

# Model Municipal Source Separation and Recycling Ordinance

developed by the New Jersey Department of Environmental Protection (DEP) and modified by the Morris County Municipal Utilities Authority (MCMUA) to be consistent with the March 2007 Morris County Solid Waste Management Plan Amendment (County Plan Update)

## Prologue from the DEP

When reading the Model Municipal Source Separation and Recycling Ordinance, please keep in mind that this is the Department's best attempt to produce a comprehensive model for a municipality to employ when updating their respective ordinances. This model should not necessarily be reproduced verbatim, but rather made to reflect the programs, goals, and means of accomplishing those means of each municipality. Lastly, it should be noted that the Model Municipal Source Separation and Recycling Ordinance was based on several of New Jersey's municipal recycling ordinances, comments from New Jersey's recycling professionals, and the Department's own experience and expertise.

## Comments from the MCMUA

Sections of the model ordinance have been revised to include language from the County Plan Update. Those sections which are underlined, thus, must be included verbatim in the municipal ordinance. If a section is crossed out, ~~thus~~, it is because it was a section drafted by the DEP which has now been superseded by the County Plan Update. These sections should be omitted from the municipal ordinance. Those sections in brackets, [thus], must be included in the municipal ordinance, but do not need to be included verbatim. Additionally, the DEP and the MCMUA have included notes to the reader in parenthesis preceded by the word "Note" in bold face type, (**Note - Do not include this text.**), as an example. These notes should not be adopted in your municipality's ordinance. Notes are made to indicate, among other things, the reference in the County Plan Update to each section of the model ordinance or to the lack of reference in the County Plan Update. Please contact the MCMUA for clarification, if a section of this model ordinance is found to contradict the County Plan Update.

## Model Municipal Source Separation and Recycling Ordinance

The Council of the \_\_\_\_\_ of \_\_\_\_\_, in the County of Morris, in the State of New Jersey, does ordain:

Section \_\_\_\_, Chapter \_\_\_\_, Recycling and Solid Waste shall be deleted and replaced and amended in its entirety so as to read:

### Chapter \_\_\_\_\_

Definitions

Source Separation, Exemptions

Collection of Recyclable Materials

Residential Dwelling Compliance Requirements

Non-residential Establishment Compliance Requirements

## Definitions

**(Note - The following, except the designated recyclable materials, are not necessarily taken from existing statute or regulation, and therefore may be changed to reflect individual municipal program requirements. The designated recyclable materials must be included verbatim, at a minimum. Your municipality may add to the list and mandate additional materials.)**

Commingled- means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

Designated recyclable materials- means 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 was 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). See symbols to the left. 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.;

Electronic waste- (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) shall mean 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 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;

Multifamily dwelling- means 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- means the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore. ~~and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.~~

Municipal Recycling Enforcement Coordinator – means 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- means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of \_\_\_\_\_ which is not bulky waste or construction and demolition debris;

Recyclable material- means 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- means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

Source separation- means 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;

## **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 municipality of \_\_\_\_\_, 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. Designated recyclable materials 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 (municipality or department within the municipality)

\_\_\_\_\_  
**(Note - County Plan Update reference for section above: Section 4, Section 5 and Section 8.9.a.)**

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. 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.

**(Note - The Morris County Solid Waste Management Plan includes guidelines for municipalities to assess the granting of exemptions, in accordance with N.J.S.A. 13:1E-99.16.6.d. These guidelines, included in the Plan since 1993, are referenced in the County Plan Update in Section 9.2.(d) and can be viewed on the MCMUA website at: [www.MCMUA.com/recycling/ExemptionFromSourceSeparation.htm](http://www.MCMUA.com/recycling/ExemptionFromSourceSeparation.htm).)**

## **[Acceptance of the Municipal Solid Waste Recycling Goal**

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), \_\_\_\_\_ (name of municipality) 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.]

**(Note - County Plan Update reference for section above: Section 9.2 (b))**

## **Collection of Recyclable Materials**

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

**(Note - As an alternative to below, simply describe those elements of the existing recycling program, including information as to the type of container to use, the location of the container for purposes of collection, during what hours the container may be placed for purposes of collections, etc., especially as this may pertain to multi-family developments, and the manner of collection provided to these locations. Additionally, in the event a municipality requires that materials be brought to a drop-off location, specific information regarding this practice should also be included)**

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 PM of the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.

**(Note - There is no County Plan Update reference.)**

B. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the municipality of \_\_\_\_\_.

**(Note - If no health code exists for this, ordinance can indicate that all containers shall be kept clean and in a safe manner. There is no County Plan Update reference.)**

## **Residential Dwelling Compliance Requirements**

The owner of any property shall be responsible for compliance with this Ordinance. 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 6 months during their occupancy.

**(Note - County Plan Update reference for section above: Section 5, Section 8.9.a. and Section 9.2.(f), (g) and (h).)**

## **Non-Residential Establishment Compliance Requirements**

A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.

**(Note - County Plan Update reference for section above: Section 5, Section 8.9.a.)**

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.

**(Note - There is no County Plan Update reference.)**

C. All non-residential 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.

**(Note - There is no County Plan Update reference. It is suggested that a submission due date prior to the due date of the municipal tonnage to the DEP be included in this section.)**

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.

**(Note - There is no County Plan Update reference.)**

## **New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16.6.c.)**

- A. Any application to the planning board of the municipality of \_\_\_\_\_, for subdivision or site plan approval for the construction of multi-family 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.
- (Note - County Plan Update reference for section above: Section 9.2.(b) and (c).)**
- B. Prior to the issuance of a Certificate of Occupancy by the municipality of \_\_\_\_\_, the owner of any new multi-family 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.  
**(Note - There is no County Plan Update reference.)**
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.  
**(Note - County Plan Update reference for section above: Section 9.2.(b) and (c).)**

## **Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

- 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.  
**(Note - County Plan Update reference for section above: Section 8.9.b.)**
- 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.  
**(Note - There is no County Plan Update reference.)**
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.  
**(Note - There is no County Plan Update reference.)**

## **Enforcement**

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.

**(Note - County Plan Update reference for section above: Section 8.6. Your municipality should review this section and decide whether or not the municipal recycling enforcement coordinator, discussed in that section, will also be empowered to enforce the provisions of this ordinance. It is not required by the County Plan Update.)**

## **Penalty for Non-compliance with Source Separation Requirement**

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.

**(Note - County Plan Update reference for section above: Section 8.9.a.)**

~~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 \$250, nor more than \$1000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence.~~

**(Note - This section is from the DEP and is replaced by the paragraph above it from the County Plan Update. The adoption of the last sentence is the choice of your municipality. Municipalities are empowered to incorporate the provisions of N.J.S.A. 40:49-5 into their Ordinance. This provision may be viewed at the New Jersey legislative website or in the County Plan Update Section 8.9.a.)**

Fines levied and collected pursuant to the provisions of this Ordinance 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, including ---.

**(Note - There is no County Plan Update reference.)**

## **Severability, Effective Date**

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

**(Note - There is no County Plan Update reference.)**