

CHAPTER 291 RECYCLING

[HISTORY: Adopted by the Mayor and Board of Aldermen of the Town of Dover 5-13-2008 by Ord. No. 07-2008. Editor's Note: This ordinance superseded former Ch. 291, Recycling, consisting of Art. I, Establishment of Program, adopted 10-22-1985 by Ord. No. 29-1985, as amended, and Art. II, Markets for Recyclable Materials, adopted 12-13-1994 by Ord. No. 40-1994.

Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste disposal — See Ch. [333](#).

Garbage, rubbish, refuse and litter — See Ch. [411](#).

§ 291-1 Short title.

This chapter shall be known and may be cited as the "Town of Dover Recycling Ordinance."

§ 291-2 Purpose.

A.

In accordance with the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), Morris County has been designated as a solid waste management district, along with each of the remaining New Jersey counties and the New Jersey Meadowlands Commission. Each solid waste management district has been charged with the responsibility of developing a solid waste management plan consistent with the state's goals and objectives. The Morris County Municipal Utilities Authority (MCMUA) has been designated by the Morris County Board of Chosen Freeholders as the agency responsible for implementing the Morris County solid waste management plan (SWMP or plan).

B.

In order to insure the achievement of the municipal solid waste recycling goal established by Morris County, and in order to meet the requirements as set forth in N.J.S.A. 13:1E-99.16, this chapter sets forth the mandated municipal responsibilities and recommendations identified in the Town of Dover recycling element of the Master Plan.

§ 291-3 Definitions.

As used in this chapter, 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. "Bottle" is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. "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. "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, 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 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. [*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 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 Town of Dover 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.

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.

§ 291-4 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 not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Town of Dover, 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 Town of Dover.

B.

Exemptions. Pursuant to N.J.S.A. 13:1E-99.16.6d, 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 chapter, 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.

§ 291-5 Acceptance of municipal solid waste recycling goal.

As set forth in N.J.S.A. 13:1E-99.13.3b(4)(c), the Town of Dover accepts the goal of fifty-percent 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.

§ 291-6 Collection of recyclable materials.

A.

Prohibited deposit in business areas. It shall be unlawful to deposit or leave any recyclable materials, including containers for same, of any kind upon the sidewalks, curbs or gutters of the Town of Dover on the following streets, except that such recyclable materials, including containers for same, of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated recyclable materials removal date until 5:00 p.m. the day of the recyclable materials collection for such section. The streets in question are as follows:

(1)

Blackwell Street from Prospect Street to Mercer Street.

(2)

Dickerson Street from Warren Street to Essex Street.

(3)

Bassett Highway from Warren Street to Sussex Street.

(4)

Warren Street from Dickerson Street to Bassett Highway.

(5)

Sussex Street from Dickerson Street to Clinton Street.

(6)

Morris Street from Dickerson Street to Clinton Street.

(7)

Essex Street from Dickerson Street to Central Railroad tracks.

(8)

Bergen Street from the Dover Train Station to the Central Railroad tracks.

(9)

Union Street from Blackwell Street to the Central Railroad tracks.

B.

Prohibited deposit in other areas. It shall be unlawful to deposit or leave any recyclable materials of any kind upon the sidewalks, curbs or gutters of the Town of Dover, on any streets in the Town of Dover, except those streets set forth in § [291-6A](#) above, except that such recyclable materials of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated recyclable materials removal date until 8:00 p.m. the day of the recyclable materials collection for such section.

C.

Recyclable materials containers. Recyclable materials containers shall be used for commingled aluminum cans, glass bottles, glass jars, plastic bottles coded 1 and 2, and steel and tin cans properly prepared. Recyclable materials containers shall be any light-gauge steel, plastic or galvanized receptacle, closed at one end and open at the other, furnished with a top or lid, and weighing not more than 30 pounds when full of recyclable materials.

D.

Preparation of recyclable materials. Recyclable materials shall be prepared in accordance with the annual Recycling and Garbage Handbook, copies of which are available at the office of the Town Clerk.

E.

Storage of recyclable material. Recyclable materials and recyclable material containers shall not be permitted to be stored in the front yard space, as defined in § [236-5](#),

Editor's Note: See the definition of "yard, front."
for any residential use regardless of zoning district.

F.

Recyclable materials collection contractor. The recyclable materials collection contractor for the Town of Dover shall, subject to procedures and exceptions set forth in the contract with the Town of Dover, as amended, provide curbside recyclable materials collection for all recyclable materials generated in the Town of Dover from each residential dwelling unit, multifamily dwelling, business, office and store. Such work shall be under the supervision of the Town of Dover Health Department. Specifically excluded from recyclable materials pickup are schools, hospitals and industrial buildings. Also specifically excluded from recyclable materials collection is the collection of municipal solid waste, medical waste, industrial waste, hazardous materials and construction debris. The Town of Dover Department of Public Works or an authorized contractor will provide collection of white goods and tires to all premises receiving curbside solid waste collection, subject to the requirements of the sticker program.

G.

All receptacles and dumpsters used for the storage of recyclable materials shall be kept in a clean and safe manner.

§ 291-7 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.

§ 291-8 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 its 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.

Nonresidential facilities meeting the minimum size indicated in the table below, shall report on an annual basis to the Municipal Recycling Coordinator no later than March 1 of the year following the reporting period, 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.

	Facility Type/Use	Minimum Size Requiring Reporting (square feet of gross floor area)
	Retail	6,000
	Manufacturing and other general commercial	7,500
	Office, educational and institutional	5,000
	Multidwellings	10 units or more

D.

All retail food establishments, as defined in N.J.A.C. 8:24, 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.

§ 291-9 New developments of multifamily residential units or commercial, institutional, or industrial properties.

A.

Any application to the Planning Board or Board of Adjustment of the Town of Dover 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 in accordance with § [236-54M\(1\)](#).

B.

Prior to the issuance of a certificate of occupancy by the Construction Official of the Town of Dover, 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 Town Engineer.

§ 291-10 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 chapter.

C.

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.

§ 291-11 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 chapter. An inspection may consist of sorting through containers and the opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 291-12 Violations and penalties.

A.

Any person who violates a provision of Chapter [291](#) shall, upon conviction, forfeit and pay a fine of \$75 for the first offense, \$150 for the second offense and, for the third and any subsequent offenses, shall be subject to one or more of the following: a minimum fine of \$250 but not exceeding \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, and if the municipality has provided for cleanup and disposal, an additional penalty for the reasonable costs of this work, as specified in the following section.

B.

Fines levied and collected pursuant to the provisions of this chapter 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.