

RO-04-08

**AN ORDINANCE TO AMEND CHAPTER 168, SOLID WASTE, OF
THE CODE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF
MORRIS, STATE OF NEW JERSEY**

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

SECTION 1. Chapter 168, Solid Waste, Article I, Recycling, of the Code of the Township of Washington, County of Morris and State of New Jersey, is hereby amended in its entirety to read as follows:

“ARTICLE I
RECYCLING

§168-1. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

CLASS B RECYCLABLES – Construction/demolition debris

COMMERCIAL- Any nonresidential building or establishment, including but not limited to those used for industrial purposes, retail, wholesale, dining, offices, professional services, shipping and receiving areas and cafeterias.

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

Glass Bottles and Jars - 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) - 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 - 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.

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.;

ELECTRONIC 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 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;

INSTITUTION – An established organization or foundation dedicated to public service or culture, including but not limited to religious, educational, health-care and governmental establishments;

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

MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR – means 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- means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Washington which is not bulky waste or construction and demolition debris.

PRIVATE RECYCLER – Person or group of persons wishing to collect recyclable materials and registered with the Department of Public Works.

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.

RESIDENT – Any person who owns, leases and/or occupies dwellings within the municipality, including those in multifamily dwellings and/or single-family developments.

SOLID WASTE- Includes all garbage and rubbish normally placed at the curb at residential and nonresidential properties in the Township of Washington for regularly scheduled collection by private haulers. As used in this chapter, "solid waste" is deemed to be nonrecyclable material.

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.

§168-2 Acceptance of the Municipal Solid Waste Recycling Goal

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

§168-3 Source Separation

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 Washington 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. This shall be done in the manner set forth in §168-4.

§168-4 Program responsibilities and descriptions.

A. Residential establishments.

- (1) Residents shall separate all designated materials from all other solid waste and shall segregate newspaper, corrugated cardboard, mixed paper, aluminum cans, glass bottles and jars, plastic bottles (coded 1 and 2), steel (tin) cans, leaves, grass clippings, brush, natural wood waste, used motor oil, metal appliances, whole tires, hazardous dry cell batteries, lead-acid batteries, oil contaminated soil and electronic waste for deposit at the recycling depot. These materials shall be deposited at designated recycling centers within the Township in accordance with the regulations established in this article except for leaves, grass clippings, brush or natural wood waste on property of two acres or more, on which properties residents must compost such waste on their own property, or place at curbside for pickup pursuant to a contract with a private recycler.
- (2) If transported to designated recycling centers, said recyclables shall be separately bundled.
- (3) If deposited at curbside for pickup pursuant to a contract with a private recycler, recyclables shall be prepared in accordance with the recycler's

specifications, except for leaves, grass clippings, brush and natural wood waste. Leaves, grass clippings, brush, natural wood waste placed at the curb or along the street, pursuant to pickup by a private recycler, must be containerized (placed in a trash can, bucket, bag or other vessel to prevent spilling or blowing into the street) and be placed at the street no more than seven days prior to a scheduled collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such waste at the curb or along the street at any other time or in any other manner is a violation of this section.

- (4) Except in those instances where a private recycler provides curbside pickup of recyclables and specifies otherwise, all material shall be prepared in the following manner:
 - (a) Newspaper: cross-tie with string or twine into bundles not to exceed 12 inches in height and 30 pounds in weight. Advertising enclosures and newspaper inserts may be bundled with newspapers. Such bundles shall not be contained in plastic bags.
 - (b) Corrugated cardboard: flattened and tied and may be commingled with paper bags.
 - (c) Glass: rinse and remove cap and rings.
 - (d) Aluminum cans: rinse.
 - (e) Plastic bottles: rinse.
 - (f) Steel (tin) cans: rinse.
 - (g) Aluminum: rinse.
 - (h) Mixed paper: secured in string or twine-tied bundles, not to exceed 12 inches in height or 30 pounds in weight. Such bundles shall not be contained in plastic bags.
 - (i) Brown bags: neatly folded, stacked and tied and maybe commingled with corrugated cardboard.
 - (j) Motor oil: placed in a tightly closed, unbreakable container will be returned to residents.
 - (k) Batteries, tires and hazardous waste shall be prepared in accordance with regulations which may be promulgated pursuant to §168-9.
- (5) From September through December, on property consisting of less than two acres, fallen leaves shall be bagged. Brush shall not exceed three inches in diameter and shall be cut into three-foot lengths and bundled. Grass clippings must be left on the lawn or composted on the property from which they are generated.
- (6) Metal appliances may be brought to the Department of Public Works complex during the Township cleanup weeks.
- (7) Oil-contaminated soil shall not be disposed of at the recycling depot but rather shall be disposed of by the owner in accordance with procedures approved by the New Jersey Department of Environmental Protection. All persons are prohibited from placing oil-contaminated soil at the curb for collection and from disposing of oil-contaminated soil in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Township of Washington to provide for the collection and disposal of such waste. The collection and disposal of oil-contaminated soil is the responsibility of the resident and/or property owner. Documentation of tonnage recycled pursuant to this subsection shall be submitted in accordance with §168-6.

- (8) All of the aforementioned provisions may, from time to time, be modified by the Municipal Recycling Coordinator to the extent that procedures are developed for residents to have their recyclables recycled.

