

CHAPTER 78 SOLID WASTE DISPOSAL

Editor's Note: Former Ch. 78, Soil Erosion and Sediment Control, adopted 3-29-72 by Ord. No. 10-72, as amended, was repealed 3-2-78 by Ord. No. 7-78. For current provisions regarding soil erosion and sediment control, see Ch. [57](#), Land Development.

[HISTORY: Adopted by the Township Committee of the Township of Morris 10-21-1988 by Ord. No. 24-88.]

Editor's Note: This ordinance was originally adopted as Ch. [105](#), but was redesignated as Ch. [78](#) to conform to the arrangement of the Table of Contents.

Amendments noted where applicable.]

GENERAL REFERENCES

Dumps and dumping — See Ch. [41](#).

Board of Health regulations on dumping — See Ch. [102A](#).

§ 78-1 Definitions.

[Amended 4-16-2008 by Ord. No. 9-08]

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

ASHES

The residue from burning wood, coal, coke or other combustible materials.

BUILDING MATERIALS

Any material, such as lumber, brick, plaster, gutters, roofing material or other substances accumulated as a result of work performed on or demolition of structures.

BUNDLES

Normally loose items which shall be collected if organized into bundles of not more than four feet in length and tied with heavy twine, rope, wire, etc. Such bundles shall be organized so that they may be conveniently handled by one person and shall weigh no more than 50 pounds.

COMMINGLED

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

COORDINATOR

The Solid Waste, Recycling and Clean Community Coordinator for the Township of Morris. Includes the position and duties of Municipal Recycling Coordinator.

DEPARTMENT

The Township of Morris Road and Sanitation Department.

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 and 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.

DIRECTOR OF PUBLIC WORKS

The Director of Public Works for the Township of Morris.

GARBAGE

Putrescible animal and/or vegetative waste resulting from the handling, cooking, preparation or consumption of food, and shall include the fecal waste from any animal or bird (when fecal matter has been separated from other waste and is double bagged prior to placement for collection).

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.

HAZARDOUS WASTE

Any waste or combination of wastes which poses a present or potential threat to human health, including but not limited to waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, biologically infectious, explosive, flammable, radioactive, and/or any waste so designated by the United States Environmental Protection Agency or the New Jersey Department of Environmental Protection.

HOSPITAL/REDBAG WASTE

Includes but is not limited to all instruments, supplies, containers, bandages, gloves, etc., used by health care practitioners and facilities as described in the New Jersey Department of Health regulations and New Jersey Law, Section 306 of the Manual of Standards for Hospitals and Facilities, and N.J.S.A. 2A:170-25.17.

Editor's Note: N.J.S.A. 2A:170-25.17 was repealed 5-3-1999 by L. 1999, c. 90, § 19. See now N.J.S.A. 2C:36-6.1.

HOUSEHOLD TRASH

Every waste accumulation of paper, sweepings, dirt, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

INDUSTRIAL WASTE

All waste, including solids, semisolids, sludge and liquids, created by factories, processing plants or other manufacturing or industrial enterprises.

INSTITUTIONAL PROPERTIES

Any nontaxable (exempt) properties, whether they are religious or educational, service facilities or institutional establishments, which may be residential or nonresidential, at which garbage may be generated.

LITTER

Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar, can, any unlighted cigarette, cigar, match or flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing.

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 guesthouses serving transient or seasonal guests as those terms are defined under subsection (j) of § 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

Editor's Note: See N.J.S.A. 13:1E-1 et seq. 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 Township which is not bulky waste or construction and demolition debris.

RECEPTACLE

A container constructed of such material and in such a manner as to hold solid waste and trash and

other such items without breaking or collapsing. Receptacles shall have handles and covers so that the contents therein are not exposed to the weather, animals and vermin. A disposable plastic bag shall constitute a receptacle if it is of sufficient strength to hold its contents without breaking when collected. The receptacle shall be of such a design and weight as to be able to be conveniently handled by one person. No container shall exceed a weight of 50 pounds when loaded. Commercial garbage receptacles and fifty-five-gallon drums are not acceptable containers. Receptacles which, in the opinion of the Department, are badly broken or fail to meet the requirements of this chapter may be classified as garbage.

