

CHAPTER XIX SOLID WASTE MANAGEMENT* (Garbage and Recyclables)

19-1 DEFINITIONS.

As used in this chapter:

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

Building Materials shall mean any material, such as lumber, shingles, brick, plaster, gutters or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

Bulk Container shall mean a metal container with the capacity of not less than three (3) cubic yards or more than eight (8) cubic yards, of water-tight construction with doors opening on two (2) sides and top, and constructed so that it can be emptied mechanically by a specially equipped truck.

Business Trash shall mean any waste accumulation of dust, food, paper and cardboard, excelsior, rags, or other accumulations, other than household trash, which are usually attendant to the operation of stores, offices and similar businesses.

Clean Communities Coordinator shall mean the Morristown employee responsible for coordination of programs to encourage litter prevention and control within the Town.

Commercial shall mean any nonresidential building or establishment, including, but not limited to, those used for retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias.

Contact Person shall mean the individual from the sponsoring organization who shall be contacted if the area of the event is not properly cleaned up within twenty-four (24) hours of the end of the special event.

Corrugated Cardboard shall mean 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.

Designated Materials shall mean those recyclable materials listed in the Morris County District Recycling Plan which are mandated to be source separated for recycling. Namely, glass (bottles and jars), aluminum beverage cans, newspaper and yard waste - residentially; glass, aluminum cans, corrugated cardboard and office paper for commercial and institutional establishments, as well as any additional materials stipulated by the municipality for recycling such as tin cans, plastic, oil, tires, bulk metals, etc.

* **Editor's Note:** See Section 18-7 of Chapter XVIII, Streets and Sidewalks for dumpster permits.

Detachable Container shall mean a container with a capacity of not less than fifteen (15) nor more than forty (40) cubic yards, which is designed to be picked up by a specifically equipped truck and which becomes an integral part of such truck for transportation to the disposal site.

Garbage shall mean all household waste, including putrescible, animal and/or vegetable waste resulting from the handling, preparation, consumption or cooking of food, clothing, and any other trash normally generated by the day-to-day activities of the residents of a single family dwelling, but excluding recyclable items.

Garbage Container shall mean a metal or plastic container of substantial construction with a capacity of not less than ten (10) nor more than thirty-two (32) gallons, and with a tight fitting lid and wheels and/or handles of sufficient size and strength to facilitate safe handling of the container when full or a dark-colored plastic bag, minimum of 0.85 mil thickness, with a capacity of not less than fifteen (15) gallons nor more than thirty-two (32) gallons, securely tied to prevent garbage from spilling out.

Glass shall mean any 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.

Institution shall mean an established organization or foundation dedicated to public service or culture including, but not limited to, religious, educational, health care and governmental establishments.

Leaves shall mean all leaves, free of dirt, rocks, large branches, bulky or non-combustible material and any other extraneous matter.

Litter Prevention Plan shall mean a plan to be implemented by the group or organization sponsoring a special event within the Town of Morristown which assures the maintenance of a litter free environment during and after the event.

Multi-Family Dwelling shall mean any apartment building, garden apartment building or housing complex containing four (4) or more dwelling units, except any housing complex consisting of four (4) or more dwelling units in which the majority of such units are separately owned in fee or as condominiums. The ownership of fifty (50%) percent or more of the dwelling units in any such housing complex by a single individual, a group of individuals or entity(s) shall disqualify such complex from being a single family dwelling complex for purposes of this chapter.

Municipal Administrative Authority shall mean the Director of the Department of Public Works or any other employee or department of the Town of Morristown authorized to carry out the enforcement of this chapter by the Mayor of the Town of Morristown.

Newspaper shall mean newsprint grade paper which is printed and distributed daily or weekly that contains news. The recycling of such material excludes soiled paper.

Office Paper shall mean high grade papers generally used in offices that are of high quality and do not have a glossy finish including, but not limited to, computer, letterhead ledger and photocopy paper.

Person shall mean any individual, firm, corporation, partnership, association or entity.