B. Commercial establishments and institutions shall separate designated materials for recycling. Newspaper, corrugated cardboard, mixed paper, aluminum cans, glass bottles and jars, plastic bottles (coded 1 and 2) steel (tin) cans included as designated materials may be deposited at the designated recycling centers if prepared according to the above specifications. The commercial establishments and institutions shall be responsible for establishing recycling programs for the collection, transportation and marketing of all other designated materials not deposited at the designated recycling centers. Documentation of tonnage of materials recycled pursuant to such a program shall be submitted in accordance with §168-6.

§168-5 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. A copy of all notices and information materials shall be provided annually, by January 15th, to the Municipal Recycling Coordinator.

§168-6 Non-Residential Establishment Compliance Requirements

A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee. 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 non-residential facilities shall provide a copy of its recycling plan by January 15th of each year to the Municipal Recycling Coordinator. For purposes of this section, a contractual commitment shall be sufficient.

D. (1) All non-residential facilities which do not deposit designated materials at designated municipal recycling centers and all property owners recycling materials pursuant to §168-4.A (4) shall report on a quarterly basis by the 8th of the month following the end of each quarter to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the recycling plan, the amount of recycled material, by material type, collected and recycled, the tonnage recycled and the vendor or vendors providing recycling service.

(2) In addition, all private recyclers operating in the Township of Washington are required to submit quarterly documentation in the form of certified weight slips to the to the Municipal Recycling Coordinator to verify the tonnage and volume of materials picked up and deposited at places other than designated recycling centers in the Township. The recycling documentation will be due on or before the eighth of the month following the end of the quarter.

E. 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.

F. Those non-residential facilities which do not comply with the terms of this section will be subject to the penalties set forth in §168-12.

§168-7 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16.6.c.)

A. Any application to the planning board of the Township of Washington, 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.

B. Prior to the issuance of a Certificate of Occupancy by the Township of Washington, 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 private recycler 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.

§168- 8 Prohibitions

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

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

C. It shall be unlawful and a violation of this ordinance for any person to deposit any material at the designated recycling centers which is not a designated material.

D. It shall be unlawful and a violation of this chapter for any person to deposit recycling materials outside of the designated containers or areas at the designated recycling centers.

E. Once placed at the curbside or at the designated recycling centers in Washington Township as provided by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, the designated materials shall be and will become the property of the Township of Washington or its authorized agents. It shall be a violation of this chapter for any person, other than those authorized by the municipality, to tamper with, collect, remove, or otherwise handle designated recyclable materials. Each such collection in violation hereof from one or more properties shall constitute a separate and distinct offense punishable as hereinafter provided. Nothing contained herein, however, shall be construed to prevent authorized private recyclers from removing recyclables from the Township, provided that the private recyclers furnish tonnage and volume reports in accordance with §168-6.D.(2) or to limit volunteers or charitable organizations from conducting recycling drives. The date, time, place and nature of collection shall be presented, in writing, to the Department of Public Works prior to any such drive taking place. Regularly scheduled or established collections need only be reported once, at the beginning of each calendar year. In no event shall residents remove recyclables in bulk from the Township.

§168-9 Regulations and Enforcement

A. The Department of Public Works shall promulgate reasonable regulations establishing the collection of recyclable materials, including the manner, dates and times of collection of the same in accordance with the terms of this article. Any such regulations promulgated by the Department of Public Works shall be approved by the Township Committee of Washington Township and may be changed, modified, repealed or amended, in whole or in part, by majority vote of the Township Committee. Upon adoption of these regulations, citizens of the Township of Washington shall be advised of the regulations through every possible means of communication available. Thereafter, all citizens shall be responsible to comply with the requirements of this article.

B. The Department of Public Works Superintendent or his/her duly authorized designee is hereby designated and authorized as the enforcement officer for this Ordinance. The enforcing agent is hereby authorized and directed to perform random inspections of garbage set out for disposal in order to determine whether recyclables are included therein. 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. Such inspections shall be conducted at a minimum rate of 10% of residential units per quarter, 10% of commercial/institutional establishments per quarter and 10% of the multifamily/single-family development per quarter, until such time as the Township of Washington shall have, in accordance with state and County of Morris criteria, reached a 50% reduction rate in the amount of solid waste disposed. The inspections shall be reported and identified on the annual tonnage reports provided to the County Recycling Coordinator and to the State Department of Environmental Protection.

§ 168-10. Class B recyclables.

Class B recyclables shall not be disposed of at designated recycling centers, but rather shall be disposed of at a location or in a manner as may be designated from time to time by resolution of the Township Committee.

§ 168-11. Private recyclers.

A. Any person or group of persons wishing to collect recyclable materials shall register with the Department of Public Works as a private recycler.

B. No private recycler shall conduct recycling collection activities except pursuant to a contract with the homeowner or commercial, industrial or institutional establishment being provided with recycling collection services.

C. Private recyclers may deposit recyclables at a designated recycling center or sell the same in a private market.

D. An ongoing condition of collection activities within the Township shall be compliance with § 168-6.

§168-12 Violations and penalties.

A. Any person, firm, entity or corporation who or which violates or neglects to comply with any provision of this chapter or any regulations promulgated thereto shall, upon conviction thereof, be punishable by a fine not less than \$25 per offense and shall be subject, upon conviction, to the penalties provided in §1-3 of the Code of the Township of Washington.

B. Each and every day that said violation continues shall be considered a separate offense.”

SECTION 2. All Ordinances of the Township of Washington which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance may be renumbered for codification purposes.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

**TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY**

Judith L. Madden, Acting Municipal Clerk

Tracy Tobin, Mayor