

MENDHAM TOWNSHIP

ORDINANCE 5- 2008

ORDINANCE TO REGULATE SOURCE SEPARATION AND RECYCLING AND AMENDING CHAPTER XXXI OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MENDHAM

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM , IN THE COUNTY OF MORRIS , STATE OF NEW JERSEY AS FOLLOWS:

Section 1, Section 1, entitled “Separation and Recycling of Certain Waste Materials,” of Chapter XXXI, entitled “Solid Waste Management,” of the Revised General Ordinances of the Township of Mendham, 1998, as amended and supplemented, shall be deleted and replaced and amended in its entirety to read:

31.1-1 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 of Mendham 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.

31-1.2 Definitions

Commingled means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

Designated Recyclable Materials means 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 section 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 polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. 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 to the left 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 air-tight containers for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

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 then are raked from residents' and/or commercial lawns.

Grass Clippings shall mean vegetative material generated when grass (lawns) are cut.

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 non-hazardous 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 non-hazardous 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 chargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable 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 non-rechargeable 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 non-rechargeable 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 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 (C.55: 13A-1 et seq.);

Township Recycling Coordinator means 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 therefore.

Municipal solid waste (MSW) stream shall mean all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Mendham 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.

Township recycling depot shall mean any location which may be designated by the Township at which recyclable materials may be dropped off during specified hours on specified days. (Ord. No. 3-92 § 6-12.1; Ord. No. 1-97 § 1)

31-1.3 Township Recycling Coordinator. The Township shall designate one of the full-time officials of the Township to serve as the Township Recycling Coordinator. The Township Recycling Coordinator shall be responsible for the administration of the Township recycling program in accordance with the provisions of this section.

The Township Recycling Coordinator shall supervise the operation of any Township recycling depot which may be operated at any time.

The Township Recycling Coordinator may promulgate rules and regulations, not inconsistent with the provisions of this section, which the Coordinator may deem necessary or appropriate for the proper functioning of the Township Recycling Program. Notice of any such rules and regulations shall be mailed to all residents and managers at least ten (10) days before they become effective. (Ord. No. 3-92 § 6-12.2)

31-1.4 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 non-residential 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 Mendham , 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 the following manner:
 1. Aluminum cans, steel (tin) cans, glass bottles and jars, plastic bottles (coded 1 and 2), all emptied and rinsed and with any caps, covers or rings removed, shall be commingled in an all-weather open top plastic or metal container.
 2. Newspapers shall be tied in bundles with string or cord in two (2) directions with each bundle no higher than ten (10) inches, or in the

alternative newspapers may be placed in paper store bags. Newspapers shall not be placed in enclosed containers. Newspapers shall be placed for collection separate and apart from magazines or mixed paper so that neither tied bundles of newspapers nor bags with newspapers will include any other recyclable materials.

3. Magazines shall be tied in bundles with string or cord in two (2) directions, provided, however, that a combination of mixed paper, as defined in this section, and magazines may be tied together in bundles with string or cord in two (2) directions, or magazines alone or combined with mixed paper may be placed in bags designated as suitable for such use by the Township Recycling Contractor. Neither magazines alone, nor magazines combined with mixed paper, may be placed in other kinds of bags or in enclosed containers. If the permitted bags have handles, the handles may not be tied in any way.
 4. Mixed paper shall be tied in bundles with string or cord in two (2) directions, provided, however, that a combination of mixed paper and magazines may be tied together in bundles with string or cord in two (2) directions, or mixed paper alone or combined with magazines may be placed in bags designated as suitable for such use by the Township Recycling Contractor. Neither mixed paper alone, nor mixed paper combined with magazines, may be placed in other kinds of bags or in enclosed containers. If the permitted bags have handles, the handles may not be tied in any way.
 5. Corrugated cardboard shall be flattened and bundled with string, cord or masking tape. Bundles of corrugated cardboard shall not measure more than four (4) feet in any directions. Brown paper store bags may be included in any bundle of corrugated cardboard if permitted by the Township Recycling Contractor.
 6. All receptacles or dumpsters shall be maintained in a clean and safe manner.
- b. If designated recyclable materials generated by any commercial business or institutional establishment are placed at curbside for collection by the Township Recycling Contractor or are dropped off at any Township Recycling Depot, the materials shall be prepared for recycling in the same manner as specified in subsection a. 1-6 above.
 - c. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6(d), the Township Committee may exempt persons occupying commercial or institutional premises within the Township boundaries from the source separation requirements of this Ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate the specified recyclable materials from the municipal solid waste stream, 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 Township 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 Township Recycling Coordinator of the total number of tons collected and recycled for each designated material.

31-1.5 Schedules for Curbside Collections of Recyclable Materials; Township Recycling Depot.

The Township Recycling Coordinator shall establish schedules with respect to the curbside collection of recyclable materials from residents, commercial businesses and institutional establishments.