RECYCLABLE MATERIALS

All waste materials which have the ability to be returned, through processing, to their former or an alternate use, including but not limited to the following:

A.

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 are not included. Any item made of plastic that is not a bottle is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc., should not be recycled.

B.

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.

C.

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, depending upon the market conditions at the time.

D.

CORRUGATED CARDBOARD

— Shipping containers made with craft paper linerboard and corrugated medium.

E.

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 and soft-cover books.

F.

GLASS

— Includes all products made from silica or sand, soda ash and lime, the product being transparent or translucent and being used as packaging and commonly known as "glass."

G.

LEAVES

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

H.

GRASS CLIPPINGS

— Vegetative material generated when grass (lawns) is cut.

I.

BRUSH

— Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

J.

NATURAL WOOD WASTE

— Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

K.

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.

L.

USED MOTOR OIL

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

M.

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.

N.

HAZARDOUS DRY CELL BATTERIES

— Rechargeable batteries, such as nickel-cadmium, nickel-iron and 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 and 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.

O.

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.

P.WHOLE TIRES

— Tires that are whole and not chipped into small pieces. Tires are allowed to be recycled and/or incinerated for energy recovery.

Q.

ELECTRONIC WASTE (This is to be included in those instances where a recycling program has been, or will be, established for these materials. Additionally, the following definition may be changed to reflect individual municipal program requirements.) — 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.

SOLID WASTE

All garbage and rubbish normally generated by the occupants of residential and other property, disposed of by private and/or public collection and defined as "solid waste" by the New Jersey Solid Waste Management Act (N.J.S.A. 13-1E-3). Items classified as recyclables shall be prohibited from being placed commingled with other materials.

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.

STREET

Any right-of-way, avenue, boulevard, road, parkway, viaduct, drive or other way which is:

A.

An existing state, county or municipal roadway; or

B.

Shown upon a plan approved by the Planning Board or Zoning Board of Adjustment and built in accordance with Township standards and which may be either public or private;

C.

Shown on a plat filed with the office of the County Clerk of the County of Morris; and

D.

Not dedicated in whole or in part as a parking area or driveway which provides access to any buildings or structures.

SUPERINTENDENT

The Superintendent of the Roads and Sanitation Department of the Township.

SUPERINTENDENT, ASSISTANT

The assistant to the Superintendent of the Roads and Sanitation Department.

TOWNSHIP

The Township of Morris.

YARD WASTE

Any waste accumulations of grass, leaves or shrubbery, cuttings or clippings, tree branches or tree limbs, parts of trees, bushes or shrubbery or other material usually created as refuse in the case of yard maintenance. Yard Waste shall be free of dirt, rocks and other bulky and noncombustible materials and shall be separated for purposes of collection into grass clippings and leaves and other materials.

§ 78-2**License required for collection.**

No person or persons or corporation shall engage in the business of collecting or transporting garbage or refuse in the Township of Morris without first obtaining a license to do so from the Board of Health of said township.

§ 78-3 License expiration date.

The expiration date of licenses shall be September 30 next after the same shall have been granted.

§ 78-4 Application for license; fee.

All applications for licenses to collect and/or transport garbage or refuse shall be made in writing, addressed to the Board of Health of said township. The license fee shall be as promulgated by the Director of Public Works and approved by the Township Committee under separate cover entitled "Schedule of Fees for Solid Waste Services" and paid per vehicle.

§ 78-5 Use of vehicle.

Every person or persons or corporation who shall transport any of the above through or along any street in said township shall use a vehicle properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

§ 78-6 Vehicles not to stand in streets.

No such vehicles shall stand in the streets or other public places at any time except when being loaded.

§ 78-7 Solid waste hauler reports.

[Amended 4-16-2008 by Ord. No. 9-08]

All solid waste haulers servicing residential, commercial and/or institutional premises located within the boundaries of the Township shall be required to complete and submit tonnage reports of solid waste types collected within such boundaries, excluding recyclables, on a quarterly basis to the Department of Roads and Sanitation.

§ 78-8 Collection schedule.

A.

Collection sectors, together with the dates of collection, shall be established by regulation of the Roads and Sanitation Department. In the event of emergent situations and inclement weather such ice and snow storms, high winds and/or heavy rains, the Department may suspend, restrict or otherwise modify the provisions of this chapter. Should any of the above situations occur, collection for the service which was suspended will resume on the next regularly scheduled collection day.

