

CHAPTER XXI SOLID WASTE MANAGEMENT

Township of Long Hill

21-1 RECYCLING.*

21-1.1 Definitions.

Commingled shall mean a combining of nonputrescible source-separated recyclable materials for the purpose of recycling;

Designated recyclable materials shall mean 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 shall mean 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 shall mean 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) shall mean plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethyleneterephthalate (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 above 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 shall mean 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.

* Editor's Note: Prior ordinance history includes portions of 1967 Code §§ 67B-1–67B-9 and Ordinance No. 26-86, 19-88, 37-89, 15-91 and 24-94.

Newspaper shall mean 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 shall mean shipping containers made with kraft paper linerboard and corrugated medium.

Mixed paper shall mean 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 shall mean vegetative material, typically generated in the autumn when they fall from trees and bushes.

Brush shall mean branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

Natural wood waste shall mean logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

Oil-contaminated soil shall mean nonhazardous 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 nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26.

Used motor oil shall mean motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-acid batteries shall mean 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 shall mean 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). 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 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.

Metal appliances shall mean 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 shall mean tires that are whole, not chipped into small pieces. Tires are allowed to be recycled and/or incinerated for energy recovery.

Multifamily dwelling shall mean any building or structure, or complex of buildings in which three (3) 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 shall mean 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 shall mean 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 shall mean all solid waste generated at residential, commercial, and institutional establishments within the boundaries of Long Hill Township which is not bulky waste or construction and demolition debris;

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

Source separation shall mean 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.

(Ord. No. 226-08 § 1)

21-1.2 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 municipality of Long Hill, 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 Township of Long Hill.

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 section, 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. (Ord. No. 226-08 § 1)

21-1.3 Acceptance of the Municipal Solid Waste Recycling Goal.

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), Township of Long Hill accepts the goal of fifty (50%) 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 fifty (50%) percent of the municipal solid waste generated within its borders. (Ord. No. 226-08 § 1)

21-1.4 Collection of Recyclable Materials.

A. Program Responsibilities and Descriptions.

a. The owner/occupant of any building within the Township shall separate from all other solid waste the following items according to Township regulations as follows:

1. Newspaper shall be bundled separately and secured with string and bundles not exceeding fifty (50) pounds or shall be bundled in ordinary brown paper bags. No plastic bags shall be used.
2. Mixed papers shall be bundled in ordinary brown paper bags.
3. Corrugated cardboard boxes must be flattened and tied together in bundles no bigger than three (3) square feet or twenty (20) pounds in weight.
4. Aluminum cans shall be rinsed, crushed and placed in a homeowner supplied container no larger than thirty (30) gallons in size. No plastic bags shall be used.

5. Glass bottles and jars shall be rinsed and shall be separated by color with rings and caps removed placed in a homeowner supplied container no larger than thirty (30) gallons in size. No plastic bags shall be used.

6. Used motor oil shall be placed in appropriate containers and taken to a certified collection center.

7. Plastic bottles shall be rinsed and placed into a permanent homeowner supplied container no larger than thirty (30) gallons in size. No plastic bags shall be used.

8. Steel (tin) cans shall be rinsed and placed into a permanent homeowner supplied container no larger than thirty (30) gallons in size. No plastic bags shall be used.

9. Tires shall be brought to the Township recycling center (located at the Township DPW facility) at designated times after purchase of a sticker.

10. Lead-acid batteries shall be brought to the Township recycling center at designated times.

11. Metal appliances and metal goods shall be picked up by the Township Public Works Department or dropped off at the recycling facility as indicated in Township publications.

12. Household batteries shall be brought to the Township recycling center at designated times.

13. Electronics, personal computers and the like may be brought to the Township recycling center at designated times.

14. Fluorescent light bulbs shall be brought to the recycling center at designated times.

b. Residents of single-family homes within the Township which are serviced by Township garbage collection may participate in the Township's curbside recycling pick-up service and place newspapers, aluminum cans, glass, tin cans and plastic bottles which have been treated in accordance with this section at curbside for collection according to the schedule adopted by the Township Administrator or may deposit the recyclable materials at the Township Recycling Center during designated hours.

c. Any resident at his or her option may deposit any recyclable materials at the Township Recycling Center during designated hours.

d. Leaves, grass clippings and brush may be deposited at the designated Township compost center during designated hours.

e. In the case of multi-generator buildings such as apartment buildings, hotels or office buildings, the building management as well as the generator and/or hauler shall be responsible for compliance with County and Township mandated material source separation recycling requirements.

B. *Documentation.* All commercial, institutional and multi-family developments which are not serviced by municipal recycling collection systems must submit recycling documentation on an annual basis to the Municipal Recycling Coordinator. Each annual report must be filed by January 8 of the succeeding year.

The Municipal Recycling Coordinator will compile all recycling documentation and file an annual Recycling Tonnage Report with NJDEP and the County Recycling Coordinator.

c. *Anti-Scavenger Clause.* Recyclable materials placed at the curb or Recycling Center are the property of the Township or its authorized agent. It is a violation of this section for any person unauthorized by the Township 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 subsection 21-1.9. (Ord. No. 226-08 § 1)

21-1.5 Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this section. 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 (6) months during their occupancy. (Ord. No. 226-08 § 1)

21-1.6 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 section.

