

**CHAPTER 183    SOLID WASTE**

[HISTORY: Adopted by the Mayor and Council of the Borough of Mendham as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

Hazardous materials — See Ch. [118](#).

Littering — See Ch. [129](#).

Solid waste (Board of Health regulations) — See Ch. [235](#).

**ARTICLE I        Recycling (§ 183-1 — § 183-13)**

[Adopted 3-2-1987 by Ord. No. 7-87 (Ch. 86 of the 1974 Code); amended in its entirety 6-16-2008 by Ord. No. 11-08]

**§ 183-1            Purpose.**

The conservation of recyclable materials has become an important public concern by reason of the growing problem of solid waste disposal and its impact on our environment, causing an increasing necessity to conserve our natural resources. The reduction of the amount of solid waste to be disposed of will reduce the cost of disposal and, at the same time, the separation, collection and sale of recyclable materials will reduce the financial burden of solid waste disposal. The purpose of this article is to provide the Borough of Mendham with a method of attaining the goal of at least a fifty-percent recycling rate of municipal solid waste by 2015 as mandated by the State of New Jersey.

**§ 183-2            Definitions.**

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

**COMMERCIAL**

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**

A combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

**DESIGNATED RECYCLABLE MATERIALS**

Those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

**A.**

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.

**B.**

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 are not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs and anything made of Pyrex® or ceramic.

**C.**

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 are 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.



D.

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.

E.

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.

F.

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

G.

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.

H.

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

I.

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

J.

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

K.

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

L.

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.

M.

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

N.

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.

O.

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 CFR 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.

P.

Metal appliances: appliances composed predominantly of metal, and may include stoves, washing machines, dryers, microwaves, toasters and indoor/outdoor grills, 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.

Q.

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

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.

### INSTITUTION

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

Any building or structure, or complex of buildings in which three 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. 13:1E-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 (N.J.S.A. 55:13A-1 et seq.).

### MUNICIPAL RECYCLING COORDINATOR

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

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

All solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of the Borough of Mendham which is not bulky waste or construction and demolition debris.

### RECYCLABLE MATERIAL

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

Any person who owns, leases and/or occupies dwellings within the Borough, including those in multifamily dwellings and/or single-family developments.

### SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

### SOURCE SEPARATION

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.

## **§ 183-3                    Separation of recyclables required; exemptions.**

### 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 municipality of the Borough of Mendham 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. This shall be done in the manner set forth in § [183-4](#).

### B.

Exemptions: Pursuant to N.J.S.A. 13:1E-99.16(d), the Borough Council may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this article, a commercial or institutional generator of solid waste shall file an application for exemption with the Municipal Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials and a certification that the designated recyclable materials will be recycled and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated material.

## **§ 183-4                    Program responsibilities and descriptions.**

All residential, institutional and commercial inhabitants of Mendham Borough shall source separate designated materials from all other solid waste for recycling. This shall be done in the manner described as follows:

### A.

Residents of single-family units shall separate all designated materials from all other solid waste and shall segregate such recyclables.

### (1)

Newspapers, corrugated cardboard, mixed paper, aluminum containers, plastic containers, glass and ferrous containers shall be placed curbside as directed by the Recycling Coordinator after being prepared as follows:

### (a)

Newspaper and corrugated cardboard: Tie in bundles.

### (b)

Mixed paper: Tie in bundles or as otherwise directed by the Recycling Coordinator.

### (c)

Aluminum and ferrous containers: Remove labels and rinse.

### (d)

Glass and plastic: Remove caps and rinse.

### (2)

Yard waste shall be separated from other solid waste and shall be recycled in any of the following manners:

(a)

By composting on the property of the owner, occupant or lessee; and/or

(b)

By depositing the same at the Public Works Garage on Ironia Road, in accordance with instructions posted at that location.

(3)

White goods are to be placed curbside in accordance with requirements established by agreement with the hauling contractor. CFCs must be recovered where applicable.

(4)

Oil-contaminated soil must be recycled at a Class B recycling center for the reclamation/recycling of nonhazardous, hydrocarbon-contaminated soil. Documentation shall be provided to the Borough Recycling Coordinator.

(5)

Stumps must be recycled at a Class B land-clearing debris recycling facility. Documentation shall be provided to the Borough Recycling Coordinator.

(6)

Motor oil must be deposited at a used oil collection center or a retail service station in compliance with provisions of the New Jersey State Mandatory Recycling Act.

Editor's Note: See N.J.S.A. 13:1E-99.11 et seq.

(7)

Vehicular batteries must be deposited at a retail service facility in compliance with provisions of the New Jersey State Mandatory Recycling Act.

Editor's Note: See N.J.S.A. 13:1E-99.11 et seq.

(8)

Household dry cell batteries must be recycled through the Morris County Municipal Utilities Authority program for recycling of hazardous household waste.

(9)

The Borough Recycling Coordinator may from time to time modify the above procedures.

B.

Residential developments (multifamily and single-family) shall be responsible for establishing, within the residential directions of this article, recycling programs for the collection of designated recyclable materials.

C.

All nonresidential generators, including commercial establishments and institutions, shall separate designated materials for recycling. All designated recyclable 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 § [183-5](#).

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.

#### **§ 183-5                    Submittal and compiling of documentation required; due date.**

A.

All commercial, institutional and other non-single-family residential properties must submit recycling documentation on an annual basis to the Borough Recycling Coordinator, with said documentation to be

submitted by January 31 for the prior calendar year.

B.

The Borough Recycling Coordinator will compile all recycling documentation and report to the New Jersey State Department of Environmental Protection and Energy and the Morris County Recycling Coordinator as required.

C.

Those not complying will be subject to enforcement penalties defined in § [183-12](#).

