

Chapter 17A. RECYCLING.

ANALYSIS

Section

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17A-1. Definitions.

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

Aluminum cans shall mean food and beverage containers made entirely of aluminum.

Specifically excluded are cans of other materials and other aluminum products such as foil, pie pans and aluminum siding.

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

Class B recycling facility shall mean a recycling facility that is registered with the Bureau of Small Facility Review in the New Jersey Department of Environmental Protection (NJDEP) and licensed to handle one (1) or more "Class B" recyclable materials. A "Class B recyclable material" means a source-separated recyclable material which is subject to the approval of the NJDEP prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b. Examples of Class B recyclable materials are concrete, asphalt, stumps and tires.

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

Corrugated cardboard shall mean shipping containers made with kraft paper, linerboard and corrugated medium.

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, which shall include aluminum cans, glass bottles and jars, plastic bottles (coded 1 and 2), steel (tin) cans, newspaper, corrugated cardboard, mixed paper, leaves, grass clippings, brush, natural wood waste, oil-contaminated soil, used motor oil, lead-acid batteries, hazardous dry-cell batteries, metal appliances, whole tires, and electronic waste.

Electronic waste shall mean a computer's 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.

Glass bottles and jars shall mean bottles and jars made from glass, including clear, brown and green glass, caps and lids not included. 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. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex[®] or ceramic.

Grass clippings shall mean vegetative material generated when grass (lawns) is (are) cut.

Hazardous Dry-Cell Batteries shall mean 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 nonchargeable 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.

Institution shall mean any nonprofit building, use or establishment, including but not limited to churches, schools and libraries.

Lead-acid batteries shall mean 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 engines. In addition, they may include deep-cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

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

Metal appliances shall mean 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.

Mixed paper shall mean 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, and soft-cover books.

Multifamily dwelling shall mean 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.)

Natural wood waste shall mean logs, stumps, branches and other wood tree parts.

Dimensional lumber is omitted from inclusion in this definition.

Newspaper shall mean newsprint-grade paper which is printed and distributed daily or weekly that contains news. The recycling of such material excludes soiled paper but includes all papers (circulars, flyers, etc.) that come with the newspaper.

Oil-Contaminated Soil shall mean 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.

Plastic bottles (coded 1 and 2) shall mean 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), caps and lids not included. A "bottle" is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Any item made of plastic that is not a bottle, and any plastic bottle without a No. 1 PETE or No. 2 HDPE symbol, is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc., should not be recycled.

Residence shall mean a building or portion thereof designated or used exclusively as the residence or sleeping place of one (1) or more persons, including one-family, two-family and multiple-family dwellings, apartment-hotels, boarding or lodging houses. "Residence" does

not include motels, tourist cabins, trailers or trailer courts which are regulated as commercial uses provided elsewhere in this chapter.

Solid waste shall mean all garbage and rubbish normally placed at the curb by the residents and nonresidents of the Borough of Morris Plains for regular municipal collection. The term "solid waste" as used herein is deemed to be nonrecyclable material.

Steel (ferrous) cans shall mean tin-plated steel food and beverage containers, sometimes referred to as "tin cans."

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

Whole tires shall mean tires that are whole, not chipped into small pieces. [Note: Tires are allowed to be recycled and/or incinerated for energy recovery.]

(Ord. #11-88, ~ 1; #14-89, ~ 1; #10-90, ~ 1; #17-90, ~ 1; #18-94, ~ 1; #21-2004, ~ 1; #10-2008, ~~ 1, 2)

17A-2. Mandatory source separation of designated recyclable materials.

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 Morris Plains, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid wastes generated by the owners, tenants, or occupants of such premises.

(a) Whole tires. Whole tires must be recycled at an authorized Class B recycling facility, as defined by the State of New Jersey's Department of Environmental Protection. This equipment can be met by depositing scrap tires at tire dealers or service stations that accept them for a small fee.

(b) Lead-acid batteries. Lead-acid batteries should be recycled through battery dealers. Residents have the option of taking them to any of the designated Morris County hazardous waste disposal day programs.

(c) Metal appliances. Residents who cannot get new appliance dealers to accept such material may drop off such appliances at the Reimer Recycling Center, or place them at curbside, with the doors removed, no sooner than 24 hours prior to a scheduled municipal garbage collection.