Designated recyclable materials shall be placed at curbside in the manner provided for in subsection 31-1.4a 1-6 above prior to 6:00 a.m. on any day scheduled for collection from a particular property.

The Township may provide for a Township Recycling Depot, open during certain hours on certain days, at which designated recyclable materials may be dropped off. No person shall drop off designated recyclable materials at the site of the depot at any time other than during the hours that the depot is open and in operation. (Ord. No. 3-92 § 6-12.4)

Effective on the effective date of this Ordinance, when a Township Recycling Depot is in operation the following fees shall be charged:

- a. Whole Tires - \$3.00
- b. Tires with Rims - \$5.00
- c. Car Batteries - \$2.00

31-1.6 Notices to Residents and Managers. The Township Recycling Coordinator shall assure that written notice is given to all residents and managers with respect to the following:

- a. The provisions of this section as to materials which are required to be recycled and as to other materials which may be recycled;

- b. Schedules for the curbside collection of designated recyclable materials indicating when collections will be made along each street and road in the Township;
- c. The proper preparation of materials to be recycled;
- d. The proper placement of designated recyclable materials at curbside;
- e. The opportunity for the drop-off of designated recyclable materials at any Township Recycling Depot that may be provided and the days and hours of operation of the depot;
- f. Any changes or revisions with respect to any of the foregoing and any rules and regulations which may be promulgated by the Township Recycling Coordinator pursuant to 30-1.2; and
- g. The penalties for violations of the provisions of this section.

All written notices shall be mailed to residents and managers at least ten (10) days before they become effective. (Ord. No. 3-92 § 6-12.5)

31-1.7 Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. 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 6 months during their occupancy.

31-1.8 Non-Residential Establishment Compliance Requirements

- a. All non-residential generators, including commercial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.
- b. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial or institutional property owner or their designee, unless the Township provides for the collection of designated recyclable materials.

All commercial or institutional 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 non-residential facilities shall report on a quarter-annual basis to the Township 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.

Quarter-annual reports shall be submitted to the Township Recycling Coordinator in accordance with the following schedule:

| <u>Reporting Period</u> | <u>Due Date</u> |
|-------------------------------|-----------------|
| January 1 through March 31 | April 8 |
| April 1 through June 30 | July 8 |
| July 1 through September 30 | October 8 |
| October 1 through December 31 | January 8 |

The Township Recycling Coordinator shall compile all of the recycling documentation and report to the Morris County District Recycling Coordinator on a quarter-annual basis by April 15, July 15, October 15 and January 15 of each year. (Ord. No. 3-92 § 6-12.6).

31-1.9 New Developments of Multi-Family Residential Units, Commercial, or Institutional Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16.6.c.)

- a. Any application to the Mendham Township Planning Board for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial or institutional 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 Township Recycling Coordinator.
- b. Prior to the issuance of a Certificate of Occupancy by the Township of Mendham, the owner of any new multi-family housing or commercial or institutional 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 Township 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 Township Engineer.

31-1.10 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 Ordinance.
- c. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the Township, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

31-1.11 Recycling of Certain Yard Wastes

Residents may dispose of brush (chippable, up to five (5) inches in diameter) by placing it at curbside on those days scheduled for pickup by the Township. The Township shall schedule two time periods during the course of the year for the curbside removal of brush by the Township. These will occur generally in the spring/summer season and then during the fall season. No brush shall be placed at curbside at any time other than during the two time periods scheduled by the Township for pickup. No branches or brush exceeding six (6) in length will be collected. No resident shall allow brush to remain at curbside beyond July 1 for the spring/summer pickup period or beyond December 1 for the fall pickup period. Residents shall be responsible for the disposal of all other yard wastes either by composting on their own properties or by arranging for other proper disposition. (Ord. No. 16-2006 § 1)

31-1.12 Recycling Documentation

The Township Recycling Coordinator shall maintain records as to the tonnages of the various recyclable materials which are collected at curbside within the Township and dropped off at any Township Depot.

31-1.13 Enforcement

The Code Enforcement Official, the Department of Health, the Township Recycling Coordinator, and the Morris County Office of Health Management are hereby

individually and severally empowered to enforce the provisions of this Ordinance. 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.

31-1.14 Penalty for Non-compliance with Source Separation Requirement; Township Recycling Trust Fund established.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance 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.

Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

There is hereby created a Township Recycling Trust Fund, into which fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited. Monies in the Township Recycling Trust Fund shall be used for the expenses of the Township recycling program.

31-1.15 Severability, Effective Date

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the Township Committee.

Introduced: March 25, 2008

Adopted: April 7, 2008

Effective: April 10, 2008

ATTEST:

TOWNSHIP OF MENDHAM ,
IN THE COUNTY OF
MORRIS

By: _____

Ann L. Carlson, RMC
Township Clerk

By:

Phyllis Florek
Mayor