

CHAPTER 295 SOLID WASTE RECYCLING

[HISTORY: Adopted by the Borough Council of the Borough of Mountain Lakes 7-27-2009 by Ord. No. 09-09 . Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. [200](#).

Yard waste — See Ch. [240](#).

Solid waste — See Ch. [294](#).

§ 295-1 Definitions.

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

COMMERCIAL/INDUSTRIAL

Any nonresidential business, firm or enterprise including, but not necessarily limited to, those engaged in professional services, shipping and receiving, manufacturing or other business-related activities; and, while operating within the Borough, providers of contracted services such as construction, demolition, landscaping, tree removal, and the like.

COMMINGLED

A combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

A.**ALUMINUM CANS**

— Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

B.**GLASS BOTTLES AND JARS**

— Bottles and jars made from glass including clear, brown and green glass. 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 are not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

C.**PLASTIC BOTTLES (Coded 1 and 2)**

— Plastic bottles coded to indicate that they are composed of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high-density polyethylene (HDPE). See symbols below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown below is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.

D.**STEEL (TIN) CANS**

— An airtight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans. Specifically omitted from this definition are paint cans and aerosol cans.

E.

NEWSPAPER

— A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.

F.**CORRUGATED CARDBOARD**

— Shipping containers made with kraft paper linerboard and corrugated medium.

G.**MIXED PAPER**

— Various categories of recyclable paper, including but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft-cover books, chipboard, kraft bags and telephone books.

H.**LEAVES**

— Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

I.**GRASS CLIPPINGS**

— Vegetative material generated when grass (lawns) are cut.

J.**BRUSH**

— Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

K.**NATURAL WOOD WASTE**

— Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

L.**OIL-CONTAMINATED SOIL**

— Nonhazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, No. 4 and No. 6 heating oils and certain other refinery products, including coal tar). This type of soil shall be determined to be nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26.

M.**USED MOTOR OIL**

— Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

N.**LEAD-ACID BATTERIES**

— Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or

campers used to power accessories like trolling motors, winches or lights.

O.

HAZARDOUS DRY CELL BATTERIES

— Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for nonrechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are nonrechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act (RCRA), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 CFR 261.4(b). Nonrechargeable hazardous batteries include older alkaline and carbon-zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon-zinc nonrechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

P.

METAL APPLIANCES

— Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

Q.

WHOLE TIRES

Note: Tires are allowed to be recycled and/or incinerated for energy recovery.

— Tires that are whole, not chipped into small pieces.

ELECTRONIC WASTE

A computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat-panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television and cell phones.

INSTITUTIONAL

Any established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational, health-care and governmental establishments.

MULTIFAMILY DWELLING

Any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under Subsection (j) of Section 3 of the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the governing body of the Borough of Mountain Lakes to fulfill the requirements of Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefor.

MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR

The person or persons named by the Borough of Mountain Lakes 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 STREAM

All solid waste generated at residential establishments serviced by the municipal solid waste contract, and commercial, industrial and institutional establishments within the boundaries of the Borough of Mountain Lakes which is not bulky waste or construction or demolition debris.

RECYCLABLE MATERIAL

Those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

RESIDENT

Any person who owns, leases, rents or occupies one or more dwellings within the Borough, including any person in a multifamily or single-family development.

RESIDENTIAL

Any building suited for or characterized by private residences.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

§ 295-2 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 premises serviced by the Mountain Lakes municipal solid waste contract, 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, and industrial locations, within the Borough of Mountain Lakes, 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.

B.

Exemptions. Pursuant to N.J.S.A. 13:1E-99.16.d., the governing body of the Borough of Mountain Lakes may exempt persons occupying commercial, industrial 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 chapter, a commercial, industrial 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, industrial 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 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, industrial or institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

§ 295-3 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 Borough of Mountain Lakes 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.

§ 295-4 Recycling of designated materials.

A.

Residents shall be responsible for disposing of designated recyclable materials either by way of the municipal contract providing for back-door collection of recyclable materials or by depositing the designated materials in the

proper repositories at the Mountain Lakes Recycling Center during designated hours of acceptance. Those residents who choose to dispose of the designated materials through means other than by the municipal contract or at the Mountain Lakes Recycling Center must do so in accordance with the state laws governing such designated materials.

B.

Collection.

(1)

All containers and brown paper bags containing recyclable materials as defined in § [295-1](#) shall be placed, adjacent to the garage or within six feet of the driveway, so as to be available for collection beginning at 7:30 a.m. on the designated collection day. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition.

(2)

All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Borough of Mountain Lakes. The owner of any property shall be responsible for compliance with this chapter.

