

CHAPTER 203 RECYCLING

[HISTORY: Adopted by the Mayor and Council of the Borough of Rockaway as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 149.

ARTICLE I Curbside Recycling (§ 203-1 — § 203-9.8)

[Adopted 6-9-1988 by Ord. No. 9-88 ; amended in its entirety 8-14-2008 by Ord. No. 21-08]

§ 203-1 Definitions.

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

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 comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high-density polyethylene (HDPE). See symbols below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids are 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 air-tight

container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

E.

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

F.

Corrugated cardboard: shipping containers made with kraft paper linerboard and corrugated medium.

G.

Mixed paper: various categories of recyclable paper, including, but not limited to, white and

colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogs, envelopes, and soft-cover books.

H.

Leaves: vegetative material, typically generated in the autumn when leaves fall from trees and then are raked from residents' and/or commercial lawns.

I.

Grass clippings: vegetative material generated when grass (lawns) is 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, #4 and #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: tires that are whole, not chipped into small pieces. (Note: Tires are allowed to be recycled and/or incinerated for energy recovery.)

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.

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. C.55: 13A-1 et seq.).

MULTIFAMILY HOUSING DEVELOPMENT

A building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

MUNICIPAL RECYCLING COORDINATOR

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

MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR

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

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Borough of Rockaway which is not bulky waste or construction and demolition debris.

RECYCLABLE MATERIAL

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

RECYCLING AREA

Space allocated for collection and storage of source-separated recyclable materials.

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.

§ 203-2 Source separation; exemptions.

A.

Mandatory source separation. Subject to Subsection B, it shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Borough of Rockaway, to separate designated recyclable materials from all solid waste in the manner specified in § 203-5. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. These materials shall be placed for pickup, collection or recycling in accordance with § 203-5.

B.

Exemptions for certain commercial or institutional premises. Pursuant to N.J.S.A. 13:1E-99.16(d), the Mayor and Council may exempt persons occupying commercial or institutional premises within the Borough of Rockaway from the source separation requirements of Subsection A 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.

§ 203-3 Acceptance of municipal solid waste recycling goal.

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

§ 203-4 Achievement of goals.

In order to achieve the recycling goals set forth in § [203-3](#), the Borough of Rockaway shall undertake, through direct mail (newsletters, flyers), by signs at the recycling center, by participation in county recycling seminars (mulching, etc.) and by word of mouth (appearances before school and special interest groups), to communicate these goals to the public. The Superintendent of Public Works or his authorized agents shall also continue in their regular inspection of garbage set out for disposal in order to determine whether recyclables are being properly separated.

§ 203-5 Preparation and placement for curbside collection.

All persons within the Borough of Rockaway who shall place for curbside pickup, collection or recycling the items listed in § [203-2](#) of this article shall do so in strict conformity with the following regulations:

A.

Newspapers shall be bundled separately and secured in bundles of less than 30 pounds or 12 inches stacked height.

B.

Glass bottles and jars, aluminum cans, plastic bottles (coded 1 and 2) and steel cans shall be rinsed and contained in suitable occupant- or owner-supplied durable, reusable containers.

C.

Grass clippings should be cut and left on lawns. However, grass clippings and other yard waste may be disposed of through backyard composting or shall be collected and transported to a composting facility approved by the Borough of Rockaway. If placed curbside, leaves, grass, and brush must be loose in durable, reusable containers or placed in paper lawn and leaf bags. Branches and limbs must be four inches or less in diameter, four feet or less in length, and tied in manageable bundles for curbside pickup.

D.

Office paper, junk mail, magazines, catalogs, and chipboard shall be contained in suitable occupant- or owner-supplied durable, reusable containers. Magazines, catalogs, or bundles of newspaper should be placed on top of the loose paper to prevent wind from blowing loose papers.

E.

Corrugated cardboard shall be broken down into flat surfaces and tied.

F.

The Borough of Rockaway recycling newsletter contains information regarding recycling other items such as tires, fluorescent lights, and textiles at the Recycling Center.

G.

All containers and paper lawn and leaf bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk or, in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition.

§ 203-6 Residential dwelling compliance requirements.

The owner of any property shall be responsible for compliance with this article. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by 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 or owner of any multifamily unit shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

§ 203-7 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 article.

B.

The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or its designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide 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 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.