(d) Used motor oil. The Borough of Morris Plains presently has no facility to accept used motor oil. Residents are directed to dispose of used motor oil at nearby service stations that accept used motor oil or at one of Morris County's hazardous waste disposal day programs. Institutional and commercial uses shall use an authorized waste oil recycler to dispose of their used motor oil.

(e) Oil-contaminated soil. Oil-contaminated soil must be recycled at Class B recycling facilities specifically authorized to recycle such soils.

(f) Natural wood waste. In the event that an inhabitant of the Borough hires an outside contractor to cut down or trim trees located on property within the Borough, the contractor shall be responsible for recycling such material.

(g) Hazardous dry-cell batteries. Hazardous dry-cell batteries, including rechargeable batteries and single-use dry-cell batteries such as AAA, AA, C, D and 9V, may be dropped off at the Reimer Recycling Center.

(h) Asphalt roofing shingles. Asphalt roofing shingles must be recycled at an authorized Class B recycling facility.

(i) Electronic waste. Electronic waste shall be dropped off at the Morris Plains Reimer Recycling Center during Saturday hours and placed in the designated electronic bin. There shall be no curbside collection of electronic waste.

(j) All other designated recyclable materials. All other designated recyclable materials not covered by Paragraphs (a) through (i) above shall be placed separately at the curb in the manner described in Section 17A-3 and on such days and times as established by the Borough of Morris Plains.

(Ord. #17-85, ~ 2; #11-88; ~ 2; #18-94, ~ 2; #10-2008, ~~ 3, 4)

17A-3. Regulations for deposit of recyclables.

(a) Residents shall separate newspaper, glass, aluminum and steel cans, plastic bottles, cardboard, mixed paper, hazardous dry-cell batteries and brush, grass clippings, leaves and natural wood waste, hereinafter collectively termed "recyclables," from all other waste and shall segregate same by type for curbside pickup or for deposit at the recycling center.

(b) Material shall be prepared in the following manner:

(1) Said newspapers shall be bundled separately and cross-tied with twine or heavy string and shall not be contained in plastic or paper grocery bags.

(2) Glass shall be rinsed thoroughly and shall be sorted by color, with caps and lids removed.

(3) Aluminum and steel cans shall be rinsed.

(4) Plastic bottles [Type 1 (PETE) and Type 2 (HDPE) only] shall be rinsed with caps and lids removed.

(5) Corrugated cardboard must be flattened and tied into easily handled bundles.

(6) Mixed paper shall be placed in an easily handled recycling container, preferably a borough-provided recycling pail. Plastic or paper grocery bags shall not be utilized for this purpose as they are not mixed paper.

(7) Hazardous dry-cell batteries shall be deposited in the receptacle provided for them at the borough's recycling center.

(8) Brush, grass clippings, leaves and natural wood waste shall be prepared and deposited according to the standards set forth by the Borough Council of the Borough of Morris Plains. Leaves shall be raked into piles and placed at curbside from September 1 to December 31 each year and shall not be bagged. Grass clippings shall be composted on residential property or placed in reusable, covered containers and placed at curbside for recycling collection from April 1 to November 1 each year. Each container, including contents, shall not exceed fifty (50) pounds' total weight. Grass clippings shall not be bagged or placed at curbside for regular municipal garbage collection. No brush, grass clippings, leaves and natural wood waste will be accepted at the borough's recycling center. Brush such as small limbs, twigs, vines and pricker bushes shall be tied in one-foot round bundles, and all branches, limbs and logs shall be no larger than the chipper limits of six feet in length and three inches in diameter, and stumps shall be free of dirt and debris.

(c) Institutional and commercial uses.

(1) Institutional and commercial uses that utilize the borough's recycling center shall source separate corrugated cardboard, mixed paper, glass, newspaper, plastic bottles, aluminum and steel cans for recycling.

(i) All recyclables listed above may be deposited at the borough's recycling center on Saturday between 8:30 a.m. and 12:00 noon. Exceptions must be approved by the Borough Recycling Coordinator.

(ii) All such recyclables must meet the specifications set forth in Section 17A-3(b).

(2) All institutional and commercial uses that do not utilize the borough's recycling center shall be responsible for establishing their own recycling

programs for the collection, transportation and marketing of designated recyclable materials and submitting documentation of tonnage of material recycled in accordance with Section 17A-6.