Recyclable Items shall mean aluminum, metal cans, glass, grass, leaves, newspaper, and tree and shrubbery trimmings.

Scrap Metal shall mean all large items of metal, including but not limited to appliances (except for television sets and radios), automobile parts, radiators and hot water heaters.

Single Family Dwelling shall mean any single family home, or any apartment building or housing complex containing less than four (4) dwelling units, plus any housing complex consisting of four (4) or more dwelling units in which the majority of such units are separately owned in fee or as condominiums. The ownership of fifty (50%) percent or more of the dwelling units in any such housing complex by a single individual, a group of individuals or entity(s) shall disqualify such complex from being a single family dwelling for purposes of this ordinance.

Special Event shall mean a fair, parade or other event which requires a permit which is sponsored by a private group or organization which takes place in parks maintained by the Town of Morristown or on public streets and/or sidewalks of the Town of Morristown or the Morristown Green.

Total Cost of Service shall mean the cost that would be incurred by the Town in providing solid waste collection and disposal service to a multifamily dwelling in the same manner as the municipality provides those services to other residents of the Town.

Tree and Shrubbery Trimmings shall mean waste accumulation of tree branches, tree limbs, cutting or clippings (commonly referred to as brush), bushes and shrubbery but excluding tree trunks.

(Ord. No. O-37-89 § 109-1; Ord. No. O-44-89; Ord. No. O-21-93; Ord. No. O-21-96; Ord. No. O-6-02)

19-2 COLLECTION OF GARBAGE AND TRASH.

19-2.1 Twice Weekly Collection; Placement at Curb; Fees.

a. Collection to be made twice weekly; garbage to be placed at curb.

1. The Town, by its designated agents and employees, shall collect and remove garbage from single family dwellings twice weekly (or in accordance with such other schedule as may be adopted pursuant to section 19-7.4 provided that no collection shall be made unless such garbage has been placed into proper receptacles or bundles for collection in the manner prescribed herein. Where it is required to

enter onto private property, in order to service condominium developments, the Town shall only remove garbage from those condominium associations who have executed an agreement with the Town setting forth the specific guidelines for the collection of garbage, granting the Town permission to enter onto association property, indemnifying the Town from any claims for damage to private roads, driveways and curbs and naming the Town as an additional insured on its liability insurance policy for all claims arising out of the Town's collection of condominium association garbage. The Town shall have the right to determine, in its sole discretion, whether or not it is necessary to enter onto private property in order to provide adequate service to condominium developments.

2. The Town shall have the right to omit collections from any premises where a dog is permitted to run at large.

3. Except as authorized by paragraph a.1 above, no agent or employee of the Town shall enter into any building or structure nor upon any private lot to gather or collect garbage.

4. No agent or employee of the Town shall solicit money for any purpose in connection with the Town's collection of garbage.

5. The Town shall not make return calls for garbage not placed out at the curb in time for the scheduled collections.

6. Collections may not be made on legal holidays.

7. The Town of Morristown may collect large items of garbage and scrap metal in accordance with the garbage and recycling schedule. Large trash shall be collected on the collection day of the week specified in the current flyer. Such items shall be placed at curbside for collection.

8. No major appliance shall be picked up without a Morristown Department of Public Works sticker affixed to it. No household will be given more than three (3) appliance stickers in any one calendar year.

b. *Fees.*

1. Disposal of appliances per unit
(maximum of 3 per calendar year) \$5.00

2. Disposal of tires per unit \$2.00

(Ord. No. O-37-89 § 109-2; Ord. No. O-44-89; Ord. No. O-27-95; Ord. No. O-21-96; Ord. No. O-10-98; Ord. No. O-12-98)

19-2.2 Zones Established; Collection Days.

The Department of Public Works shall establish pick-up zones and garbage schedules for each zone. The collection schedule shall be made available by flyer distributed to all residents once a year. The information shall also be available at the Public Works office. (Ord. No. O-37-89 § 109-2; New)

19-2.3 Modification of Zones and Days.

