

Chapter 129: GARBAGE, REFUSE AND RECYCLABLES

[HISTORY: Adopted by the Mayor and Council of the Borough of Butler 9-14-1993 by Ord. No. 1993-17; Editor's Note: This ordinance also superseded former Ch. 129, Garbage, Rubbish, Refuse and Recyclables, adopted 6-9-1988 by Ord. No. 12-1988, as amended. amended in its entirety 10-11-1994 by Ord. No. 1994-13. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Solid Waste Management Authority — See Ch. 54.
Littering — See Ch. 153.

ARTICLE I Limits on Collection

§ 129-1. Maximum amounts; exceptions; special arrangements; time of placement.

- A. No resident or commercial establishment or any other person or corporation located in the Borough of Butler shall place out for collection by the Borough's scavenger on any date designated as a regular pickup day more than 62 gallons of refuse in receptacles, which receptacles shall be in accordance with the ordinance of the Board of Health of the Borough of Butler.
- B. Residents and/or commercial establishments which have a need for collection services greater than those permitted in this Article shall be required to make individual arrangements with scavengers to collect the amount of refuse in excess of what is permitted under this article.
- C. Any waste that is prohibited from being included as normal solid waste by a regulation of the Morris County Transfer Station, the Morris County District **Recycling** Plan or the New Jersey State Mandatory Source Separation and **Recycling** Act Editor's Note: See N.J.S.A. 13:1E-99.11 et seq. shall not be collected and shall either be recycled if so designated, or private arrangements must be made for its proper disposal.
- D. Regulations concerning placement of containers or receptacles. **[Added 9-21-1999 by Ord. No. 1999-19; amended 9-19-2000 by Ord. No. 2000-22]**
 - (1) All owners and tenants of all properties shall not place any containers at the designated location prior to 6:00 p.m. the evening prior to the scheduled collection and shall remove all empty containers after collection no later than 8:00 p.m. on the day of collection. **[Amended 12-2-2003 by Ord. No. 2003-25]**
 - (2) Property owners must place garbage, recyclables, etc., on their own property for pick-up.
 - (3) No one shall place household garbage or recyclables in public receptacles.

§ 129-2. Violations and penalties.

See Chapter 230, Violations and Penalties.

ARTICLE II Separation of Certain Designated Materials and Recyclables

§ 129-3. Definitions.

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

ALUMINUM CANS — Cans made entirely of aluminum which were used to hold beverages. Specifically excluded are cans of other types of materials and other aluminum products, such as foil, pie pans and aluminum siding.

BEVERAGE — Milk; alcoholic beverages, including beer or other malt beverages, liquor, wine, vermouth and sparkling wine; and nonalcoholic beverages, including fruit juice, mineral water and soda water and similar nonalcoholic carbonated and noncarbonated drinks intended for human consumption.

BEVERAGE CONTAINER — An individual, separate, hermetically sealed or made airtight with a metal or plastic cap bottle or can composed of glass, metal, plastic or any combination thereof containing a beverage.

COLLECTOR — Any business or person licensed by the New Jersey Public Utility Commission for the collection and disposal of solid waste in the Borough of Butler.

CORRUGATED CARDBOARD — The term used to identify a type of paper in which a portion has been made to have a wavy surface (alternating ridge and grooves) and is placed between two flat surfaces for the sake of strength and which is commonly used to form cartons.

DEPARTMENT — The Department of Environmental Protection.

DESIGNATED MATERIALS — Newspapers, corrugated cardboard, mixed paper (high-grade, magazines, junk mail, scrap paper, etc.), aluminum food and beverage containers, plastic bottles (No. 1 PETE and No. 2 HDPE), glass bottles and jars, ferrous containers (steel and bimetal cans), yard waste (leaves, grass and brush), tires, vehicular batteries, white goods (appliances) and CFCs must be recovered where applicable, motor oil, oil-contaminated soil (nonhazardous, Type 27), stumps (logs, branches, natural wood waste) and asphalt roofing shingles and household dry cell batteries.

DISPOSITION OR DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS — The transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months of designated recyclable materials for all possible uses, except for disposal as solid waste.

DISTRICT — A solid waste management district as designated by Section 10 of P.L. 1975, c. 326 (N.J.S.A. 13:1E-19).

DISTRICT RECYCLING PLAN — The plan prepared and adopted by the governing body of a County and approved by the Department to implement the state recycling plan's goals.

GLASS — Bottles and jars made of silica, soda ash and limestone, being transparent or translucent and breakable. Specifically excluded are plastics or any other glass products, such as window glass and ceramics.

HAZARDOUS WASTE — Any waste or any combination of waste which poses a present or potential threat to human health, living organisms or the environment. "Hazardous waste" shall include but not be limited to wastes that are potentially harmful, as defined by the State of New Jersey and Morris County in their definitions.