(3) In the case of multi-generator buildings, such as office buildings with more than one (1) tenant, the owner or manager of the property, as well as the generator, shall be responsible for compliance with the borough's mandated recycling requirements.

(4) All food service establishments, as defined in the State Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the process of food or food products and maintain such records as may be prescribed, for inspection by any appropriate code enforcement officer.

(Ord. #17-85, ~ 3; #11-88, ~ 3; #14-89, ~ 2; #10-90, ~ 2, 3; #17-90, ~ 1, 2; #18-94, ~ 3; #10-2008, ~ 5, 6, 7)

17A-4. Recyclables to become borough property; unauthorized collection.

(a) Recyclable materials placed at the curb or recycling center are the property of the borough or its authorized agent.

(b) It is a violation of this chapter for any person unauthorized by the borough to collect or pick up or cause to be collected or picked up any such recyclables. Anything to the contrary notwithstanding, any person may donate or sell recyclables to any person, partnership or corporation, whether operating for profit or not for profit. Any and each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. #17-85, ~ 4; #11-88, ~ 4)

17A-5. Enforcement agents; random inspections.

(a) The Mayor, subject to confirmation by the Borough Council, shall appoint a Borough Recycling Coordinator. The Recycling Coordinator, the Police Department of the borough, the Morris Plains Board of Health, the Code Enforcement Official, the Morris County Office of Health Management and other agents as may be designated by the borough are hereby authorized and directed to enforce this chapter. The Recycling Coordinator, with the consent of the Borough Council, shall establish and promulgate reasonable regulations as to the manner, days and times for the collection of designated materials.

(b) The enforcement agents are hereby authorized and directed to undertake random inspections of garbage set out for disposal in order to determine whether recyclables are contained therein.

(Ord. #17-85, ~ 5; #11-88, ~ 5; #29-89, ~ 1; #10-2008, ~ 8)

17A-6. Documentation.

(a) All commercial and institutional inhabitants of the borough which do not bring their recyclables to the borough's recycling center shall submit recycling documentation to the Borough Recycling Coordinator on an annual basis. The required documentation for each calendar year is due by March 1 of the following year. Such documentation shall report on recycling activities at the commercial, industrial or institutional premises, including by material type, the amount of recycled material collected and recycled, the recycling destination of said materials, and the vendor or vendors providing recycling services to the commercial or institutional facility.

(b) The Borough Recycling Coordinator shall compile all recycling documentation and report to the Morris County Recycling Coordinator on an annual basis by April 30 of each year.

(c) Any commercial or institutional inhabitant of the borough which does not supply the documentation required by this section shall be subject to enforcement penalties as defined hereinafter.

(Ord. #17-85, ~ 6; #11-88, ~ 6; #18-94, ~ 4; # 10-2008, ~ 10)

17A-7. Unlawful acts.

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

(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, sticker 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 nonrecycler 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 and the borough's Sanitary Code.

(d) Recyclables shall not be placed at curbside sooner than twenty-four (24) hours prior to a scheduled pickup.

(Ord. #18-94, ~ 5)

17A-8. Violations and penalties.

(a) Any person, firm or corporation who violates or neglects to comply with Sections 17A-2, 17A-3, 17A-4, 17A-6 or 17A-7 of this chapter, or any regulations promulgated pursuant thereto, shall, upon conviction thereof, be punishable by a fine not to exceed one thousand

dollars (\$1,000.) or a period of community service not exceeding ninety (90) days, except that the minimum fine for failure to comply with Sections 17A-2, 17A-3, 17A-6 and 17A-7 shall not be less than twenty-five dollars (\$25.) for each violation.

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

(Ord. 11-88, ~ 8; 29-89, ~ 2)

17A-9. Recycling goals.

The Borough of Morris Plains 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 goal of 50% of the municipal solid waste generated within its borders.

(a) Operating a recycling center for deposit of specified recyclables each Saturday between 8:30 a.m. and 12:00 noon.

(b) Providing a curbside program for pickup of specified residential-generated recyclables.

(c) Collecting yard waste and grass clippings during the season.

(d) Picking up leaves raked to curbside each fall season.

(e) Picking up brush and Christmas trees left at curbside on dates specified by the borough's Department of Public Works.

(f) Advising all sectors (residential, commercial and institutional) of their recycling responsibilities and enforcing the provisions of this chapter as necessary.

(Ord. #18-94, ~ 6; #10-2008, ~ 9)