Pursuant to Section 19-7.4, the Municipal Administrative Authority shall have the right to modify, alter or vary any collection zone or collection day. (Ord. No. O-37-89 § 109-2)

19-2.4 Garbage Containers; Time for Placement at Curb.

a. The owner or occupant of every single family dwelling shall provide garbage containers of sufficient size and number to hold all garbage normally generated by the occupants of such dwelling between the times of successive garbage collections by the Town.

b. All garbage containers required hereunder shall be of safe construction and design, shall be maintained in good and serviceable condition at all times and shall contain a device to secure the lid to the container. Cans shall be stable and freestanding. If plastic bags are used, they shall be securely tied to prevent garbage from spilling out. Any garbage containers which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, or which do not otherwise conform to the requirements of this chapter, shall be promptly replaced, by the owner or occupant upon notice by the Municipal Administrative Authority. Upon the failure of the owner or occupant to comply with such notice, the Municipal Administrative Authority shall have authority to remove such container(s) as garbage.

c. No person shall place any garbage for collection in any paper bags, wooden barrels, baskets, oil drums, paper drums, plywood drums or any other type of container other than garbage containers as specified herein. Any containers other than garbage containers shall be treated as garbage and carted away.

d. Garbage and recycling containers shall be placed for collection at curbside and not in the roadway to insure unimpeded access thereto by sanitation personnel, without the need for walking or carrying a refuse container over, under or around some yard or property obstacle. No refuse shall be collected where refuse containers cannot be reached by sanitation personnel without unlocking or opening a door, gate or any similar obstacle, encountering a dog or otherwise being denied reasonable access by parked vehicles, yard tools and equipment or other similar objects. No refuse receptacles or containers shall be stored in front of a home or in front of the building line closest to the street. If a side yard fronts a street, it shall be the duty of the tenant, owner or occupant to enclose refuse containers to prevent wind-driven debris and public nuisance. The appropriate municipal administrative authority shall have the authority to determine the proper receptacle or container location on private property.

e. Garbage containers shall not exceed fifty (50) pounds when full.

f. Garbage containers shall not be put out before 5:00 on the day before collection and shall be removed from the curb within twenty-four (24) hours after collection has been made by the Town.

g. Scrap metal, tires and large trash shall not be put out prior to twenty-four (24) hours before the designated day of collection.

(Ord. No. O-37-89 § 109-3; Ord No. 0-44-89; Ord. No. O-18-92; Ord. No. O-27-95; Ord. No. O-21-96; New)

19-2.5 Contents of Garbage; Preparation for Collection.

a. All garbage shall be drained of all liquids prior to placement in garbage containers for collection. Garbage containers shall be kept covered with tight-fitting covers or securely tied, as applicable, while awaiting collection.

b. All potentially dangerous garbage, including but not limited to broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes, shall be securely wrapped to prevent injury to the collection crews.

c. The removal of clothing, bedding or other garbage from homes or other places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the Municipal Administrative Authority. Such garbage shall not be placed in any containers for Town collection.

d. All non-corrugated cardboard boxes, cartons and crates shall be collapsed prior to placement in containers for collection.

e. No medical waste, as defined in Section 19-8a, shall be placed in any garbage containers for pick up and disposal by the Town of Morristown, unless the resident has first registered with the Municipal Authority and meets the requirements of Section 19-8b.

(Ord. No. O-37-89 § 109-4; Ord. No. O-27-95; Ord. No. O-21-96)

19-2.6 Storage of Garbage and Recyclable Items.

All accumulations of garbage and trash shall be stored or placed for collection in accordance with the following:

a. No person shall place any accumulations of garbage or recyclable items in any street, median strip, alley or other public place of travel nor upon any private property except as may be permitted by this chapter.

b. No person shall place any garbage, recyclable items or containers on, upon or over any storm drain or so close thereto as to be drawn by the elements into same.

c. Except for large trash and appliance collection, no person shall place or leave outside any building or dwelling any dilapidated furniture, appliance, machinery, equipment, building material or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building or dwelling.

