

TOWNSHIP OF MONTVILLE

ORDINANCE NO. 2011 - 02

**ORDINANCE AMENDING CHAPTER 317, Article II OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF MONTVILLE -
RECYCLING**

BE IT ORDAINED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 317, Article II of the Revised General Ordinances of the Township of Montville entitled "Recycling" shall be amended to read in its entirety as follows:

Chapter 317, Article II

RECYCLING

317-3 Definitions.

317-4 Source Separation; Exemption from Source Separation Requirements.

317-5 Acceptance of the Municipal Solid Waste Recycling Goal.

317-6 Collection of Recyclable Materials.

317-7 Residential Dwelling Compliance Requirements.

317-8 Non-Residential Establishment Compliance Requirements.

317-9 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 14:1E-99.14a and 99.16c)

317-10 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.

317-11 Enforcement.

317-12 Violations and Penalties.

317-3 Definitions.

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

Designated recyclable materials - means those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

- Aluminum Cans/Plates, Trays & Foil – Cans, plates, or trays that are made from aluminum and were manufactured to hold a serving of beverage, pie, cake etc., aluminum foil is also included.
- 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 not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.
- Plastic (coded "1", "2", "3", "4", "5", "6", and "7") – Any plastic coded with a number 1 through 7. Caps and lids not included unless the cap or lid is an acceptable plastic labeled ("1" through "7"). Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.
- 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.
- 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.
- Corrugated Cardboard - Shipping containers made with kraft paper linerboard and corrugated medium.
- Covered Electronic Devices – personal computer, computer monitor, portable computer, or television.
- 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.
- Leaves - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.
- Grass Clippings - Vegetative material generated when grass (lawns) are cut.
- Brush - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.
- Natural Wood Waste - Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.
- Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non-hazardous in accordance with the standards set forth in N.J.A.C. 7:26.
- Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.
- 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.

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 non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. **It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.**

Metal Appliances - 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* - Tires that are whole, not chipped into small pieces.

*Tires are allowed to be recycled and/or incinerated for energy recovery

Other Electronic waste - shall mean any electronic waste not included in the definition of Covered Electronic Devices. Examples include copiers, keyboards, modems, printers, scanners, fax machines, cell phones, etc.

Multifamily dwelling- means 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 NJSA 14:1E-99.14a.) 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: 14A-1 et seq.).

Municipal Recycling Coordinator - means the person or persons appointed by the governing body 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 therefore.

Municipal solid waste (MSW) stream - means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Montville which is not bulky waste or construction and demolition debris.

Recyclable material - means 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” means space allocated for collection and storage of source separated recyclable materials.

Single Stream Recycling – means the co-mingling of recyclable materials for curbside collection in one container. A list of acceptable materials for inclusion in single stream collection is enumerated in Section 317-6, Item C, 1.

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

Source separation- means 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.

317-4 Source Separation; Exemption from Source Separation Requirements.

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Montville, 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 and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township of Montville.

B. Exemptions: Pursuant to N.J.S.A. 14:1E-99.16(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 Chapter, 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.

317-5 Acceptance of the Municipal Solid Waste Recycling Goal.

As set forth in N.J.S.A. 14:1E-99.14.3b.(4)(c), the Township of Montville 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.

317-6 Collection of Recyclable Materials.

The collection of recyclable material shall be in the manner prescribed as follows:

A. All containers and brown paper 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. Receptacles or other items to be disposed of shall be placed as noted above on the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside on the day of collection.

B. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Township of Montville. The owner of any property shall be responsible for compliance with this Ordinance.

C. Curbside collection of the following recyclables is provided to single family residents and some residents of condominiums.

1) The following materials may be commingled together in a rigid container for single stream collection. Containers may not exceed thirty-five (35) gallons in capacity or fifty (50) pounds in weight.

