

MINE HILL TOWNSHIP  
ORDINANCE NO. 13-08

AN ORDINANCE AMENDING TITLE 25 OF THE CODE OF THE  
TOWNSHIP OF MINE HILL ENTITLED "LAND DEVELOPMENT CODE"  
TO REQUIRE RECYCLING PLANS TO BE SUBMITTED AS PART OF SITE PLAN  
AND SUBDIVISION APPLICATIONS

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE  
HILL, IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, AS  
FOLLOWS:

SECTION 1: Title 25 of the Code of the Township of Mine Hill entitled "Land  
Development Code" is hereby amended as follows;

1. Section 25-2.2 entitled "Definitions" is hereby amended by adding the  
following definitions:

MULTIFAMILY HOUSING - a building containing three (3) or more dwelling  
units occupied or intended to be occupied by persons living independently of each other  
or a group of such buildings.

RECYCLING AREA - an area allocated for the collection and storage of source-  
separated recyclable materials.

2. Section 25-7.2.20.1 is hereby added:

25-7.2.20.1 Solid waste and recycling requirements.

Any application for site plan approval or subdivision 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 shall include provisions on the site for the storage and disposition  
of solid waste and source-separated recyclable materials. The application shall  
contain, at a minimum, the following:

- (a) A detailed analysis of the estimated composition and amounts of solid waste  
and recyclables generated at the proposed development; and
- (b) One or more locations shown on the site plan that provide for the convenient  
storage and disposition of recyclable materials and solid waste by all owners,  
tenants and occupants. Any such area shall comply with all setback  
limitations and no such area shall be located in front of a principal building.

Any recycling and/or solid waste storage area shall be provided on an impervious surface and be screened from view by enclosing it within a building, or by a solid fence and/or landscaping, as approved by the Board. It shall be of sufficient size, convenient location and contain other attributes including signage and lighting as may be proposed by the Applicant after consultation with the Municipal Recycling Coordinator and the Township Engineer.

- (c) The location of recycling areas shall be convenient for the disposition of source-separated recycling materials and may be near, but clearly distinct from a refuse dumpster.
- (d) Recycling/solid waste areas shall be adequately lit and shall be safely and easily accessible to owners and tenants, collection personnel, motor vehicles, and collection vehicles without interference from parked cars or other obstacles.
- (e) Recycling areas and any bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions. Any bins or containers used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
- (f) Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein. All proposed signs shall be shown on the plans and approved by the Board.
- (g) Landscaping and/or fencing shall be shown on the plans and provided around any outdoor recycling area and shall be developed such that the enclosure shall be constructed of similar materials as the main structure and be secured with a gate.

3. The Checklist contained in Section 25-5.7.1 entitled "Checklist Requirements for All Applications" shall be amended by adding an additional requirement to read as follows:

- Proposed features such as outdoor storage areas, outdoor mechanical equipment, solid waste and recycling areas, service areas, utility buildings and structures and fences or walls, including all building or structure dimensions. This requirement shall be applicable to applications for a minor site plan, minor subdivision, preliminary major subdivision, preliminary site plan and final site plan.

4. Section 25-7.2.4 entitled "Private Utilities" is hereby amended by adding the following section numbered 25-7.2.4.1 entitled "Renewable Energy Resources" as follows:

25-7.2.4.1. Renewable Energy Resources. The Board may, in its discretion, require that buildings or structures use renewable energy sources.

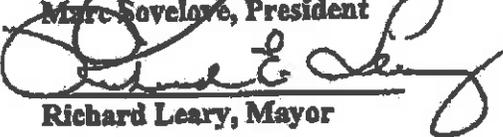
SECTION 2: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This ordinance shall take effect after final passage and publication as prescribed by law. The Clerk and Administrator are authorized and directed to include this Ordinance in the next submittal to the Township Code publishing company for numbering and codification.

Adopted: September 4, 2008

Mine Hill Township Council

  
\_\_\_\_\_  
Marc Sovelove, President  
  
\_\_\_\_\_  
Richard Leary, Mayor

Approved: September 4, 2008

Attest:

  
\_\_\_\_\_  
Patricia T. Korpos  
Municipal Clerk

MINE HILL TOWNSHIP  
ORDINANCE NO. 12-08

AN ORDINANCE AMENDING CHAPTER 8.24 OF THE  
CODE OF THE TOWNSHIP OF MINE HILL ENTITLED "RECYCLING"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL,  
IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1: Chapter 8.24 of the Code of the Township of Mine Hill is hereby amended in its  
entirety to read as follows:

§8.24.010 Definitions

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

**COMMINGLED-** A combining of non-puiescible 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:

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). 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.

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 - Non-hazardous 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 non-hazardous 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 non-rechargeable 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 non-rechargeable 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 non-rechargeable 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.

**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 NJSA 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 (C.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 the rules and regulations promulgated therefore.