B.

The following shall constitute holidays on which collections will not be made:

	New Year's Day	§ 78-9 <u>Placement at curb for collection.</u> <u>A.</u> With the exception of qualified private communities as defined in N.J.S.A. 40:67-23.2, which have entered into a separate agreement with the Township of
	Memorial Day	
	Independence Day	
	Labor Day	
	Thanksgiving Day	
	Christmas Day	

Morris, property owners and their agents, lessees, tenants or other occupants who wish to have their solid waste disposed of by the township shall place solid waste from their unit in appropriate containers, receptacles and/or

bundles as specified at the street curb if one exists or adjacent to but not on the street pavement if there is no curb. The number of containers shall not exceed six per dwelling on a single collection day; however, such limitations on the number of containers per collection day shall not apply to private, elementary and secondary schools. If residents plan to exceed six items or put out items that are over four feet in length or weigh over 50 pounds, they must call the Road and Sanitation Department between the hours of 7:00 a.m. and 3:30 p.m., at least one working day prior to their published collection day. They must describe the number of items placed out for collection, their volume and provide their address. The Road and Sanitation Department shall reserve the right of decision in determining the maximum capacity per truck and therefore the right to limit the number of special collections according to volume per route.

[Amended 11-9-1988 by Ord. No. 31-1988 ; 12-2-1992 by Ord. No. 29-92]

B.

Receptacles shall be placed as specified above beginning at dusk of the night preceding the scheduled collection day. All containers with solid waste shall be placed by 6:00 a.m. of the collection day, and those placed after said hour may not be collected if said collection activity has already taken place. Solid waste receptacles shall be removed from the curb or pavement edge by 6:00 p.m. of the evening of the collection day.

C.

Properties shall be permitted to place solid waste for collection pursuant to this chapter and regulations issued by the Roads and Sanitation Department. Said regulations shall, as a minimum, state the type and number of receptacles and shall provide for regular, special and unlimited pickup, subject to limitations of the municipal budget of the Township of Morris.

D.

The Department may, provided that sufficient capacity of the routes remain, permit additional receptacles to be placed, provided that special prior arrangements have been made with the Department.

E.

No collection of solid waste shall be accomplished on property outside of the dedicated public rights-of-way unless and until a release and a hold-harmless and indemnification agreement between the property owner of record and the Township of Morris shall be executed and in force. The owner of record shall also execute a license to the township to permit access to the premises in question. Further, these premises shall only be served after the Roads and Sanitation Department has deemed the roadway navigable and offers maneuverability to municipal equipment. It shall be the responsibility of the property owners and their agents, lessees, tenants or other occupants residing at said premises to maintain the roadway and vegetative overgrowth. Failure to meet these requirements will result in loss of services until such time that they are met as determined by the Roads and Sanitation Department.

F.

Residential and nonresidential institutions will be served in accordance with the provisions of Subsections **A** and **B** of this section of this chapter, provided that institutional driveways are navigable and offer maneuverability to township collection vehicles. No provisions are made for the collection of waste materials such as tires, waste oil and red bag (medical waste) or any other waste not collected from a private household.

§ 78-10 Exceptions to solid waste disposal service.

[Amended 12-2-1992 by Ord. No. 29-92]

Solid waste disposal service shall not be provided to any federal, state, county or municipal government properties other than properties of the Township of Morris, or to multiple dwelling complexes, except a qualified private community as defined in N.J.S.A. 40:67-23.2, or to medical facilities or offices, except offices located in a residential structure which qualifies under § [95-37C](#) of the Morris Township Code.

§ 78-11 Prohibited materials.

The following items are prohibited from being placed for collection:

A.

Construction materials, including but not limited to bulk roof shingles, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc.

B.

Bulk grass cuttings and tree trimmings, except that these items may be collected if placed in reusable receptacles in the same manner as required for the collection of solid waste.

C.

Hot ashes, dirt, earth, stone, blacktop, concrete, concrete block and macadam.

D.