The provisions of this paragraph shall not apply to authorized junk dealers or establishments engaged in the repair, rebuilding, reconditioning or salvaging of equipment.

d. No person shall leave outside any building, in a place accessible to children, any appliance, refrigerator or other container of any kind which has an airtight snap lock or similar device without first removing the lock or door from such appliance, refrigerator or container.

The provisions of this paragraph shall not apply to any appliance, refrigerator or container which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

e. Any wastes subject to putrefaction, consisting of animal or vegetable foodstuffs resulting from the handling, preparation, consumption or cooking of food, shall be kept in a refrigerated area and shall not be placed in any garbage container, detachable container or bulk container until two (2) hours' time before scheduled garage pickup to avoid the accumulation of foul odors and the creation of unsanitary conditions.

(Ord. No. O-37-89 § 109-5; New; Ord. No. O-4-07)

19-2.7 Scattering of Garbage or Recyclable Items Prohibited; Loading Areas.

a. No person shall throw, deposit or scatter garbage or recyclable items or otherwise litter any public or private property within the Town; nor shall any person throw, deposit or scatter any garbage or recyclable items in such a manner that they may be carried by the elements onto, and thereby litter, any public or private property.

b. No person shall throw or deposit any garbage or recyclable items into any stream or body of water within the Town.

c. No person shall transport loose materials by vehicle within the Town unless such vehicle shall have a suitable cover to prevent any scattering of the materials contained therein.

d. *Loading and Unloading Areas.* All loading and unloading areas shall be kept broom clean at all times and provided with refuse receptacles for loose debris, paper, packaging materials and other trash. The containers necessary for each area shall be required to be maintained in a clean, neat and sanitary manner as directed by the Municipal Administrative Authority.

(Ord. No. O-37-89 § 109-6; Ord. No. O-27-95)

19-3 COMMERCIAL ESTABLISHMENTS, INSTITUTIONS AND MULTIFAMILY DWELLINGS.

a. The Town shall not collect or remove any garbage or recyclable items from any commercial establishment, institution or multifamily dwelling. The owner or occupant of each such establishment or dwelling shall be responsible for removing, or making arrangements for the removal of garbage and recyclable items, such removal to be made regularly scheduled intervals, not less than once a week.

b. 1. The owner or occupant of each commercial establishment or multifamily dwelling shall provide garbage containers, detachable containers or bulk containers of sufficient size and number to store the garbage and source separate recyclable items generated by the occupants or other users of such establishment or dwelling, and to otherwise maintain the premises in a clean, neat and sanitary condition at all times. The owner or occupant shall further provide garbage containers at all loading and unloading areas and parking lots, which containers shall be weighted or otherwise secured to prevent spillage.

2. All bulk containers used by commercial establishments or multifamily dwellings shall at all times be kept in good repair, be structurally sound and leak-proof and constructed to stand firmly upright and shall be equipped with a cover which is secured to the unit or able to be secured. No bulk container shall be filled in excess of its stated capacity, causing overflow and unsanitary conditions. All users of bulk containers shall ensure that such containers are emptied promptly, not less than once a week. All bulk containers shall be maintained to prevent any foul odors or spillage and to prevent any condition which may pose a hazard to life, health and safety.

3. The Department of Public Works shall have the authority to prescribe the number, type and location of containers to be provided pursuant to this section.

c. All institutions, commercial establishments and multifamily dwellings shall, if requested by Department of Public Works, document that its garbage and recyclables are being picked up and disposed of by a licensed hauler. Such documentation shall be in the form of invoices and cancelled checks and hauler's DEP license number.

d. At the option of the Town, the Department of Public Works may provide collection of garbage and recyclables to some or all of the multifamily dwellings. Owners of multifamily dwellings for which the Town does not provide collection shall be entitled to reimbursement for garbage collection and disposal expenses incurred for their residential dwelling units as provided for in N.J.S.A. 40:66-1.2 et seq. Commencing with the year 2002, property owners shall be entitled to a semi-annual reimbursement of a percentage of the lesser of the actual costs incurred by them or the Total Cost of Service incurred by the Town. The reimbursement schedule shall be as follows:

2002	20% of the Total Cost of Service
2003	40% of the Total Cost of Service
2004	60% of the Total Cost of Service
2005	80% of the Total Cost of Service
2006 and thereafter	100% of the Total Cost of Service

As a condition of receiving the reimbursement, property owners shall be required to execute an agreement with the Town, agreeing to submit a semi-annual voucher with an accounting of their garbage collection and disposal costs, as well as the number of individual apartment units in the complex. Property owners failing to provide the voucher and the documentation will not be reimbursed.

