Chapter 120

RECYCLING

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[HISTORY: Adopted by the Township Committee (now Township Council) of the Township of East Hanover 3-5-1987 by Ord. No. 7-1987; amended in its entirety 6-4-2008 by Ord. No. 9-2008. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 65.
Property maintenance — See Ch. 119.
Garbage, refuse and dry fill — See Ch. 189.
Littering — See Ch. 195.
Solid waste — See Ch. 207.

§ 120-1. Definitions.

As used in this chapter, 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. Ajar 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 ceramics.

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). 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 not coded 1 or 2, 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 — Air-fight containers 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, catalogues, envelopes and soft-cover 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, Nos. 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.

0. 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, reniote controls, toys, etc. Also included in this definition are nonrechargeable batteries that are hazardous, as defined by the Resource Conservation Recovery Act (RCRA), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Nonrechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc 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. Tires are allowed to be recycled and/or incinerated for energy recovery.

R. 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.) These 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.).[1]

[1] **Editor's Note: See N.J.S.A. 55:1SA-1 et seq.**

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[2] and those rules and regulations promulgated therefor.

[2] **Editor's Note: See N.J.5.A. 13:1E-99.32 et seq.**

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 Township of East Hanover 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.

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.

§ **120-2. Mandatory source separation; exemption from source separation requirements.**

A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of East Hanover, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township.

B. Exemptions. Pursuant to N.J.S.A. 13:1E-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 this chapter, 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.

§ 120-3. Township's acceptance of municipal solid waste recycling goal.

As set forth in N.J.S.A. 13:1E-99.13b.(4)(c), the Township of East Hanover 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.

§ 120-4. Collection of recyclable materials.

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

A. Preparation.

(1) Newspaper shall be stacked and cross-tied (no wire) securely in bundles not exceeding 12 inches in height.

(2) Glass bottles and jars are to be rinsed clean and caps removed.

(3) Aluminum cans are to be rinsed clean and may be flattened.

(4) Yard waste. Leaves and grass clippings may be composted or brought to the recycling center/depot at the Department of Public Works (DPW) garage. During the fall pickup schedule, leaves may be placed at the curb in paper bags for collection by the DPW. Brush or branches not exceeding three inches in diameter may be taken to the recycling center/depot.

(5) Corrugated cardboard boxes and cartons are to be flattened, stacked and tied securely into three-foot-by-three-foot bundles or compacted using a compaction machine.

(6) Hazardous waste shall be placed in tightly closed and labeled containers and delivered only on certain specified days to the Morris County Hazardous Waste Disposal Facility.

B. Collection.

(1) With the exception of properties abutting Nike Drive, including without limitation the Hanover Park condominium development, the Township of East Hanover shall provide twice-a-month residential curbside pickup of recyclables, which include the following materials: aluminum cans, glass containers, tin/steel cans, plastic bottles (which may be commingled), newspapers, magazines/junkmail and corrugated cardboard.

(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.

Receptacles or other items to be disposed of shall be placed as noted above any time after 5:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

(b) The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition.

(2) All materials listed in Subsection B(1) above may also be brought to the environmental center/recycling depot on Melanie Lane. Also, vehicular batteries, motor oil and tires that are off the rim will be accepted at the center on Mondays, Wednesdays and Saturdays.

(3) For residents of properties abutting Nike Drive, the Township operates a recycling depot on Nike Drive at which residents shall deposit their recyclables.

(4) All materials which are collected by the Township or brought to the environmental center/recycling depot by residents are then transported to other locations. The Township undertakes some of this distribution and employs outside vendors to do other portions thereof. A current list of the disposal method and contractor, if applicable, for each recyclable shall be maintained in the office of the Township Clerk at Town Hall, 411 Ridgedale Avenue, East Hanover, and by the recycling coordinator at the environmental center/recycling depot, 8 Melanie Lane, East Hanover.

(5) The institutional and commercial sectors are not permitted to bring their materials to the environmental center/recycling depot, but must contract private vendors or recycling facilities; provided, however, that landscapers, yard maintenance contractors, house-cleaning services, moving companies and the like may utilize the environmental center/recycling depot upon payment of an annual registration fee and a tipping fee for each visit to the center.

(6) Construction and demolition contractors are also required to contract with private vendors or recycling facilities to recycle their category-specific materials.

(7) Enforcement of the above shall be through inspections, violation notices and court action, if necessary, to ensure compliance.

C. Collection depot.

(1) The Township of East Hanover maintains an environmental center/recycling depot for the collection and storage of recyclable items at the Department of Public Works (DPW) complex on Melanie Lane. The environmental center/recycling depot is open Monday and Wednesday from 8:00 am, to 3:30 p.m. and on Saturday from 8:00 a.m. to 4:00 p.m. Residents may bring to the environmental center/recycling depot and recycle material which is set forth in § 120-3B(1) as eligible for curbside collection.

(2) Landscapers, yard maintenance contractors, housecleaning services, moving companies and the like wishing to utilize the environmental center/recycling depot may be permitted to do so upon payment of an annual registration fee and a tipping fee for each visit to the center. The fee schedule shall be as follows:

(a) Permits. The annual permit fee shall be as follows:

Vehicle Capacity (cubic yards)	Annual Fee
Up to l	$50
1 to 3	$125
More than 3	$45 per cubic yard

(b) Tipping fees. Tipping fees shall be assessed upon each visit to the environmental center/recycling depot, and the assessment shall be at the maximum capacity of each vehicle. Except for commingled recyclables, mixed loads are not permitted. Item fees shall be as follows:

Recyclable Category	Fee (per cubic yard)
Grass	$15
Leaves	$10
Brush (not to exceed four-inch	$12 diameter)
Logs (in excess of four-inch	$25 diameter)
Stumps	$50
Wood chips	$12
Newsprint -	$1
Cardboard	$8
Commingled cans/glass/plastic	$8
Concrete (including bituminous	$40 concrete)

(c) Deposit required. Anyone required to obtain a permit and pay a tipping fee shall be required to post a deposit against which tipping fees will be charged and to maintain an adequate balance in such account. Where the account balance is insufficient to cover the cost of a load, the load will be refused until such time as the deposit account has been replenished. Required deposits, shall be as follows:

Vehicle Capacity (cubic yards)	Minimum Deposit Required
Up to l	$150
1 to 3	$500
More than 3	$1,000

§ **120-5. Residential dwelling compliance.**

The owner of any property 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 every six months during their occupancy.

§ 120-6. Nonresidential establishment compliance.

A. All nonresidential generators, of solid waste, including commercial, industrial and institutional establishments, 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, 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 nonresidential facilities shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any Code enforcement officer.

§ 120-7. New developments of multifamily residential units or commercial, institutional or industrial properties.

Pursuant to N.J.S.A. 13: lE-99. 13a and N.J.S.A. 13:1E-99.16c:

A. Any application to the Planning Board of the Township of East 1-lanover for subdivision or site plan approval for the construction of multifamily dwellings of three 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 East Hanover, 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. Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.

§ 120-8. 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 chapter 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 recyclables.

§ 120-9. Enforcement; inspections.

A. The Code Enforcement Official, the Department of Health; the Recycling Coordinator, the Property Maintenance Official, the Housing Officer and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the -provisions of this chapter.

B. 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.

§ 120-10. 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 nor 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. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

§ 120-11. Severability.

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this chapter is unconstitutional, all other sections and provisions shall remain in effect.