MARKET OR MARKETS — The disposition of designated recyclable materials source-separated in the Borough of Butler which entails a disposition cost less than the cost of transporting the recyclable materials to solid waste facilities and disposing of them as municipal solid waste at the facility utilized by the municipality.

PAPER — Includes all newspaper, high-grade magazines, junk mail, scrap paper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper, etc., and related types of cellulosic material containing not more than 10% by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.

PAPER PRODUCTS — Any paper items or commodities, including but not limited to paper napkins, towels, chipboard, toilet tissue, paper and related types of cellulosic products

containing not more than 10% by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.

PLASTIC CONTAINER — Any hermetically sealed or made airtight with a metal or plastic cap container with a minimum wall thickness of not less than 0.010 inch and composed of thermoplastic synthetic polymeric material.

POST-CONSUMER WASTE MATERIAL — Any product generated by a business or consumer which has served its intended end use and which has been separated from solid waste for the purpose of collection, **recycling** and disposition and which does not include secondary waste material or demolition waste.

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

RECYCLED PAPER — Any paper having a total weight consisting of not less than 50% secondary wastepaper material. "Recycled paper product" means any paper product consisting of less than 50% secondary wastepaper material.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING SERVICES — The services provided by persons engaging in the business of **recycling**, including the collection, processing, storage, purchase, sale or disposition or any combination thereof of recyclable materials.

SECONDARY WASTE MATERIAL — Waste material generated after the completing of a manufacturing process.

SECONDARY WASTEPAPER MATERIAL — Paper waste generated after the completion of a papermaking process, such as post-consumer waste material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls and mill wrappers, except that secondary wastepaper material shall not include fibrous waste generated during the manufacturing process, such as fibers recovered from wastewater or trimmings of paper machine rolls, fibrous by-products of harvesting, extractive or woodcutting processes or forest residue, such as bark.

SOLID WASTE STREAM — All residential, commercial and institutional solid waste generated within the boundaries of the Borough of Butler.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Newspapers, corrugated cardboard, mixed paper (high-grade, magazines, junk mail, scrap paper, etc.), aluminum food and beverage containers, plastic bottles (No. 1 PETE and No. 2 HDPE), glass bottles and jars, ferrous containers (steel and bimetal cans), yard waste (leaves, grass and brush), tires, vehicular batteries, white goods (appliances) and CFC's must be recovered where applicable, motor oil, oil-contaminated soil (nonhazardous, Type 27), stumps (logs, branches, natural wood waste) and asphalt roofing shingles and household dry cell batteries.

YARD WASTE — Includes fallen leaves and brush [chippable, up to four inches in diameter]. Grass clippings are included.

§ 129-4. Separation policy.

The Borough of Butler accepts the state policy directive of achieving at least a 50% **recycling** rate of municipal solid waste by 1995; all sectors residential, commercial and institutional are required to comply with the **recycling** policy.

- A. Separation, on or after the effective date of this Article and in conformance with regulations to be promulgated by the **Recycling** Coordinator, is hereby established in the Borough of Butler. It is required that all persons generating solid waste within the Borough of Butler source-separate from the solid waste stream the specified recyclable materials for which markets have been secured and, unless **recycling** is otherwise provided for by the generator, place these specified recyclable materials for collection.
- B. All persons shall separate newspapers, corrugated cardboard, mixed paper (high-grade, magazines, junk mail, scrap paper, etc.), aluminum food and beverage containers, plastic bottles (No. 1 PETE and No. 2 HDPE), glass bottles and jars, ferrous containers (steel and bimetal cans), yard waste (leaves, grass and brush), tires, vehicular batteries, white goods (appliances) and CFC's must be recovered where applicable, motor oil, oil-contaminated soil (nonhazardous, Type 27), stumps (logs, branches, natural wood waste) and asphalt roofing shingles and household dry cell batteries from all other solid waste and shall segregate such recyclables in separate bundles or containers for collection in accordance with a schedule to be promulgated by the **Recycling** Coordinator. The Borough, its authorized agents and licensed collectors are excused from picking up solid waste from any household where it is apparent that the householder has included recyclables with solid waste for collection.
- C. All persons are prohibited from depositing hazardous waste items with solid waste. Householders and businesses shall place such items in tightly closed and labeled containers as supplied by waste disposal facilities and sanitation carriers and deliver only on certain, specified days to the Morris County hazardous waste disposal facility.
- D. All commercial or residential buildings which have refuse collected by a private hauler and have a need for collection service greater than that permitted for municipal collection shall be required to make individual arrangements with scavengers to collect their **recycling** and submit to the **Recycling** Coordinator all receipts generated by their haulers giving the amount of **recycling** and how it was recycled. All receipts must be reviewed on a quarterly basis.

§ 129-5. Scavenging.

Recyclable materials placed at the curb are the property of the Borough or its authorized agent. It is a violation of this Article for any person unauthorized by the Borough to collect or pick up or cause to be collected or picked up any such recyclables. Any and each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided in § 129-12.

§ 129-6. Sale or donation of materials.