In January of each year, commencing in January 2002, the Director of Public Works shall calculate the cost per apartment unit that it would have cost the Town to provide garbage collection and disposal services. The calculations will be based on the actual garbage collection and disposal costs incurred by the Town during the prior year. (Ord. No. O-37-89 § 109-7; Ord. No. O-27-95; Ord. No. O-6-02; Ord. No. O-4-07)

19-4 DUMPING ON TOWN PROPERTY AND UNAUTHORIZED TRANSFER SITES PROHIBITED.

a. No person or entity shall place, at any time, any accumulations of garbage or recyclable items on any land owned by the Town unless such person or entity shall have first been given permission to do so by the Department of Public Works.

b. No unauthorized person or entity shall use garbage containers not owned by them as improper trash locations. It shall be a violation of this chapter for any person or entity to dump any garbage or recyclable item, of any nature or kind, into garbage containers, detachable containers or bulk containers which are not owned by or authorized to be used by the person or entity dumping such garbage or recyclable item. (Ord. No. O-37-89 § 109-9; Ord. No. O-4-07)

19-5 RESERVED.

19-6 SALVAGE OF GARBAGE AND RECYCLABLE ITEMS PROHIBITED.

No persons other than authorized agents or employees of the Town shall collect, cause to be collected or otherwise disturb any garbage or recyclable items which have been placed at the curb for collection by the Town. (Ord. No. O-37-89 § 109-10)

19-7 SOURCE SEPARATION AND RECYCLING.*

19-7.1 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. (coded 1 and 2) - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds

*Editor's Note: Prior ordinance history includes portions of Ordinance Nos. O-37-89, O-44-89 and O-27-95.

(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.

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 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 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.

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. Newspaper is included in mixed paper.

Corrugated Cardboard shall mean shipping containers made with kraft paper linerboard and corrugated medium. Corrugated cardboard is included in mixed paper.

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, chipboard, newspaper and corrugated cardboard.

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 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 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 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). 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 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.

Electric Waste shall mean 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 (4) inches measured diagonally and that contains one (1) or more circuit boards, including a television, and cell phones;

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 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.);

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 the municipality of the Town of Morristown 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. O-7-08 § 19-7.1)

19-7.2 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, hospitals and other institutional locations within the municipality of the Town of Morristown, 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 or delivered to the Municipal Recycling Facility on Lake Road in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Town of Morristown.

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. O-7-08 § 19-7.2)

19-7.3 Acceptance of the Municipal Solid Waste Recycling Goal.

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Town of Morristown 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. O-7-08 § 19-7.3)

19-7.4 Collection of Recyclable Materials.

a. Curbside Service (Residential Only).

1. Curbside garbage and recycling collection service is provided twice a week excluding holidays as per the Town of Morristown Sanitation and Recycling Collection Schedule as published and distributed annually by the Department of Public Works.

2. Garbage will be picked up at each collection. Recyclables are done on an alternating basis as described below. Garbage containers and recycling items shall

not be placed curbside before 5:00 p.m. on the day before pickup and shall be removed from the curb no later than 7:00 p.m. on the day of collection. Latex paint cans that are dry, empty and with lids off will be collected with garbage. All garbage must be placed in stable, freestanding containers with secure lids or in securely tied plastic bags. Garbage and Recycling containers shall not exceed thirty-two (32) gallons in size or fifty (50) pounds when full and must have handles. Recycling containers must be clearly marked as such or they may not be picked up. Free stickers are available for marking recycling containers, call 973-292-6670.