**§ 183-6                    Recyclables to become Borough property.**

From the time of placement at the recycling center or curbside, if permitted, all designated recyclable materials shall be and will become the property of the Borough of Mendham or its authorized agents. However, it shall remain the responsibility of the individual(s) who placed the recyclables curbside to maintain the recyclables in a neat and orderly fashion. It shall be a violation of this article for any person unauthorized by the Borough of Mendham 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.

**§ 183-7                    Unlawful acts.**

A.

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 article.

B.

It shall be unlawful for solid waste collectors to collect solid waste that 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/recyclables which visibly display a warning notice, ticket or some other device indicating that the load of solid waste contains designated recyclable materials and therefore should not be removed for disposal.

C.

It shall be the responsibility of the recycler whose solid waste was not removed because it contained recyclables to properly segregate the uncollected waste for proper recycling. Allowing such unseparated refuse to accumulate is a violation of this article and the local sanitary code.

D.

It shall be a violation of this article for any person or solid waste collector 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.

E.

It shall be a violation of this article for any person or solid waste collector to deposit any material at the depot center which is not a designated material accepted at the depot center.

F.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste in the street. If yard waste is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.

**§ 183-8                    Donation or sale of materials.**

Any person who is an owner, lessee or occupant of a nonresidential property 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 Borough Recycling Coordinator as described in § [183-5](#).

**§ 183-9                    Recycling plan and storage and pickup provisions required.**

Pursuant to N.J.S.A. 13:1E-99.13a and N.J.S.A. 13:1E-99.16(c):

A.

Any application to the Mendham Borough Planning Board for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial, institutional or industrial development for the utilization of 1,000 square feet or more of land must include a recycling plan. This plan must 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, in a 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 Borough, the owner of any new multifamily 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 recyclable materials in those instances where the municipality does not otherwise provide this service.

C.

Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

**§ 183-10**            **Acceptance of recycling goal.**

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Borough of Mendham accepts the goal of 50% 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.

**§ 183-11**            **Enforcement.**

The Municipal Recycling Coordinator, the Borough Administrator, the Department of Public Works and any member of the Borough police are authorized and directed hereby to enforce this article. An inspection may consist of sorting through containers and opening solid waste bags to detect, by sound or sight, the presence of any recyclable material. The Recycling Coordinator, the Borough Administrator and the Department of Public Works shall recommend and the Borough 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 designated recyclable materials in accordance with the terms hereof.

**§ 183-12**            **Violations and penalties.**

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.

**§ 183-13**            **Severability; effective date.**

In the event that it is determined, by a court of competent jurisdiction, that any provision or section of this article is unconstitutional, all other sections and provisions shall remain in effect. This article shall take effect immediately, unless otherwise provided by resolution of the governing body.

**ARTICLE II**            **Curbside Collection of Brush (§ 183-14 — § 183-18)**

[Adopted 5-4-2009 by Ord. No. 3-09]

**§ 183-14**            **Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given hereafter. When not inconsistent with the context, words used in the present tense include the future; words

in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

#### BRUSH

Branches, tree limbs, tree trunks, woody plants and other similar vegetative material. In no event shall brush be larger than six inches in diameter. For purposes of this article, leaves and grass do not constitute brush.

#### **§ 183-15            Collection of brush.**

##### A.

Provided that special arrangements have first been made in advance with the Borough of Mendham Department of Public Works, brush, including, but not limited to, all branches, bulky tree limbs and tree trunks, will be collected by the Borough throughout the year, weather permitting, if deposited at the street curb, if one exists. However, if a curb does not exist, the brush shall be deposited near the street pavement but not on the street pavement itself. In no event shall the brush be placed closer than 10 feet from any storm drain inlet.

##### B.

In the event that the property configuration does not provide for a suitable location to place brush for pickup, the Department of Public Works Superintendent may designate a placement of the brush close to the property line as possible. Further, the property owner shall authorize access to the property for pickup.

##### C.

This article shall not apply to independent contractors working on or at a Borough resident's property. The Borough will not pick up brush set at the curb by such contractor. Any contractor working in the Borough must remove all brush and tree parts without obligating the Borough.

#### **§ 183-16            Time for deposit of brush at curbside.**

All brush must be placed at the curb in reasonable piles or bundles prior to the scheduled collection day but in no event shall the brush be placed curbside more than seven days prior to a scheduled and/or announced collection by the Borough.

#### **§ 183-17            Enforcement.**

The provisions of this article shall be enforced by the Superintendent of Public Works of the Borough of Mendham and/or person(s) designated by the Borough Council.

#### **§ 183-18            Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500.

### **ARTICLE III        Garbage Regulation; Refuse Containers and Dumpsters (§ 183-19 — § 183-24)**

[Adopted 9-7-2010 by Ord. No. 11-10]

#### **§ 183-19            Purpose.**

This article requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Mendham and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **§ 183-20            Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is

always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Mendham Borough or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**REFUSE CONTAINER**

Any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**STORM WATER**

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE**

The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 183-21            Covering of containers; prevention of leaks and discharges.**

**A.**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

**B.**

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Mendham.

**§ 183-22            Exceptions.**

Exceptions are as follows:

**A.**

Permitted temporary demolition containers.

**B.**

Litter receptacles (other than dumpsters or other bulk containers).

**C.**

Individual homeowner trash and recycling containers.

**D.**

Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.

**E.**

Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**§ 183-23            Enforcement.**

This article shall be enforced by the Borough's contractual health agency, police department and/or zoning official.

**§ 183-24            Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a penalty in

accordance with § [1-15](#) of the Revised Ordinances of the Borough of Mendham. Each day in which a violation exists shall be considered to be a separate offense.