§ 203-8 Private collectors; reporting.**A.**

In the case of residential and nonresidential homes and establishments which are not served by municipal recycling collection systems and are serviced by private scavengers not retained by the Borough of Rockaway, it shall be the duty of all persons so serviced to submit to the Municipal Recycling Coordinator, on such forms as may be prescribed, information 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, by February 15 of each year in accordance with the Morris County District Recycling Plan.

B.

The Municipal Recycling Coordinator shall compile all recycling documentation and reports and shall comply with the obligation of the Borough of Rockaway in connection with the Morris County Recycling Plan. A complete copy of the annual recycling tonnage report which is submitted to the New Jersey Department of Environmental Protection (NJDEP) shall be provided to the Morris County Recycling Coordinator. A detailed report as to all inspections of garbage conducted pursuant to § [203-9.5](#) shall be forwarded to the Morris County Recycling Coordinator with the annual recycling tonnage report. Any collector who fails to comply with the reporting requirements for recyclable materials in accordance with the schedule set forth above shall be subject to the penalties defined in § [203-9.8](#) of this article.

§ 203-9 New developments of multifamily residential units or commercial, institutional, or industrial properties.**A.**

Any application to the Planning Board of the Borough of Rockaway 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 Rockaway, 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 designated recyclable materials and solid waste, to be approved by the Municipal Engineer.

§ 203-9.1 Establishing facilities for collection or storage of source-separated recyclable material in new multifamily housing developments.

A.

There shall be included in any new multifamily housing development that requires subdivision or site plan approval indoor and/or outdoor recycling areas for the collection and storage of residentially generated recyclable materials. The number of sites and dimensions of the recycling areas shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The number of sites and dimensions of the recycling areas and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator, and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to Section 26 of P.L. 1987, c. 102.

B.

The recycling areas shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

C.

The recycling areas shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling areas without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling areas and the bins or containers.

D.

The recycling areas or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

E.

Signs clearly identifying the recycling areas and the materials accepted therein shall be posted adjacent to all points of access to the recycling areas. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

F.

Landscaping and/or fencing shall be provided around any outdoor recycling areas and shall be developed in an aesthetically pleasing manner.

§ 203-9.2 Prohibition of collection of solid waste mixed with recyclable materials.

A.

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

B.

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

§ 203-9.3 Unauthorized collection or placement.

A.

It shall be unlawful for any person or persons, firm, association or corporation, whether as principal or agent, to directly or indirectly deposit, spill or throw any garbage, litter or refuse in or upon any street, sidewalk, public place or private place within the Borough of Rockaway, except in public receptacles, where provided, or in authorized private receptacles provided for the collection of garbage or unless permission for doing so has first been obtained from the Board of Health of the Borough of Rockaway.

B.

It shall be a violation of this article for any person unauthorized by the Borough of Rockaway to collect or pick up or cause to be collected or picked up any newspapers, glass, aluminum cans, office paper, corrugated cardboard, designated materials and yard waste. Each such collection in violation hereof from one or more residential or nonresidential collection points shall constitute a separate and distinct offense punishable as hereinafter provided.

C.

Any person as defined in this article and any person who shall enter the Borough of Rockaway for the purpose of depositing solid waste or designated materials as defined by this article shall only deposit solid waste and designated materials for collection at or upon those places within the Borough of Rockaway where such person shall be legally entitled to enter. Nothing contained in this article shall authorize any person to deposit solid waste or designated materials generated from a residential or nonresidential site within the Borough or from a residential site outside the Borough in any public receptacle or container or in any private receptacle or container not owned or under the control of that person. Nothing contained in this article shall prohibit the placement of solid waste or designated materials in public receptacles where such solid waste or designated material is generated in a public area or in a private area to which the public is invited, such as but not limited to public grounds, public parks, public restaurants and other public establishments.

§ 203-9.4 Sale or donation of recyclables.

Anything herein to the contrary notwithstanding, any person may donate or sell recyclables to any person, partnership or corporation, whether said purchaser or recipient is operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances, pick up said recyclables from curbsides in the Borough of Rockaway, whether or not said recyclables are placed at curbside on or immediately preceding curbside collection.

§ 203-9.5 Inspections.

A.

An inspection may consist of sorting through containers and opening solid waste bags to detect, by sound or sight, the presence of any recyclable material.