3. Glass, Cans and Plastic. First collection day of each week. Plastic  and  bottles and jugs, glass bottles and metal cans – commingled in a solid metal or plastic re-usable container with handles. (No cardboard boxes, milk crates or laundry baskets). All recyclables must be emptied and rinsed.

4. Mixed Paper. Second collection day of each week. "Mixed" paper; Newspaper, corrugated cardboard, magazines, office paper, junk mail, chipboard, telephone books, catalogs, books with hard covers removed and paper bags may be mixed together and set out in containers, tied bundles or secure paper bags. Cardboard boxes must be flattened and Styrofoam packing removed. No plastic bags.

5. Large trash. Second collection day of each week. Large trash including nonmetal furniture, wood, mattresses and carpet cut into 4-foot wide rolls and tied. Wood (processed) shall be tied in small bundles no more than 4-foot in length or 1-foot in diameter. No metals or appliances.

6. Appliances* – Scrap Metal – Car Tires* – Car Batteries – Electronic Waste. These items will be collected every other month as per the published Sanitation and Recycling Collection Schedule. *Appliances (five (\$5,00) dollars each) and tires (two (\$2.00) dollars each) must have Official Town sticker, which can be purchased at the Tax office located at 200 South Street, between the hours of 8:30 a.m. and 4:00 p.m. Proof of Morristown residency is required. Tires must be removed from rims. No large trash.

7. Leaves. Can be composted or raked to the curb during the Spring or Fall leaf collection periods as shown on the published Sanitation and Recycling Collection Schedule. Generally leaves will be picked up by Ward as follows: Ward 1 on Mondays, Ward 2 on Tuesdays, Ward 3 on Wednesdays, Ward 4 on Thursdays. Friday leaf pick-ups will be Town-wide for any areas not completed. No rocks, dirt, limbs, twigs or hedge clippings can be mixed in with leaves. These items damage our leaf vacuums and are very costly to repair. Leaves should not be placed in bags.

8. Brush. Place at the curb on scheduled collection days as per the published Sanitation Recycling Collection Schedule, tied in bundles no more than 4-feet in length and 1-foot in diameter and not or more than weighing more than fifty (50) pounds. Brush shall not be mixed with leaves.

b. *Recycling Center.*

1. Lake Road Recycling Center – Open to All Residents, Schools, Institutions, Hospitals, Governments and Businesses in the Town of Morristown. Morristown's Recycling Center on Lake Road is open Monday thru Friday from 7:00 a.m. to 3:00 p.m. and Saturdays from 8:00 a.m. to 2:00 p.m.

2. Materials Accepted. Glass, cans and plastic, mixed paper, computers and electronic waste, household batteries, used clothing, used books, scrap metal, appliances car tires, brush, house plants and grass clippings.

3. Proof of residency may be required.

4. A free used book exchange is located on-site.

NOTE: Leaves, construction debris and household garbage are NOT accepted at the Lake Road Site.

c. *Hazardous Waste.*

1. Hazardous waste is prohibited by Town code from being disposed of in regular garbage and is not accepted at the Lake Road Recycling Center. ITEMS CONSIDERED HAZARDOUS INCLUDE: ANTIFREEZE, MOTOR OIL, MURATIC ACID, BRAKE FLUID, OIL BASED PAINTS, PESTICIDES, POOL CHEMICALS, etc. Information on disposal of hazardous waste is available from the Morris County Municipal Utilities Authority at www.mcmua.com.

2. All receptacles or dumpsters shall be maintained in a clean and safe manner.

(Ord. No. O-7-08 § 19-7.4)

19-7.5 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 Department 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 (6) months during their occupancy. (Ord. No. O-7-08 § 19-7.5)

19-7.6 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 liner receptacle, and shall provide for separate recycling service for their contents.

c. All nonresidential facilities, all residential facilities that do not recycle with the Town of Morristown and all haulers that handle recyclables shall report on an annual basis, no later than January 31, 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. O-7-08 § 19-7.6)

19-7.7 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13(a) and 99.16.6(c).)

a. Any application to the Planning Board or Zoning Board of Adjustment of the municipality of the Town of Morristown, 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 the Town of Morristown, 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. O-7-08 § 19-7.7)

19-7.8 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 Section 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. O-7-08 § 19-7.8)

19-7.9 Enforcement.