Industrial waste, including but not limited to processed scrap materials, packing materials and certain hazardous and dangerous materials, such as acids, paints, fluorescent tubes, bulk amounts of glass, toxic materials and highly volatile or explosive matter, either in liquid, gaseous or solid form.

E.

Bulk automotive parts, including but not limited to transmissions, engines, rear ends, wheels, mufflers and other bulk items normally produced in quantity by vehicular repair operations.

F.

Dead animals, animal waste and animal droppings.

G.

Surgical dressings, syringes and disposable hospital-type waste items, also known as "red bag waste."

H.

New and used motor oils, petroleum-based products or antifreeze.

I.

Hazardous waste classified pursuant to regulations issued by the New Jersey Department of Environmental Protection (NJDEP), adopted under authority of N.J.S.A. 13:1D-9 and 13:1E-6, as amended. Toxic chemicals commonly known as "commercial hazardous waste" and "household hazardous waste" would be excluded.

§ 78-12 Bulky items from residential use.

A.

Domestic or household bulky items, such as washing machines, dryers, refrigerators, stoves, household appliances and other household furnishings, such as chairs, sofas, rugs, padding, etc., shall not be placed at the curb for collection unless special arrangements have first been made, meeting the published collection schedule of the Department of Roads and Sanitation. No bulky item shall be of a weight or be of a size greater than can be conveniently handled by two persons.

B.

It shall be a violation of this chapter for any individual, association, partnership or corporation to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, freezer or dishwasher or any other item of any kind which has an airtight door, with or without lock, without first removing said airtight door.

C.

It shall be a violation of this chapter for any individual, association, partnership or corporation to conduct a repair or salvage operation and use the services of the township for solid waste collection.

§ 78-13 Branches, tree limbs and trunks.

[Amended 4-16-2008 by Ord. No. 9-08]

Provided that special arrangements have first been made with the Roads and Sanitation Department, branches, bulky tree limbs and trunks six inches in diameter or less will be collected throughout the year if deposited at the street curb, if one exists, but not on the street pavement if there is no curb. Branches, bulky tree limbs and trunks as herein permitted may be placed at the curb in reasonable piles prior to the scheduled collection day. During leaf collection days, branches and leaves shall be placed in separate piles at the curb or adjacent to the street pavement if there is no curb.

§ 78-14 Leaves.

[Amended 4-16-2008 by Ord. No. 9-08]

The service listed under the term "yard waste" in the annual Township calendar shall, during the months of

October, November and December, consist strictly of leaf collection. During this time, leaves may be placed in neat piles at the curb or pavement edge for collection, provided that the piles do not constitute a traffic hazard. It shall be a violation of this chapter for any person, contractor, firm or company to place leaves at the curb or pavement, which leaves are not naturally occurring in the Township. Residents placing leaves for collection after the special leaf collection in October, November and December shall be required to contain the leaves in reusable receptacles for their next regularly scheduled yard waste collection.

§ 78-15 Grass clippings.

[Amended 4-16-2008 by Ord. No. 9-08]

Residents shall be required to contain grass clippings in reusable receptacles and place said receptacles at the curb or pavement edge separate from garbage or refuse for collection in accordance with the scheduling outlined in the township calendar under yard waste services for their sector. Any grass clippings placed at the curb or pavement edge during the months of leaf collection shall not be contained but be commingled with leaves placed for collection. It shall be a violation of this chapter for any person, firm, contractor or company to place grass clippings at the curb or pavement edge, which clippings are not naturally occurring in the Township.

§ 78-16 Fees for removal of materials not in compliance.

Property owners of record shall be responsible for the placement of materials for collection as specified herein. The Township Committee shall be empowered to fix fees by regulation for the removal of materials not placed in accordance with the terms of this chapter, which shall be the responsibility of the property owner of record.

§ 78-17 Township to be held harmless.

[Amended 4-16-2008 by Ord. No. 9-08]

Property owners, and their agents, guests, lessees, tenants, employees, contractors and occupants, who place materials not in accordance with this chapter shall hold harmless and indemnify from any and all losses the Township, its agents and employees from all costs losses and damages, direct and indirect, which are attributable, in the sole determination of the Township, to materials placed for collection in violation of the terms of this chapter.

§ 78-18 Other collection fees.

