

ARTICLE III Recycling (§ 338-7 — § 338-17)

[Adopted 4-16-2008 by Ord. No. 4-08]

§ 338-7 Definitions.

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

CO-MINGLED

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 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 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, softcover 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

Note: Tires are allowed to be recycled and/or incinerated for energy recovery.
– Tires that are whole, not chipped into small pieces.

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 SOLID WASTE

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

TOWNSHIP

The Township of Harding.

§ 338-8

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 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, to separate designated recyclable materials from all solid waste. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Disposal of designated recyclable materials shall be separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises as follows:

(1)

Aluminum cans, steel (tin) cans, glass containers, glass bottles and jars, HDPE plastics, PETE plastics shall be emptied, rinsed and disposed of as specified by the Township.

(2)

Used newspapers shall be secured in bundles no larger than 12 inches high and shall not be placed in plastic bags. The used newspapers shall be disposed of as specified by the Township.

(3)

Corrugated cardboard shall be flattened and disposed of as specified by the Township.

(4)

Mixed paper, paperboard/clipboard, and magazines, shall be disposed of as specified by the Township.

(5)

All other designated materials as listed as designated recyclable materials in § [338-7](#) shall be disposed of as specified by the Township.

(6)

Yard waste shall not be disposed of with the regular solid waste and shall not be disposed of at any solid waste facility. It shall either be composted on the site of the residential establishment or disposed of at a yard waste compost facility.

B.

Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(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 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, and provide the following information:

(1)

The name of the commercial or institutional entity;

(2)

The street address location and lot and block designation;

(3)

The name, official title and phone number of the person making application on behalf of the commercial or institutional entity;

(4)

The name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and

(5)

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.

§ 338-9**Acceptance of the municipal solid waste recycling goal.**

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

§ 338-10 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 Municipal Recycling Coordinator or the Director of Public Works. 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.

§ 338-11 Nonresidential establishment compliance requirements.

A.
Institutional establishment compliance. Institutional establishments shall source-separate designated recyclable materials. Designated recyclable materials may be deposited at the recycling center during hours of operation. Otherwise the institution shall be responsible for establishing recycling programs for collection, transportation and marketing of designated recyclable materials.

B.
Commercial establishment compliance. Commercial establishments shall source-separate all designated materials for recycling. Designated recyclable materials, excluding office paper, may be deposited at the recycling center during hours of operation. Otherwise, each establishment shall be responsible for establishing recycling programs for collection, transportation and marketing of designated recyclable materials.

C.
All commercial, institutional or multifamily dwellings which are not serviced by municipal recycling collection systems must submit recycling documentation on a semiannual basis to the Municipal Recycling Coordinator on forms prescribed by the Township, documenting the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. Due dates for report periods are as follows:

	Reporting Period	Due Date
	January 1 to June 30	July 15
	July 1 to December 31	January 15

D.
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 establishments to have their recyclables recycled, or new requirements are imposed by county or state agencies having appropriate jurisdiction.

§ 338-12 Alternate methods of disposal.

Any person who is an owner, lessee or occupant may donate or sell used recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit. No person, partnership or corporation shall appropriate recyclable material placed for collection as designated by the Township of Harding unless they have received the expressed permission from the Township of Harding to remove such material.

§ 338-13 Ownership of materials following placement for collection.

From the time of placement at the designated area, the recyclable materials shall be the property of Harding Township or its designated agents, and revenues collected from the sale of recyclable materials, if any, shall be the property of Harding Township or its designated agents.

§ 338-14 Multi-generator building recycling responsibilities.

In the case of multi-generator buildings, including apartment buildings, hotels, office buildings and commercial

establishments, the building management as well as the individual generators shall be responsible for compliance with the requirements of this article.

§ 338-15 Enforcement agent designated.

The Municipal Recycling Coordinator or members of the Police and Public Works Department are hereby authorized and directed to enforce all provisions of this article. Enforcement officers shall have the right to inspect garbage set out for disposal in order to determine whether recyclable materials are included.

§ 338-16 Unlawful acts.

A.

It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source-separate designated materials for recycling is a violation of this article.

B.

It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials. It shall be the responsibility of the resident whose solid waste was not removed because it contained recyclables to properly segregate the uncollected waste for proper recycling. Allowing such unseparated refuse to accumulate will be considered a violation of this article.

§ 338-17 Violations and penalties.

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.