

ARTICLE II Mandatory Recycling (§ 243-13 — § 243-22)

[Adopted 11-14-1995 by Ord. No. 95-12 ; amended in its entirety 4-10-2008 by Ord. No. 2008-5]

§ 243-13 Definitions.

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

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 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 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.

	polyethylene terephthalate (PETE)	
	high-density polyethylene (HDPE)	

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) are 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 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.

Q.

Whole tires: tires that are whole, not chipped into small pieces. (NOTE: 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.

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 Subdivision (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 Mayor, with the advice and consent of the Borough Council, 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-99.11 et seq. and those rules and regulations promulgated therefor.

MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Borough of Netcong.

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.

§ 243-14 Source separation; 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 are not limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Borough of Netcong, 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 and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Netcong.

B.

Exemptions. Pursuant to N.J.S.A. 13:1E-99.16d, 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 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.

§ 243-15 Acceptance of municipal solid waste recycling goal.

As set forth in N.J.S.A. 13:1E-99.13b(4)(c), the Borough of Netcong 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.

§ 243-16 Collection of recyclable materials.

The collection of recyclable material shall be in the manner prescribed as follows:

A.

All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk or, in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

B.

All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Borough of Netcong. The owner of any property shall be responsible for compliance with this article.

§ 243-17 Residential dwelling compliance requirements.

The owner of any property shall be responsible for compliance with this article. 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 the appropriate municipal office. 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 six months during their occupancy.

§ 243-18 Nonresidential establishment compliance requirements.

A.

All commercial and institutional generators of solid waste shall be required to comply with the provisions of this article.

B.

The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or his/her designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor 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.

Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at its 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.

§ 243-19 New developments of multifamily residential units or commercial, institutional, or industrial properties.

A.

Any application to the Planning Board of the Borough of Netcong, 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, 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 of Netcong, 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.

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

§ 243-20 Collection of solid waste mixed with recyclable materials prohibited.

A.

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.

B.

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 article and the local Sanitary Code.

C.

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

§ 243-21 Enforcement.

The Code Enforcement Official, the Board of Health, the Recycling Coordinator, the Zoning Officer, and the Morris County Department of Health are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting through containers and the opening of the solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 243-22 Violations and penalties; deposit of fines.

A.

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. Each day for which a violation of this article occurs shall be considered a separate offence.

B.

Fines levied and collected pursuant to the provisions of this article shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.