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.

c. All nonresidential 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.

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. (Ord. No. 226-08 § 1)

21-1.7 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 Long Hill for subdivision or site plan approval for the construction of multi-family dwellings of three (3) or more units, single-family developments of fifty (50) or more units or any commercial, institutional, or

industrial development for the utilization of one thousand (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 municipality of Long Hill, 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.

c. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.
(Ord. No. 226-08 § 1)

21-1.8 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.

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.

c. Once placed in the location identified by this section, or any rules or regulations promulgated pursuant to this section, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

(Ord. No. 226-08 § 1)

21-1.9 Enforcement.

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this section. 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. (Ord. No. 226-08 § 1)

21-1.10 Penalty for Noncompliance with Source Separation Requirement.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this section or any of the rules and regulations promulgated hereunder shall, upon conviction

thereof, be punishable by a fine not less than twenty-five (\$25.00) dollars, nor more than one thousand (\$1,000.00) dollars. Each day for which a violation of this section occurs shall be considered a separate offense.

Fines levied and collected pursuant to the provisions of this section 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 but not limited to publications, expansion of services or equipment problems. (Ord. No. 226-08 § 1)

21-1.11 Severability, Effective Date.

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this section is unconstitutional, all other sections and provisions shall remain in effect. This section shall take effect immediately, unless otherwise provided by resolution of the Governing Body. (Ord. No. 226-08 § 1)

21-2 TOWNSHIP DUMPSTERS.

a. The Township, at its discretion, may make dumpsters available to Township residents for the dumping of building materials and automobile parts.

b. Any person using the Township dumpsters shall show proof of residence in Long Hill Township, satisfactory to the Township attendant at the dumpsters.

c. Only passenger automobiles, passenger automobiles with trailers, standard size or smaller vans and three-quarter (3/4) ton or smaller pickup trucks shall be allowed access to the dumpsters. Use of the dumpsters by any other vehicle is strictly prohibited.

d. Persons using the dumpsters shall be charged a fee according to schedules adopted by the Township Committee by resolution.

e. Dumping of any materials other than building materials and automobile parts shall be strictly prohibited. The dumping of materials from outside the Township by commercial contractors is strictly prohibited.

f. Hours and days of operation of the dumpsters shall be set by the Township Administrator. No materials shall be dumped at the Township dumpsters except when the dumpsters are open and a Township attendant is present.

g. Any person violating any of the provisions of this section shall be subject to the penalties set forth in subsection 21-1.9, Penalties, of this chapter. (Ord. No. 36-84; 1967 Code § 27-2; Ord. No. 3-86; Ord. No. 37-87)

21-3 PROOF OF SERVICE; HOURS OF OPERATION.

a. In the case of a single-family residential housing, each responsible solid waste generator, in those instances where a solid collection system is not otherwise provided for by the Township and if he has not already done so, shall enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township, except that those solid waste generators who transport solid

waste which is generated at his residential premises directly to the solid waste facility utilized by the Township for disposal shall be exempt from this requirement.

b. In the case of multi-family residential housing, the responsible solid waste generator, in those instances where a solid waste collection system is not otherwise provided for by the Township and he has not already done so, shall enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township; except that those responsible solid waste generators who transport the solid waste which is generated at his residential premises directly to the solid waste facility utilized by the Township for disposal shall be exempt from this requirement. It shall be the responsibility of the owner of the multiple dwelling building to provide a sufficient number of appropriate solid waste containers for the deposit of nonrecyclable waste materials to be disposed of as solid waste.

c. In the case of any commercial or institutional building or structure located within the boundaries of the Township, the responsible solid waste generator, in those instances where regular solid waste collections services are not otherwise provided for, shall enter into a contract with any person lawfully providing private solid waste collection services within the Township.

d. In the case of a responsible solid waste generator, within the Township, who is transporting the solid waste which is generated at his residential premises directly to the solid waste facility utilized by the municipality for disposal, every such responsible solid waste generator within the Township shall furnish proof that the responsible solid waste generator is transporting the solid waste which is generated at his residential premises directly to the solid waste facility utilized by the Township for disposal to the Township Committee at least once every twelve (12) months. In order to fulfill the requirements of this section, the responsible solid waste generator may include the proof of service with the tax payment mailed to the Township Tax Collector.

e. In order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep, regular solid waste collection services shall be limited to the hours of 7:00 a.m. and 8:00 p.m. as set forth in subsection 3-15.6 of this Code.
(Ord. No. 121-03 § 1)

21-4 PENALTIES.

Any person who violates any provisions of this chapter or any regulations promulgated pursuant hereunder, shall upon conviction be liable to the penalties stated in Chapter I, Section 1-5. Each and every day that such violation continues shall be considered a separate offense for each violation. (Ord. No. 121-03 § 2)

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