Newspaper, Mixed Paper, Corrugated Cardboard, Telephone Books, Aluminum Cans, Plates & Trays, Glass Bottles and Jars, Steel (Tin) Cans and Plastics labeled "1", "2", "3", "4", "5", "6", "7" (printed on bottom). **All materials should be rinsed and free of any food or debris.** All bottle caps and tops must be removed and disposed of with garbage unless the cap or top is an acceptable plastic labeled ("1" through "7"). Residents must provide their own rigid garbage-type containers and handles.

2) Grass Clippings and Leaves will be collected at curbside. Grass Clippings and Leaves may be placed in rigid garbage type containers or biodegradable bags. Rigid containers may not exceed thirty-five (35) gallons in capacity or fifty (50) pounds in weight.

3) Brush must be tied in bundles for collection with the maximum size being two (2) feet in diameter, four (4) feet in length and fifty (50) pounds in weight.

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

5) Metal Appliances are collected on demand by prior arrangement with the township hauler. Metal Appliances are to be placed at the curb for collection on the pre-arranged date. Doors must be removed to avoid entrapment within the appliance.

D. Pickup of recyclables is provided to condominiums via dumpster or curbside pickup depending on the condominium complex in a manner consistent with the Township's Solid Waste Collection Contract.

E. Pickup of recyclables at Rachel Gardens is arranged and provided for by the management of the complex.

F. Disposal of other residential recyclables not picked up at curbside.

1) Tires can normally be left at the commercial establishment where replacement tires are purchased and installed. A fee may be charged. Tires may also be taken to the Morris County Transfer Station in Parsippany.

2) Lead-Acid Batteries can normally be left at the commercial establishment where replacement batteries are purchased and installed. A fee may be charged. Lead-Acid Batteries may also be disposed of through the Morris County Household Hazardous Waste Disposal Program generally offered year-round at the county Household Hazardous Waste Facility and at several additional county events each year held at various other locations.

3) Hazardous Dry Cell Batteries may be disposed of in the green household battery collection receptacle located at Cedar Hill School on Pinebrook Rd. in Towaco or through the Morris County Household Hazardous Waste Disposal Program generally offered year-round at the county Household Hazardous Waste Facility and at several additional county events each year held at various other locations.

4) Used Motor Oil must be accepted at every service station. A fee may be charged. Used Motor Oil may also be disposed of through the Morris county Household Hazardous Waste Disposal Program generally offered year-round at the county Household Hazardous Waste Facility and at several additional county events each year held at various other locations.

5) Natural Wood Waste will normally be hauled away by a contractor for a fee. There are commercial establishments which accept Natural Wood Waste.

6) Oil-Contaminated Soil is accepted by certain commercial establishments.

G. 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 telephone books, printer cartridges, plastic grocery bags, clothing, furniture, electronic goods, etc. Residents are also encouraged to leave grass clippings in place or mulch and to mulch leaves.

317-7 Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

317-8 Non-Residential Establishment Compliance Requirements.

A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, 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 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 Commercial, institutional, and multifamily complexes in the Township of Montville which are not serviced by municipal recycling collection system must submit to the Township Administrator, year-end recycling documentation no later than March 1 of the following year.

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.

317-9 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 14:1E-99.14a and 99.16c.)

A. Any application to the planning board of the Township of Montville, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, 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.

3) For 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, c102.

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 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 indentifying 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.

B. Prior to the issuance of a Certificate of Occupancy by the Township of Montville 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.

317-10 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.

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

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such un-separated 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 Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

317-11 Enforcement.

The Code Enforcement Official, the Department of Administration, the Department of Health, the Department of Public Works, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Morris County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

317-12 Violations and Penalties.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

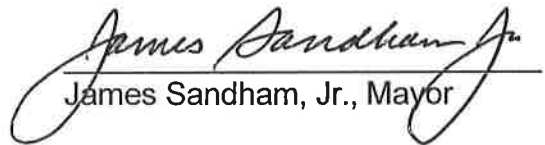
Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

ATTEST

TOWNSHIP OF MONTVILLE


Gertrude Atkinson, Township Clerk


James Sandham, Jr., Mayor

Introduced: January 25, 2011
Public Hearing: February 8, 2011
Adopted: February 8, 2011