Any person who is an owner, lessee or occupant may donate or sell recyclable materials to any person, partnership or corporation (whether operating for profit or not for profit), as long as the **recycling** individual or company submits documentation to the **Recycling** Coordinator as described in § 129-8.

§ 129-7. Preparation of recyclables; modifications.

- A. All persons shall prepare recyclables as follows:
 - (1) Newspaper and other paper: bundled and tied securely in bundles eight to 12 inches thick or as specified in rules promulgated by the **Recycling** Coordinator.
 - (2) Bottles and cans: rinsed clean, caps removed.
 - (3) Yard waste: to be composted or placed at the curb in bags or cans according to pickup schedule.

- (4) Other recyclables: other recyclables shall be prepared as per regulations and guidelines prepared by the **Recycling** Coordinator.
- B. All of the aforementioned provisions may, from time to time, be modified by the **Recycling** Coordinator to the extent that procedures are developed for householders and businesses to have their recyclables.

§ 129-8. Reports and documentation.

- A. All commercial, institutional, multi- or single-family developments which are not serviced by municipal **recycling** collection systems must submit **recycling** documentation on a quarterly basis to the **Recycling** Coordinator. Building management in apartment buildings is responsible for compliance with source separation **recycling** requirements. In the case of multi-generator buildings, such as apartment buildings, hotels or office buildings, the building management as well as the generator shall be responsible for compliance with County and municipality mandated material source separation **recycling** requirements. Due dates for report periods shall be as follows:

Reporting Period	Due Date
January 1 to March 31	April 8
April 1 to June 30	July 8
July 1 to September 30	October 8
October 1 to December 31	January 8

- B. The **Recycling** Coordinator will compile all **recycling** documentation and report to the County **recycling** coordinator on a quarterly basis by the 15th of the months stated above under due dates. Those not complying will be subject to enforcement penalties defined in § 129-12.

§ 129-9. Exemptions; eligibility.

Persons occupying commercial and institutional premises within the municipal boundaries of the Borough of Butler may be exempted from the source separation requirements of this Article if those persons have otherwise provided for the **recycling** of the recyclable materials designated in the district **recycling** plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this section, a commercial or institutional solid waste generator annually shall provide written documentation to the Borough of Butler of the total number of tons recycled.

§ 129-10. Notice of requirements.

At least once every six months, notice shall be given to all persons occupying residential, commercial and institutional premises within the Borough of Butler of local **recycling** opportunities and the source separation requirements of this Article. In order to fulfill the notification requirements, the following are acceptable methods of notice: an advertisement in a newspaper circulating in the municipality, posting a notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers or any combination thereof. A mailing must be done annually.

§ 129-11. Enforcing agent.

The Director of Public Works or such other person appointed by the Administrator with the advice and consent of the governing body is hereby designated the Municipal **Recycling** Coordinator and

is authorized and directed to enforce all provisions of this Article. The **Recycling** Coordinator shall structure the **recycling** program in the following manner:

- A. Promulgate necessary schedules and instruction which, as from time to time amended, become enforceable provisions of this Article when approved by the governing body.
- B. Supervise activities at **recycling** centers and collection points.
- C. Submit to the governing body timely budget estimates to conduct this activity.
- D. Designate personnel, as necessary, and make available to supervise **recycling** and collection sites.
- E. Plan for and furnish storage facilities for recyclables.
- F. Record and report, as required, volumes of recyclables collected, stored, sold and otherwise disposed of. The **Recycling** Coordinator shall receive monthly receipts of all materials recycled by residential, educational and business facilities on a monthly basis. All commercial, institutional multi- or single-family developments which are not serviced by the municipal **recycling** collection system must submit **recycling** documentation on a quarterly basis to the **Recycling** Coordinator.
- G. Maintain supplies of forms and distribute to businesses and collectors, respectively, as required.
- H. Inspect solid waste containers at random times and places to verify compliance with this Article. The Borough, its agents and licensed collectors, when they discover such prohibited mixing, shall not pick up any waste but shall affix a decal to any container that is not emptied. It shall be the responsibility of the offending party to properly segregate, and it will be picked up on the next scheduled **recycling** day.

§ 129-12. Violations and penalties.

- A. Violations.
 - (1) It shall be unlawful to combine recyclables or hazardous wastes with solid wastes.
 - (2) The Borough, its agents and licensed collectors, when they discover such prohibited mixing, shall not pick up any such waste but shall affix a decal to any container that is not emptied.
 - (3) It shall be the responsibility of the offending party to properly segregate the uncollected waste and either store or dispose of it.
 - (4) Allowing refuse to accumulate may subject a householder to a citation for violation of this Article and the Sanitary Code.
 - (5) Failure to recycle is a violation of this Article.
 - (6) Failure to submit **recycling** documentation pursuant to § 129-8 is a violation of this Article.
- B. For penalty provisions, see Chapter 230, Violations and Penalties.