

**CHAPTER 116 RECYCLING**

[HISTORY: Adopted by the Township Committee of the Township of Boonton 12-23-1985 by Ord. No. 343 ; amended in its entirety 4-14-2008 by Ord. No. 751. Subsequent amendments noted where applicable.]

**GENERAL REFERENCES**

Littering — See Ch. [93](#).

Land use — See Ch. [102](#).

**§ 116-1 Definitions.**

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

**COMMERCIAL**

Any nonresidential building or establishment, including but not limited to those used for industrial purposes, retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias.

**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 are 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 are not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown below is specifically omitted from this definition. Empty bottles which contained hazardous



materials, such as motor oil, antifreeze, etc., should not be recycled.

**D.****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.

**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, and 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 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.

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.

INSTITUTION

An established organization or foundation dedicated to public service or culture, including but not limited to religious, educational, health-care and governmental establishments.

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 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.).

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and 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 Township of Boonton which is not bulky waste or construction and demolition debris.

**RECYCLABLE MATERIAL**

Those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

**RESIDENT**

Any person who owns, leases and/or occupies dwellings within the municipality, including those in multifamily dwellings and/or single-family developments.

**SOLID WASTE**

Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Township of Boonton for regularly scheduled collection by private haulers. As used in this chapter, solid waste is deemed to be nonrecyclable material.

**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.

**§ 116-2            Acceptance of municipal solid waste recycling goal.**

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

**§ 116-3            Source separation.****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 not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Boonton 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. This shall be done in the manner set forth in § [116-4](#).

**§ 116-4            Program responsibilities and descriptions.****A.**

Residential establishments.

**(1)**

Residents shall separate all designated materials from all other solid waste and shall segregate newspaper, corrugated cardboard, mixed paper, aluminum cans, glass bottles and jars, plastic bottles (coded 1 and 2), steel (tin) cans, leaves, grass clippings, brush, natural wood waste, used motor oil, metal appliances, whole tires, hazardous dry cell batteries, lead-acid batteries, oil-contaminated soil and electronic waste for deposit at the recycling depot. These materials shall be deposited at the recycling depot located at the Municipal Building during the hours established pursuant to § [116-9](#) or placed at curbside if a property owner has been notified by the Township that curbside collection is available. Material shall be prepared in the following manner:

**(a)**

Newspaper: cross-tie with string or twine into bundles not to exceed 50 pounds.

**(b)**

Corrugated cardboard: flatten and reduce to lengths of not more than three feet and tie.

**(c)**

Glass: rinse and remove cap and rings.

**(d)**

Aluminum cans: rinse.

(e)

Plastic bottles: rinse.

(f)

Ferrous containers: rinse.

(g)

Aluminum: rinse.

(h)

Mixed paper: separate from other paper products; bundle separately from newspapers and brown bags.

(i)

Brown bags: flatten and tie.

(j)

Motor oil: placed in a tightly closed, unbreakable container.

(k)

Vehicular batteries: no special preparation.

(2)

Leaves, grass clippings, brush and natural wood waste shall not be disposed of at the recycling depot but rather shall be disposed of at a compost facility or by composting on the property on which it is generated. All persons are prohibited from placing leaves, grass clippings, brush and natural wood waste at the curb for collection and from disposing of leaves, grass clippings, brush and natural wood waste in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Township of Boonton to provide for the collection and disposal of such waste. The collection and disposal of leaves, grass clippings, brush and natural wood waste is the responsibility of the resident and/or property owner.

(3)

Metal appliances, electronic waste and tires may be brought to the recycling depot during the semiannual Township cleanup drive.

(4)

Oil-contaminated soil shall not be disposed of at the recycling depot but rather shall be disposed of by the owner in accordance with procedures approved by the New Jersey Department of Environmental Protection. All persons are prohibited from placing oil-contaminated soil at the curb for collection and from disposing of oil-contaminated soil in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Township of Boonton to provide for the collection and disposal of such waste. The collection and disposal of oil-contaminated soil is the responsibility of the resident and/or property owner. Documentation of tonnage recycled pursuant to this subsection shall be submitted in accordance with § [116-6](#).

(5)

All of the aforementioned provisions may, from time to time, be modified by the Municipal Recycling Coordinator to the extent that procedures are developed for residents to have their recyclables recycled.

B.