The Mayor and/or the Business Administrator, and/or their respective designees, 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. O-7-08 § 19-7.9)

19-7.10 Penalty for Non-compliance with Source Separation Requirement.

a. 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 one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars.

b. Each day for which a violation of this section occurs shall be considered a separate offence.

c. Fines levied and collected pursuant to the provisions of this section shall be immediately deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program, including salaries, new equipment, supplies, promotional costs, tipping fees and equipment maintenance.

(Ord. No. O-7-08 § 19-7.10)

19-8 MEDICAL WASTE PROHIBITED.

a. The following wastes shall not be accepted for pickup by the Town of Morristown:

1. Biological or pathological waste, including pathology specimens and microscopic tissue removed surgically or at autopsy.
2. Liquid wastes.
3. Solid wastes from medical microbiological laboratories.
4. Solid non-rigid contaminated waste material such as tubing of all kinds and used bandages.
5. Solid, sharp or rigid items such as needles, syringes, scalpel blades and other surgical instruments.

b. *Exceptions.*

Any resident who is medically required to use syringes and needles shall register with the Municipal Administrative Authority. Registered residents may dispose of needles and syringes which are separated from household garbage and double bagged and identified as medical waste.

(Ord. No. O-37-89 § 109-16)

19-9-19-15 RESERVED

19-16 LITTER PREVENTION PLANS.*

19-16.1 Plan Required.

All sponsors of special events within the Town of Morristown must submit a Litter Prevention Plan to be approved by the Director of Public Works not less than fourteen (14) calendar days prior to the date of the event. (Ord. No. O-21-93)

19-16.2 Clean Communities Coordinator to Analyze Needs.

The representative of the sponsoring group responsible for litter control shall meet with the Clean Community Coordinator prior to submission of the Litter Prevention Plan. The Clean Community Coordinator shall help the representative analyze the cleanup needs of the event and devise an effective Litter Preventive Plan. (Ord. No. O-21-93)

19-16.3 Standards and Requirements.

The Litter Prevention Plan shall comply with the following standards and requirements:

a. *Litter and Recycling Receptacles.*

1. The sponsor of the event shall assure that an adequate number of litter receptacles and recycling receptacles shall be provided for the event. The sponsor

* **Editor's Note:** See Chapter XI, Section 11-7, for Special Event Permits.

shall be responsible for providing any necessary receptacles in excess of those owned by the Town of Morristown and available for use at the special event. The sponsor of the event shall also be responsible for supplying an adequate number of plastic bags as liners for the litter and recycling receptacles.

2. The number of litter receptacles required shall be determined by using the following criteria:

- (a) One receptacle for every 1-2 booths or stations.
- (b) One receptacle for every open area of approximately 50' x 50'.
- (c) At least two receptacles for every intersection where an event is planned, to be placed on opposite sides of the street.
- (d) One receptacle for every estimated 250-500 people expected to attend.

3. Recycling Receptacles. Separate recycling receptacles will be necessary for cans/glass, plastic #1 pete, #2 hdpe, clean newspapers, corrugated paper and/or clean mixed paper. All recycling receptacles shall be properly marked with labels identifying the recyclable item being disposed of. Recyclable items shall not be mixed with trash.

