and/or disposal, properly licensed by the Borough of Lincoln Park in the County of Morris and State of New Jersey.

SPECIAL MATERIALS: Bulky materials or other solid waste such as broken concrete, sod, dirt and building materials, not generated by a general contractor or which cannot be stored in standard solid waste container, but can be collected by a standard collection vehicle.

STANDARD SOLID WASTE CONTAINERS: A standard watertight vessel designed and constructed for the storage of garbage, refuse, rubbish and trash made of metal or plastic with a tight-fitting lid or cover and handles for unloading. "Standard Solid Waste Containers" shall not have a volume larger than thirty-two (32) gallons and shall not weigh more than fifty (50) pounds when placed at the curb for collection or alternatively, tightly sealed, plastic disposal bags are acceptable, provided that such bags are capable of containing up to fifty (50) pounds of refuse when lifted.

TIRES: All tires, including but not limited to automobile, motorcycle or truck tires.

WASTE OIL: Any oil, lubricant or petroleum product which has been drained from any device, motor or machinery (maximum of five (5) gallons).

YARD WASTE: All fallen leaves and brush, chippable up to three (3") inches in diameter, and any other garden vegetative matter. Grass clippings shall be included in this Definition as of April 20, 1990.

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181-3. SEPARATION OF RECYCLABLES; HOURS OF OPERATION OF BOROUGH RECYCLING CENTER:

- A. Residential users. The recyclable materials stated herein must be separated from other solid waste and must conform to the following regulations:
- (1) Newspapers shall be compacted and tied securely in bundles not exceeding fifty (50) pounds in weight and twelve (12") inches in height. All bundles shall be deposited at curbside in accordance with the schedule adopted and advertised by the Borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.
 - (2) Corrugated paperboard and cardboard shall be flattened and tied into bundles, not to exceed fifty (50) pounds or twelve (12") inches in height. Bundles are to be deposited in designated areas of the Borough Recycling Center, in accordance with 181-3A(1) herein.
 - (3) Office paper shall be bundled in the same manner as newspaper or corrugated cardboard and deposited in designated areas of the Recycling Center, in accordance with 181-3A(1) herein.
 - (4) Glass shall be separated by color and divided into three (3) categories: amber, green and clear. All bottles shall be rinsed and stored in standard solid waste containers and deposited in their respective bins at the Borough Recycling Center, in accordance with Borough policy.
 - (5) Aluminum shall be stored in a standard solid waste container and deposited at the Borough Recycling Center in accordance with this Chapter.
 - (6) Plastic shall be rinsed and stored in a standard solid waste container and deposited at the Borough Recycling Center in accordance with this Chapter.
 - (7) Motor oil shall be placed into clean, watertight containers with a tight-fitting cap and deposited at the used oil collection site in the Borough Recycling Center or in any designated commercial, used oil collection site. A maximum of five (5) gallons may be deposited at any one time.

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- (8) Tires:
- (a) All tires are to be deposited in the Borough Recycling Center, except as may be permitted by 181-3B.
 - (b) Tires generated in the ordinary course of business by commercial or institutional users will be charged by the Borough Recycling Center upon payment of a fee per tire to be established by the Borough Administrator.
 - (c) All deliveries shall be accompanied by a written certification from the commercial or institutional user setting forth the authority of the person making the delivery and further certifying that the tires were removed from service in the ordinary course of business in the Borough of Lincoln Park.
- (9) Batteries. All batteries are to be deposited in the Borough Recycling Center.
- (10) Yard Waste:
- (a) Leaves. The Borough will either collect leaves which are raked to the curb during the autumn months or leaves may be bundled in bags and deposited in designated areas of the Borough Recycling Center. A collection schedule shall be advertised in local newspapers during the month of October of each year.
 - (b) Brush and branches. The Borough will collect any residential brush and branches during the spring and/or fall of each year. All brush and branches must be cut and tied into manageable bundles, not to exceed four (4') feet in length, and placed at curb-side. A collection schedule shall be advertised in local newspapers during the spring of each year. Untied branches and brush will not be picked up; however, these bundles may be deposited at the Borough Recycling Center at any time of the year.
 - (c) Grass clippings. The Borough of Lincoln Park will either collect grass clippings based upon the availability of Department of Public Works workers, or grass clippings shall be deposited in designated areas of the Borough Recycling Center. All grass clippings must be secured in tightly secured plastic bags capable of containing fifty (50)pounds.

