ORDINANCE NO. 3-08

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DENVILLE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 23, MANDATORY RECYCLING, OF THE REVISED GENERAL ORDINANCES

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") and the Morris County Municipal Utilities Authority ("MCMUA") have significantly changed the rules and regulations dealing with municipal source separation and recycling; and

WHEREAS, the Township of Denville wishes to bring itself and its ordinances into conformance with the rules of NJDEP, MCMUA and the March 2007 Morris County Solid Waste Management Plan Amendment referred to as the County Plan Update; and

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

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 23, "Mandatory Recycling," is hereby amended and supplemented to read as follows:

§23-1. Definitions.

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

"Commercial" shall mean 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" shall mean a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

"Designated recyclable materials" shall mean 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 below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown 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.

![PETE HDPE symbols](image)

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" shall mean 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" shall mean 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 (C.55: 13A-1 et seq.);

"Municipal Recycling Coordinator" shall mean 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" shall mean 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" shall mean all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Township of Denville, which is not bulky waste or construction and demolition debris.

"Recyclable material" shall mean 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" shall mean any person who owns, leases and/or occupies dwellings within the municipality, including those in multifamily dwellings and/or single-family developments.

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

"Source separation" shall mean 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.

§23-2. Separation of Recyclables Required; Exemptions.

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 municipality of the Township of Denville 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 section 23-3.

B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.166.(d), the Township Council 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.

§23-3. Program Responsibilities and Descriptions.

A. Residential establishments.

1. Residents shall separate all designated recyclable materials from all other solid waste and shall segregate same for deposit at the recycling depot. These materials shall be deposited at the recycling depot located at 140 Morris Avenue during the hours established pursuant to section 23-10 or placed at curbside if a property owner has been notified by the township that curbside collection is available. Materials deposited at the recycling depot shall be disposed in the manner directed by signs or attendants at the site. Material shall be prepared in the following manner:

(a) Newspaper: May not be yellowed, dirty, or wet. For curbside pickup must be cross-tied with string or twine into bundles not to exceed 50 pounds. For deposit at the recycling depot may be loose or tied into bundles.

(b) Corrugated Cardboard: flatten and reduce to lengths of not more than three feet and tie.

(c) Glass Bottles and Jars: rinse and remove cap and rings; color separate into green, brown and clear.*

(d) Aluminum cans: rinse.*

(e) Plastic bottles: rinse.*

(f) High-grade aluminum: rinse.*

*Glass, aluminum cans and plastic bottles may be commingled for curbside collection (in rigid containers) or for deposit in the appropriate receptacle at the recycling depot.

(g) Mixed paper: separate from other paper products; bundle separately from newspapers and brown bags.

(h) Used Motor oil: placed in tank provided at recycling depot.

(i) Leas-Acid batteries: no special preparation.

(j) Hazardous dry cell batteries: no special preparation.
(k) Grass clippings: may be brought loose (no bags) to recycling depot; composted on property on which it is generated, or cut and left on the property on which it is generated.

(l) Brush: tied in bundles not more than four feet in length; no greater than six inches in diameter for curbside pickup during times as may be designated pursuant to section 23-10, or deposit at recycling depot.

(m) Leaves: for curbside pickup during times as may be designated pursuant to section 23-10, in 30 gallon brown biodegradable self-standing waterproof paper bags. Loose leaves may not be swept, raked, blown or deposited onto any street or gutter. Leaves may also be deposited loose at the recycling depot or composted on the property on which they are generated.

(n) Anti-freeze: placed in tightly closed original container.

2. White goods, ferrous, and nonferrous metal may either be brought to the recycling depot or picked up by appointment with the department of public works.

3. Oil-contaminated soil, stumps and asphalt and asphalt roofing shingles 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, stumps and asphalt roofing shingles at the curb for collection or in solid waste collections. Said prohibition, however, shall not impose an obligation upon the Township of Denville to provide for the collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles. The collection and disposal of oil-contaminated soil, stumps and asphalt and asphalt roofing shingles is the responsibility of the resident and/or property owner. Documentation of tonnage recycled pursuant to this subsection shall be submitted in accordance with section 23-4.

4. 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.

5. The owner of any residential 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 designated 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.
B. All non-residential generators, including commercial establishments and institutions shall separate designated materials for recycling. All designated recyclable materials may be deposited at the recycling depot if prepared according to the above specifications. Materials deposited at the recycling depot shall be disposed in the manner directed by signs or attendants at the site. 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 depot. Documentation of tonnage of materials recycled pursuant to such a program shall be submitted in accordance with section 23-4.

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.


A. Each commercial establishment and institution in the Township must provide the municipal recycling coordinator with a copy of its recycling plan by January 15 of each year. For purposes of this section, a contractual commitment shall be sufficient.

B. All commercial establishments and institutions which do not deposit designated materials at the recycling depot and all property owners recycling materials pursuant to section 23-3(A) must annually submit documentation of tonnage of materials recycled to the municipal recycling coordinator by January 15 of the following year.

C. The municipal recycling coordinator will compile all recycling documentation and report annually to the New Jersey Department of Environmental Protection (N.J.D.E.P) and to the county recycling coordinator in accordance with N.J.D.E.P. regulations.

D. Those commercial establishments and institutions which do not comply with this section will be subject to the penalties set forth in section 23-11.

§23-5. Recyclables Become Township Property.

From the time of placement at the recycling center or curbside, if permitted, all designated recyclable materials shall be and will become the property of the Township of Denville or its authorized agents. It shall be a violation of this chapter for any person unauthorized by the Township of Denville to collect or pick up or cause to be collected or picked up any such recyclables. Each such collection in violation hereof from one or more properties shall constitute a separate and distinct offense punishable as hereinafter provided.


A. It shall be a violation of this chapter for any person or solid waste collector to deposit recyclable materials outside of the designated containers or areas at the
...recycling depot or to otherwise fail to follow the signs and directions posted at the recycling depot.

B. It shall be a violation of this chapter for any person or solid waste collector to deposit any material at the depot center which is not a designated material accepted at the depot center.

C. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this chapter.

§23-7. Donation or Sale of Recyclables to Other Entities.

Any person who is an owner, lessee or occupant may donate or sell recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit, provided that the recycling individual or company submits documentation to the municipal recycling coordinator as described in section 23-4.


A. Any application to the Denville Township Planning Board 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, 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.

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

§23-10. Enforcement.

The municipal recycling coordinator, the health division, and the department of public works and any agent duly designated by the municipal council are authorized and directed hereby to enforce this chapter. The recycling coordinator, the health division, and the department of public works shall recommend and the municipal council shall promulgate and/or amend, from time to time, reasonable regulations as to the manner, days and times for the collection and/or deposit of designated recyclable materials in accordance with the terms hereof.


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 $1,000.

§23-12. Severability, Effective Date.

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

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

SECTION 3. 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 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.