4. The precise number and location of litter and recycling receptacles shall be reviewed and approved by the Director of Public Works or his designee, who shall take into consideration the type of event, whether food is being served, whether items are being sold and/or given away, the amount and type of recyclables likely to be disposed of, and the number of cleanup participants the sponsor will provide who will monitor and replace full liner bags.

b. *Cleanup participants.* The plan shall contain the names of individuals who will be responsible for enumerated cleanup responsibilities on behalf of the sponsor of the event. These responsibilities shall include the following tasks:

1. Monitoring the receptacles, emptying full receptacles and replacing the plastic liners, securely tying full bags and depositing them at a designated location for pickup after the event.
2. Sweeping the sidewalks to assure that no litter or cigarette butts remain on the sidewalk after the event.
3. Removal of all flyers and posters from the site of the special event.

c. Literature: All promotional literature, signs and booth or table identification shall contain the following statement:

"Thank you for making this a litter free event."
(Ord. No. O-21-93)

19-16.4 Fees and Deposit.

a. *Reimbursement of Costs.* The sponsor shall be responsible for reimbursing the Town of Morristown for additional costs incurred by the Department of Public Works arising out of the special event. The Director of Public Works shall estimate the number of overtime hours for maintenance workers and truck drivers, together with other additional costs attributable to the special event. The sponsor shall submit a check in the amount of the estimated extra costs not later than four (4) working days prior to the special event.

b. *Deposit.* The sponsor shall also submit a deposit check in the amount of two hundred (\$200.00) dollars to cover any additional costs which may be incurred by the Town in connection with litter control of the special event. This deposit will be used to defray the costs of cleaning up any area which was not properly cleaned up by the sponsor after the event. Additionally, if the amount of money estimated to cover the Town's additional cost was not adequate to cover the Town's additional costs, the deposit shall be applied to cover those costs. If the deposit, or any portion thereof is not needed, the unused sum will be returned to the sponsor within ten (10) working days of the special event. If the costs incurred exceed the two hundred (\$200.00) dollar deposit, then the sponsor shall be responsible for payment of the balance due not later than one (1) working day after written notification by the Town.

c. *Violation.* Failure to pay the additional sum due in a timely manner shall be deemed a violation of this section and subject to penalties pursuant to Section 19-18. (Ord. No. O-21-93)

19-17 CIGARETTE LITTER.

a. Every owner of a food service establishment, an establishment holding a retail liquor consumption license issued by the State of New Jersey, Division of Alcoholic Beverage Control, any nightclub or any commercial building in which more than twenty-five (25) individuals are regularly employed may provide and maintain, in a neat and orderly fashion, a designated outdoor area where patrons or employees may smoke. Such designated smoking areas must be clearly designated as smoking area and, in the case of food service establishments or bars or nightclubs, be sectioned off with appropriate roping or tenting of the area.

b. All such designated smoking areas as described above shall provide and maintain, in good condition, an appropriate number of cigarette litter receptacles. Such cigarette litter receptacles shall be located not less than five (5) feet from any public entrance to a building. No commercial building owner shall be obligated to provide a cigarette litter receptacle if there is already such a receptacle located on public property within five (5) feet of the location where the patrons or employees of the building are permitted to smoke; however, any food service establishments, bars or nightclubs providing smoking areas for patrons must provide cigarette litter receptacles for their patrons within such designated smoking areas.

c. All cigarette litter receptacles shall consist of an enclosed container with a wide case containing sand or other inflammable material with a narrow neck above and a hold through which cigarette litter may be discarded and concealed from view.

d. All cigarette litter receptacles shall be emptied and freshened and the designated smoking area swept clean of cigarette litter, ash or matches as least once daily.

e. Violations of this Section 19-9 shall be punishable by a fine of not more than one thousand two hundred fifty (\$1,250.00) dollars for a first offense, with a fine of no more than two thousand (\$2,000.00) dollars for each subsequent offence under this section.

(Ord. No. O-39-06)

19-18 VIOLATIONS AND PENALTIES.

a. Violations of the provisions of this chapter may be prosecuted by the service of a summons by the Department of Public Works upon the violator, commanding the violator to appear in the Municipal Court of the Town of Morristown.

b. Any person convicted of a violation of the provisions of this chapter shall be subject to a fine of not more than two thousand (\$2,000.00) dollars or imprisonment for not more than ninety (90) days or both. Each day that a violation continues shall constitute a separate offense under this chapter.

(Ord. No. O-37-89 § 109-19; Ord. No. O-27-95; New; Ord. No. O-4-07)