A schedule of fees shall be established by the Township Committee for services provided under § 78-10. The approved fees may be charged for household containers and/or containerized receptacles, including but not limited to normal service and recollection, if collection activities are unable to be performed due to violation of this chapter.

§ 78-19 Unpaid fees to constitute a lien.

Fees not paid within 30 days of assessment by the Department shall constitute a lien against the property which shall be collected via an action of law, and services shall cease until full restitution has occurred.

§ 78-20 Enforcement.

This chapter shall be enforced in Municipal Court upon a complaint signed by a member of the Board of Health, the Roads and Sanitation Department or the Police Department of the Township of Morris. Further, once a complaint has been signed and issued, the responsibility for disposal of solid waste shall lie with the violator and/or shall be processed as a lien against the property and in accordance with law.

§ 78-21 Exemptions for physically handicapped individuals.

The Roads and Sanitation Department may issue regulations exempting from total or partial compliance those residential properties whose sole occupant or occupants are unable to meet the requirements of this chapter by reason of a physical disability.

§ 78-22 Final disposal of solid waste.

The Roads and Sanitation Department shall forthwith transmit all solid waste collected pursuant to this chapter to

lawfully licensed facilities designated by the County of Morris in the Morris County Solid Waste Plan and/or the State of New Jersey. If permitted by said solid waste plan and if said users and markets exist on a positive cost-benefit-ratio basis to the municipality, then the township may elect to dispose of said solid waste or a portion thereof in an alternative manner pursuant to statute and regulation.

§ 78-23 Township to assume ownership.

The Township of Morris shall assume ownership of items or materials classified as recyclable upon collection by the township or upon delivery to a municipal drop-off center specified herein.

§ 78-24 Appointment of solid waste officials.

[Amended 8-17-1994 by Ord. No. 15-94]

The Township Committee shall appoint a Solid Waste and Recycling Coordinator and a deputy selected from the Roads and Sanitation Department supervisory personnel required to act as liaison with Morris County and New Jersey State solid waste officials, keep records and perform the annual tonnage grant application process. The Coordinator shall also prepare a plan with respect to the collection and handling of mandated recyclable material and update said plan from time to time as may be required by regulation.

§ 78-25 Designation of recyclable materials and mandatory source separation.

[Amended 4-16-2008 by Ord. No. 9-08]

A.

Upon classification of an item or material presently or prospectively a part of the commingled solid waste flow as recyclable, residential and other property owners, except for the United States Government and the State of New Jersey, shall cause themselves or their agents, lessees, tenants or their occupants to separate said item or materials separately for collection, whether said collection is performed by a municipal agency or private contractor.

B.

On and after the date fixed in the regulations and in accordance with the terms thereof, it shall be mandatory for all persons who are owners, lessors, renters or occupants of residential dwellings and commercial, industrial and institutional properties in the Township of Morris to separate recyclable materials from all other solid waste generated. Commercial, industrial and institutional properties that are not serviced by the township shall be required to negotiate with their private hauler/contractor in accordance with the provisions of the Morris County District Recycling Plan.

C.

At the present time, the waste materials to be recycled by New Jersey State mandate and designated as recyclable by the Township of Morris are:

(1)

Aluminum cans.

(2)

Cardboard/corrugated paper.

(3)

Glass food and beverage jars.

(4)

Hi-grade and mixed paper: computer, office paper and stationery/envelopes.

(5)

Newspapers and magazines.

(6)

Steel cans and bimetal containers.

(7)

Waste oil.

(8)

Yard waste: leaves, grass clippings, branches and vegetative waste.

(9)

Plastic bottles (No. 1 PETE and No. 2 HDPE).

(10)

Tires, vehicular batteries.

(11)

Oil contaminated soil (nonhazardous, type 27).

(12)

Stumps and logs.

(13)

Dry cell batteries.

(14)

White goods (appliances, CFCs to be recovered where applicable).

D.

Acceptance of County goal: As set forth in N.J.S.A. 13:1E-99.13b.(4)(c), The Township of Morris 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.

§ 78-26 Drop-off center.

The Roads and Sanitation Department shall, by regulation, designate a municipal drop-off center. Said center shall accept, as a minimum, used motor oils pursuant to N.J.A.C. 14A:3-11.1 et seq., as well as any items classified as recyclable by regulation of the Roads and Sanitation Department.