B.

The Superintendent of Public Works or his authorized agents shall regularly inspect garbage set out for disposal within the Borough of Rockaway in order to determine whether such garbage contains recyclables which are otherwise required to be separated from such garbage. In the event that the Superintendent of Public Works, directly or through his authorized agent, shall determine that a person or persons have violated the requirement that recyclables are to be set aside for collection in accordance with this article of the Borough of Rockaway, the Superintendent of Public Works shall, upon the first offense, post a notice on or about the trash receptacles of such violator indicating that the continued violation will result in penalties as prescribed by law and, upon the second offense, shall serve upon such violator a notice of the failure of such person or persons to comply with this article, and the person upon whom such notice is served shall immediately, forthwith and thereafter comply strictly with the requirements for recycling in the Borough of Rockaway. In the event that it shall be determined that such person or persons shall have violated the requirement of recycling on a third or subsequent occasion, then and in that event said person or persons shall be subject to the penalties provided in this article, as amended from time to time. Each such offense shall constitute a separate offense under this article, and each day shall likewise constitute a separate offense.

C.

Until such time as the Borough of Rockaway shall, in accordance with state and county criteria, have reached a fifty-percent reduction rate in garbage produced by the residents of the municipality, the Superintendent of Public Works or his authorized agents shall inspect, at a minimum, 10% of residential units per quarter to determine compliance with the recycling requirements of the Borough of Rockaway, 10% of commercial/institutional establishments per quarter and 10% of the multi-/single-family developments, including apartments, townhomes or condominiums, regardless of whether the Borough is obligated to collect such garbage, per quarter. The Superintendent of Public Works shall identify these inspections to the Municipal Recycling Coordinator for inclusion on the annual tonnage reports required to be furnished by the Borough of Rockaway.

§ 203-9.6 **Exception.**

This article shall not apply to the handicapped or disabled, which persons shall be deemed exempt from the operation of the provisions of this article. However, such handicapped or disabled person must have proof and evidence of having qualified as a handicapped or disabled person under and by virtue of regulations of the Division of Motor Vehicles for the qualification of such persons. Such handicapped or disabled persons shall, to the best extent possible, comply with the provisions of this article by requesting assistance from the Superintendent of Public Works of the Borough of Rockaway.

§ 203-9.7 **Enforcement.**

A.
The Superintendent of Public Works or his authorized agents are hereby authorized and directed to enforce this article. They are hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of used newspapers, glass, aluminum cans, office paper, corrugated cardboard, designated materials and yard waste.

B.
Any person who allows refuse or improperly separated or packaged designated materials to accumulate shall be subject to the violation provisions of this article and to the provisions of the Sanitary Code of the Borough of Rockaway.

§ 203-9.8 **Violations and penalties.**

A.
Any person, firm or corporation who violates or neglects to comply with any provision of this chapter or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$2,000 and/or imprisonment for not more than 90 days or 90 days' community service, at the discretion of the court.

B.
Fines levied and collected pursuant to the provisions of this article 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.

ARTICLE II **Disposal of Tires (§ 203-10 — § 203-13)**

[Adopted 12-10-1992 as part of Ord. No. 34-92]

§ 203-10 **Sticker or identifying device required.**

Any resident of the Borough of Rockaway desiring to dispose of tires pursuant to this article shall procure from the Clerk of the Borough of Rockaway or such other official as may be designated by the Mayor and Council of the Borough of Rockaway a sticker or other identifying device. One sticker or other identifying device shall be required for each tire to be disposed of pursuant to this article.

§ 203-11 **Fees.**

Any person seeking to obtain a tire disposal sticker shall pay the fee as provided in Chapter [A263](#), Fees.

§ 203-12 **Collection center.**

Upon receipt of tire disposal stickers as set forth in this article, a resident shall bring the tires and stickers to a tire

collecting center authorized by the Borough of Rockaway. The tire collecting center shall take possession of the stickers and dispose all tires brought to it for disposal according to law.

§ 203-13 Reimbursement to tire collecting center.

Upon presentation to the Borough of Rockaway of any tire disposal stickers obtained from residents pursuant to this article and satisfactory proof that all tires collected have been disposed of according to law, the Borough of Rockaway shall pay over to the tire collecting center all funds received by the Borough of Rockaway as payment for tire disposal stickers.