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- (11) Scrap metal. Metal (as described in definitions 181-2) may be deposited in designated areas of the Borough Recycling Center or may be picked up by the Borough through special arrangements with the Recycling Coordinator or his designee.
 - (12) Special materials. All special materials shall not be deposited in the Borough Recycling Center.
- B. Commercial Users:
- (1) All commercial users, whether for profit or non-profit, and all public and private institutional users shall be required to source separate all designated materials (newspapers, corrugated paperboard and cardboard, office paper, plastic, motor oil, glass and aluminum, yard waste and tires and batteries) for recycling. It shall be the responsibility of the commercial and/or institutional user to establish its own program for the collection, transportation and marketing of the designated collection, transportation and marketing of the designated recyclable materials. Documentation of the tonnage of materials recycled is to be submitted to the Borough in accordance with 181-4.
 - (2) Recycling program for commercial and/or institutional users can be arranged with private haulers or vendors. The Borough Recycling Coordinator or his designee will be available to assist these establishments in complying with this requirement. It is the responsibility of the commercial or institutional user to determine and notify the Borough, in writing, that its hauler, contractor and/or vendor is properly licensed and insured and, in the case of waste oil haulers, that such haulers have all necessary New Jersey Department of Environmental Protection permits and/or licenses.
- C. Multi-Generator Recycling Responsibilities. In the case of residential, industrial, commercial and institutional multi-generator buildings and projects, such as apartments, townhouses and condominium associations, office buildings and shopping centers, the management, as well as the waste generator, shall be responsible for compliance with this Ordinance.
- D. The hours of operation of the Borough Recycling Center are posted at the gate to the Recycling Center and shall be published annually in the Official Newspaper. No person, firm, corporation or institution shall be permitted to utilize the Recycling Center except during regularly scheduled hours of operation.

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²**181-4. DOCUMENTATION; QUARTERLY REPORTS:**

- A. On or before April 1 of each year, all commercial, institutional and multi-family residential users not using municipal recycling collection facilities shall submit recycling documentation to the Borough Recycling Coordinator or his designee.
- B. The Municipal Recycling Coordinator or his designee will compile all recycling documentation and report to the County or State Office of Recycling.
- C. No person, firm, corporation or institution shall utilize the Borough Recycling Center without first signing and completing all requisite forms at the sign-in station.

181-5. SCAVENGING PROHIBITED:

Any recyclable materials placed at curbside or in the Borough Recycling Center in accordance with this Chapter, are the property of the Borough of Lincoln Park and/or its authorized agent. No person, firm, corporation or institution shall collect, pick-up or cause to be collected or picked up any recyclables placed at curbside, unless authorized to do so by the Borough of Lincoln Park.

181-6. DONATION OR SALE OF RECYCLABLES:

- A. Any person, firm, corporation or institution who is an owner, lessee or occupant of premises subject to this Chapter, may donate or sell recyclable materials to any person, partnership, corporation or organization (whether operating for profit or not for profit), so long as the person, firm, corporation or institution receiving such recyclable materials submits documentation to the Municipal Recycling Coordinator as described in 181-4.
- B. This Chapter is in no way intended to prohibit the collection of recyclable materials through recycling drives by charitable organizations within Lincoln Park. Such organizations may conduct such drives if:
 - 1. They are conducted on days other than those designated for collection by the Borough of Lincoln Park or its designee.
 - 2. The organization first secures permission from the Recycling Coordinator or his designee.

² Amended by Ordinance 1,102 Adopted on April 18, 1994

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3. The organization submits documentation to the Recycling Coordinator within thirty (30) days after completion of the drive listing the recyclable material collected, the tonnage and place of disposal.

181-7. DONATION:

The Borough Administrator or his designee is hereby authorized and directed to enforce all provisions of this Chapter.

³181-8. ADDITIONAL PROHIBITIONS:

- A. No person, firm, corporation or institution shall combine designated recyclable materials with other solid waste or fail to separate designated recyclable materials for recycling.
- B. No solid waste contractor shall be permitted to collect solid waste that contains visible signs of designated recyclable materials, remove for disposal those bags and/or containers of solid waste which visibly display a warning notice, sticker or some other device indicating that the bag and/or container contains designated recyclable materials or collect recyclables placed at curbside for recycling pick-up unless authorized to do so by the Borough of Lincoln Park.
- C. It shall be the responsibility of the person, firm, corporation or institution whose solid waste was not removed, because it contained recyclables, to properly segregate the uncollected waste for proper recycling. No person, firm, corporation or institution shall suffer or permit any such solid waste to remain at curbside longer than twelve (12) hours after the end of the collection day.
- D. All recyclable materials shall be deposited at the Borough Recycling Center as required herein and separated.
- E. Special materials shall not be accepted at the Borough Recycling Center.
- F. All persons, firms, corporations or institutions, who are the owners, lessors or occupants of any premises within the Borough of Lincoln Park, shall be required to source-separate all designated materials from all other solid waste, in accordance with this Chapter.
- G. Yard waste shall be banned from disposal at the transfer station.

³ Added by Ordinance 1,120 Adopted on April 18, 1994 Subparagraph G

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⁴181-9. VIOLATIONS AND PENALTIES:

- A. Any person, firm, corporation or institution violating the provisions of this Chapter, or any regulations promulgated there under shall, upon conviction thereof, be subject to the fines and penalties set forth in Article III, Section 1-15 of this Code (General Penalty), in the discretion of the Judge imposing the same, except that the maximum penalty for violation of 181-3, 181-4, 181-5, 181-6 and 181-7 herein shall not exceed twenty-five (\$25.) Dollars for a first offense.
- B. Each and every day that a violation continues shall constitute a separate offense.

⁴ Amended by Ordinance 1,249 Adopted on 9/18/00 Effective 10/8/00