§ 78-27 Disposal of recyclable materials.

A.

Materials classified as recyclable shall only be disposed of by:

(1)

Placing them for collection by the municipality pursuant to the terms of this chapter and regulations issued by the Roads and Sanitation Department in accordance with the provisions set forth in the Morris Township municipal calendar.

(2)

Disposing of, giving, donating or selling them or permitting them to be collected by any person, partnership or corporation, whether operating for profit or not, provided that the material shall:

(a)

Be recycled.

(b)

Be collected from a point other than the curbside in districts with municipal collection of recyclable items or materials or at a municipal drop-off center, except with the permission of the Township of Morris.

(c)

Be reported to the municipality by both the generator and the receiver of the recyclable items or materials in accordance with regulations of the Roads and Sanitation Department.

B.

Recycling documentation in the form of weight slips or a signed business form letter shall be required from all those who market, collect, haul and/or generate recyclable materials, whether they are residential, commercial and/or institutional premises located within the boundaries of the Township of Morris, as required by the Morris County District Recycling Plan. These records and reports shall be submitted to the Morris Township Recycling

Coordinator on a quarterly basis, specifically not later than close of business January 1, April 1, July 1 and October 1 of a given year and beginning as of the effective date of this chapter.

C.

Used tires: Depending upon the availability of markets or other disposal means for used tires, the Department may, at its discretion, provide for the disposal of used tires by the residents. The Township Committee shall be empowered to fix fees by resolution for the disposal of used tires; and the disposal method shall be established by regulation of the Department.

D.

Prohibition of collection of solid waste mixed with recyclable materials.

[Added 4-16-2008 by Ord. No. 9-08]

(1)

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. (Note: County Plan Update reference for this subsection: Section 8.9.b.)

(2)

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 chapter and the local sanitary code. (Note: There is no County Plan Update reference.)

(3)

Once placed in the location identified by this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove or otherwise handle designated recyclable materials.

§ 78-28 Promulgation of regulations.

[Amended 4-16-2008 by Ord. No. 9-08]

The Director of the Department of Roads and Sanitation is hereby authorized and directed to promulgate such reasonable regulations as to the manner, days, times, fees, etc., for the collection of solid waste in accordance with the terms hereof and shall forward such regulations to the Township Committee for adoption by resolution. Such regulations may be amended from time to time as needed to encourage the operation of the collection program.

§ 78-29 Violations and penalties.

A.

Each such collection in violation of this chapter and each day a violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.

B.

Any person, firm or corporation who violates or neglects to comply with any provision of this chapter or any rule, regulation or directive promulgated pursuant thereto shall be punishable, upon conviction thereof, by a fine not less than \$25 and not more than \$1,000 or by up to 90 days in jail, or both. If permitted by general law, a convicted person may be ordered to perform community service.

[Amended 8-17-1994 by Ord. No. 15-94]

C.

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 Ordinance. 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.

[Added 4-16-2008 by Ord. No. 9-08]

§ 78-30 Nonresidential establishment compliance required.

[Added 4-16-2008 by Ord. No. 9-08]

A.

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

B.

The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner, or their designee, unless the municipality provides for the collection of designated recyclable materials. 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.

C.

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.

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.

§ 78-31 Recycling plan required for new multiunit residential developments and new commercial, institutional and industrial developments.

[Added 4-16-2008 by Ord. No. 9-08]

A.

Any application to the Planning Board of The Township of Morris 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 shall 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 Township of Morris, 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.

§ 78-32 Dumpsters and other refuse containers.

[Added 12-16-2009 by Ord. No. 27-09]

A.

Purpose. The purpose of this section is to require 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

discharging of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Morris 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.

B.

Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter 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, man-made channels or storm drains) that is owned or operated by the Township of Morris 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.

STORMWATER

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.

C.

Prohibited conduct.

(1)

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.

(2)

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 Township of Morris.

D.

Exceptions to prohibition.

(1)

Permitted temporary demolition containers.

(2)

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

(3)

Individual homeowner trash and recycling containers.

(4)

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

(5)

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

E.

Enforcement. This section shall be enforced by the Police Department, Engineering Department and those other appropriate municipal officials of the Township of Morris.

F.

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