Commercial establishments and institutions shall separate designated materials for recycling. Newspaper, corrugated cardboard, mixed paper, aluminum cans, glass bottles and jars, plastic bottles (coded 1 and 2), steel (tin) cans included as designated materials may be deposited at the recycling depot if prepared according to the above specifications. The commercial establishments and institutions shall be responsible for establishing recycling programs for the collection, transportation and marketing of all other designated materials not deposited at the depot. Documentation of tonnage of materials recycled pursuant to such a program shall be submitted in accordance with § [116-6](#).

#### **§ 116-5            Residential dwelling compliance requirements.**

The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of

recyclable materials, in accordance with guidelines or regulations established by 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. A copy of all notices and information materials shall be provided annually, by January 15, to the Municipal Recycling Coordinator.

**§ 116-6                    Nonresidential establishment compliance requirements.**

**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. 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.**

All nonresidential facilities shall provide a copy of its recycling plan by January 15 of each year to the Municipal Recycling Coordinator. For purposes of this section, a contractual commitment shall be sufficient.

**D.**

All nonresidential facilities which do not deposit designated materials at the recycling depot and all property owners recycling materials pursuant to § [116-4A\(4\)](#) shall report on an annual basis, by January 15, to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the recycling plan, the amount of recycled material, by material type, collected and recycled, the tonnage recycled and the vendor or vendors providing recycling service. In addition, all haulers operating in the Township of Boonton are required to report annually, by January 15, the annual recycling tonnage to the Municipal Recycling Coordinator.

**E.**

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.

**F.**

Those nonresidential facilities which do not comply with the terms of this section will be subject to the penalties set forth in § [116-11](#).

**§ 116-7                    New developments of multifamily residential units or commercial, institutional, or industrial properties. (Pursuant to N.J.S.A. 13:1E-99.13a and 13:1E-99.16.6.c.)**

**A.**

Any application to the Planning Board of the Township of Boonton 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 Township of Boonton, 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.

**§ 116-8            Prohibitions.**

A.

It shall be unlawful and a violation of this chapter 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 chapter and the local sanitary code.

C.

It shall be unlawful and a violation of this chapter for any person to deposit any material at the recycling depot which is not a designated material.

D.

It shall be unlawful and a violation of this chapter for any person to deposit recycling materials outside of the designated containers or areas at the recycling depot.

E.

Once placed at the curbside or at the recycling depot as provided by this chapter, or any rules or regulations promulgated pursuant to this chapter, the designated materials shall be and will become the property of the Township of Boonton or its authorized agents. It shall be a violation of this chapter for any person, other than those authorized by the municipality, to tamper with, collect, remove, or otherwise handle designated recyclable materials. Each such collection in violation hereof from one or more properties shall constitute a separate and distinct offense punishable as hereinafter provided.

**§ 116-9            Enforcement.**

A.

The Township Committee of the Township of Boonton, the Boonton Township Police Department, the Municipal Recycling Coordinator, the Morris County Office of Health Management and any agent duly designated by the Township Committee are hereby individually and severally empowered to enforce the provisions of this chapter. The Recycling Committee shall recommend and the Township Committee shall promulgate and/or amend, from time to time, reasonable regulations as to the manner, days and times for the deposit of designated materials in accordance with the terms hereof.

B.

The enforcing agents are hereby authorized and directed to perform random inspections of garbage set out for disposal in order to determine whether recyclables are included therein. 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. Such inspections shall be conducted at a minimum rate of 10% of residential units per quarter, 10% of commercial/institutional establishments per quarter and 10% of the multifamily/single-family development per quarter, until such time as the Township of Boonton shall have, in accordance with state and County of Morris criteria, reached a 50% reduction rate in the amount of solid waste disposed. The inspections shall be reported and identified on the annual tonnage reports required in accordance with N.J.S.A. 13:1E-99.13.3.b(4)(c).

**§ 116-10            Donation or sale of recyclables to other entities.**

Any person who is an owner, lessee or occupant may donate or sell recyclable materials to any person, partnership or corporation, whether for profit or not-for-profit, if the recycling individual or company submits documentation to the Municipal Recycling Coordinator as described in § [116-6](#).

**§ 116-11            Violations and penalties.****A.**

Any person, firm, entity or corporation who or which violates or neglects to comply with any provision of this chapter or any regulations promulgated thereto shall, upon conviction thereof, be punishable by a fine not less than \$25 per offense and shall be subject, upon conviction, to the penalties provided in § [1-15](#) of the Code of the Township of Boonton.

**B.**

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