(3)

Back-door pickup is provided to single-family residents of the following recyclables:

(a)

Paper (newspapers, mixed paper and corrugated cardboard) may be combined in one single container. Containers may not exceed 35 gallons in capacity or 50 pounds in weight. Reusable containers are to be provided by the resident. All bundles of paper must be of manageable size and weight.

(b)

Commingled [aluminum cans, glass bottles and jars, steel (tin) cans and plastic bottles coded No. 1 or No. 2] should be rinsed and may be combined in a single container. All plastic bottle caps and tops must be removed. Containers may not exceed 35 gallons in capacity or 50 pounds in weight. Reusable containers are to be provided by the resident.

(c)

Christmas trees are collected at curbside on specific dates in January. All ornaments, decorations and tinsel must be removed from the trees.

C.

Disposal at the Mountain Lakes Recycling Center.

(1)

The Mountain Lakes Recycling Center located at the Borough Garage is open to residents only during posted hours. The Borough Recycling Coordinator may modify the procedures as deemed necessary. Designated recyclable materials as defined in § [295-1](#) may be deposited in the appropriate collection sites as indicated by signage:

(a)

Paper (newspaper, mixed paper and corrugated cardboard) is to be deposited in the single designated thirty-yard dumpster.

(b)

Commingled [aluminum cans, glass bottles and jars, steel (tin) cans and plastic bottles coded No. 1 or No. 2] is to be deposited in the single designated thirty-yard dumpster.

(c)

Leaves may be deposited in the bin designated.

(d)

Brush may be deposited in the bin designated.

(e)

Tires may be deposited in the bin designated.

(f)

Lead-acid and hazardous dry cell batteries may be deposited in the bin designated. They may also be disposed of through the Morris County Household Hazardous Waste Disposal Program.

(g)

Motor oil and antifreeze may be deposited in the receptacles designated. They may also be disposed of through the Morris County Household Hazardous Waste Disposal Program.

D.

Disposal of other recyclable materials.

(1)

Grass clippings are mandated recyclable materials. They may be home-composted or recycled at a vegetative waste facility.

(2)

Stumps and tree parts will normally be hauled away by a contractor for a fee. There are commercial establishments which accept stumps and tree parts.

(3)

Oil-contaminated soil is accepted by certain commercial establishments.

(4)

Metal appliances are accepted by certain commercial establishments. Any refrigerants must be recovered separately.

E.

Voluntary residential recycling is strongly encouraged for items which can be donated, reused or refurbished or for which recycling or collection programs are made available. This includes printer cartridges, plastic grocery bags, clothing, furniture, electronic goods or waste. Residents are also encouraged to leave grass clippings in place or mulch and to mulch leaves.

§ 295-5 Residential dwelling compliance.

The owner of any property serviced by the municipal solid waste contract shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and annually during their occupancy.

§ 295-6 Nonresidential establishment compliance.

A.

All nonresidential generators, including commercial, industrial, and institutional generators of solid waste, shall be required to comply with the provisions of this chapter.

B.

The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, industrial or institutional property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, industrial or institutional properties which provide indoor/outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

C.

All nonresidential facilities shall report to the Recycling Coordinator on an annual basis by March 1 of the following year, on such forms as may be prescribed, on recycling activities at their premises, including the name of the facility, the street address location and block and lot designation, the name title and phone number of the contact person for the facility, and the vendor or vendors providing recycling service for the purpose of determining the amount of designated recycled material by material type. The amount of recycled material may be requested by the Recycling Coordinator.

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.

E.

All vendors providing recycling services within the Borough shall report to the Recycling Coordinator on an annual basis by April 30 of the following year the amount of designated recycled materials by material type.

F.

Commercial contractors operating within the Borough or the owners of property upon which such operations are conducted shall recycle all designated recyclable materials in the manner prescribed by the Recycling Coordinator. Compliance shall be a condition precedent to the issuance of any permanent certificate of use or occupancy or final work inspection approval for the project generating the recyclables.

G.

No commercial landscaper, yard maintenance contractor or other commercial contractor shall dispose of leaves, brush or yard waste of any kind at the Mountain Lakes Recycling Center.

§ 295-7 New developments of multifamily residential units or commercial, institutional, or industrial properties.

Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.:

A.

Any application to the planning board of the Borough of Mountain Lakes, for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. 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 Borough of Mountain Lakes, the owner of any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

C.

Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

§ 295-8 Collection of solid waste mixed with recyclable materials prohibited.

A.

It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B.

It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C.

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

§ 295-9 Enforcement.

The Borough Manager, the Department of Police, the Director of Municipal Services, 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 chapter. 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.

§ 295-10 Violations and penalties.A.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this chapter or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, or more than \$1,000. Each day for which a violation of this chapter occurs shall be considered a separate offence.

B.

Fines levied and collected pursuant to the provisions of this chapter shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.