**MUNICIPAL SOLID WASTE -** All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township 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.

**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;

**TOWNSHIP -** The Township of Mine Hill

#### §8 24.020 Source Separation, Exemption from Source Separation Requirements

- A. **Mandatory source separation:** It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential 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 Township, to separate designated recyclable materials from all solid waste. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Disposal of Designated Recyclable Materials shall be separate and apart from other solid waste generated by the owners, tenants or occupants of such premises as follows:

Aluminum cans, steel (tin) cans, glass containers, glass bottles and jars, HDPE plastics, PETE plastics shall be emptied, rinsed and disposed of as specified by the Township.

Used newspapers shall be secured in bundles no larger than 12 inches high and shall not be placed in plastic bags. The used newspapers shall be disposed of as specified by the Township.

Corrugated cardboard shall be flattened and disposed of as specified by the Township.

Mixed paper, paperboard/chipboard, and magazines, shall be disposed of as specified by the Township.

All other designated materials as listed as Designated Recyclable Materials in

§8.24.010 shall be disposed of as specified by the Township.

Yard waste shall not be disposed of with the regular solid waste and shall not be disposed of at any solid waste facility. It shall either be composted on the site of the residential establishment or disposed of at a yard waste compost facility.

- B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality 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 chapter, 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, and provide 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.

#### §8 24 030 Acceptance of the Municipal Solid Waste Recycling Goal

As set forth in N.J.S.A. 13:1E-99.13.3.b(4)(c), the Township 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.

#### §8 24 040 Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this chapter. 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 Municipal Recycling Coordinator or the Director of Public Works. 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 6 months during their occupancy.

#### §8 24 050 Non-Residential Establishment Compliance Requirements

**Institutional Establishment Compliance** Institutional establishments shall source separate Designated Recyclable Materials. Designated Recyclable Materials may be deposited at the recycling center during hours of operation. Otherwise the institution

shall be responsible for establishing recycling programs for collection, transportation and marketing of Designated Recyclable Materials.

**Commercial Establishment Compliance.** Commercial establishments shall source separate all designated materials for recycling. Designated Recyclable Materials, excluding office paper, may be deposited at the recycling center during hours of operation. Otherwise, each establishment shall be responsible for establishing recycling programs for collection, transportation and marketing of Designated Recyclable Materials.

All commercial, institutional or multifamily dwellings which are not serviced by municipal recycling collection systems must submit recycling documentation on a semiannual basis to the Municipal Recycling Coordinator on forms prescribed by the Township, documenting the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. Due dates for report periods are as follows:

<b>Reporting Period</b>	<b>Due Date</b>
January 1 to June 30	July 15
July 1 to December 31	January 15

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 establishments to have their recyclables recycled, or new requirements are imposed by county or state agencies having appropriate jurisdiction.

#### §8.24.060 Alternate methods of disposal

Any person who is an owner, lessee or occupant may donate or sell used recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit. No person, partnership or corporation shall appropriate recyclable material placed for collection as designated by the Township of Mine Hill unless they have received the expressed permission from the Township of Mine Hill to remove such material.

#### §8.24.070 Ownership of materials following placement for collection

From the time of placement at the designated area, the recyclable materials shall be the property of Mine Hill Township or its designated agents, and revenues collected from the sale of recyclable materials, if any, shall be the property of Mine Hill Township or its designated agents.

#### §8.24.080 Multi-generator building recycling responsibilities

In the case of multi-generator buildings, including apartment buildings, hotels, office buildings and commercial establishments, the building management as well as the individual generators shall be responsible for compliance with the requirements of this chapter.

#### §8.24.090 Enforcement agent designated

The Municipal Recycling Coordinator or members of the Police and Public Works Department are hereby authorized and directed to enforce all provisions of this chapter. Enforcement officers shall have the right to inspect garbage set out for disposal in order to determine whether recyclable materials are included.

§8.24.100 Unlawful acts

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.

It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials. It shall be the responsibility of the resident 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 will be considered a violation of this chapter.

§8.24.110 Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance 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.

**SECTION 2:** If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**SECTION 3:** All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

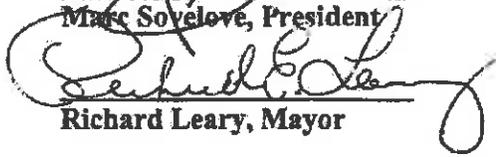
**SECTION 4:** This ordinance shall take effect after final passage and publication as prescribed by law. The Clerk and Administrator are authorized and directed to include this Ordinance in the next submittal to the Township Code publishing company for numbering and codification.

Adopted: May 15, 2008

Mine Hill Township Council

  
Marc Savelove, President

Approved: May 15, 2008

  
Richard Leary, Mayor

Attest:

  
Patricia T. Korpos  
Municipal Clerk