

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE #11- 08**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM,  
COUNTY OF MORRIS, AND STATE OF NEW JERSEY  
TO AMEND AND SUPPLEMENT CHAPTER 183, SOLID  
WASTE, OF THE CODE OF THE BOROUGH OF  
MENDHAM**

**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 Borough of Mendham 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 Borough of Mendham 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 Borough Council of the Borough of Mendham, in the County of Morris, and State of New Jersey as follows:

**SECTION 1.** Chapter 183, Solid Waste, Article I, Recycling, of the Code of the Borough of Mendham, is hereby amended and supplemented to read as follows:

**§ 183-1. Purpose.**

The conservation of recyclable materials has become an important public concern by reason of the growing problem of solid waste disposal and its impact on our environment, causing an increasing necessity to conserve our natural resources. The reduction of the amount of solid waste to be disposed of will reduce the cost of disposal, and, at the same time, the separation, collection and sale of recyclable materials will reduce the financial burden of solid waste disposal. The purpose of this article is to provide the Borough of Mendham with a method of attaining the goal of at least a fifty-percent recycling rate of municipal solid waste by 2015 as mandated by the State of New Jersey.

**§183-2. 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.



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, dryers, microwaves, toasters and indoor/outdoor grills, 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 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" 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 Borough of Mendham, 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.



#### **§183-5. Documentation.**

- A. All commercial, institutional and other non-single-family residential properties must submit recycling documentation on an annual basis to the Borough Recycling Coordinator, with said documentation to be submitted by January 31<sup>st</sup> for the prior calendar year.
- B. The Borough Recycling Coordinator will compile all recycling documentation and report to the New Jersey State Department of Environmental Protection and Energy and the Morris County Recycling Coordinator as required.
- C. Those not complying will be subject to enforcement penalties defined in §183-12.

#### **§183-6. Recyclables Become Borough 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 Borough of Mendham or its authorized agents. However, it shall remain the responsibility of the individual(s) who placed the recyclables curbside to maintain the recyclables in a neat and orderly fashion. It shall be a violation of this chapter for any person unauthorized by the Borough of Mendham 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.

#### **§183-7. Unlawful Acts.**

- A. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source-separate designated materials for recycling is a violation of this article.
- B. It shall be unlawful for solid waste collectors to collect solid waste that 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/recyclables which visibly display a warning notice, ticket or some other device indicating that the load of solid waste contains designated recyclable materials and therefore should not be removed for disposal.
- C. It shall be the responsibility of the recycler whose solid waste was not removed because it contained recyclables to properly segregate the uncollected waste for proper recycling. Allowing such unseparated refuse to accumulate is a violation of this article and the local sanitary code.
- D. 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.
- E. 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.
- F. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste in the street. If yard waste is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.



**§183-8. Donation or Sale of Recyclables to Other Entities.**

Any person who is an owner, lessee or occupant of a nonresidential property 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 Borough recycling coordinator as described in section 183-5.

**§183-9. 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 Mendham Borough 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 Borough, 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.

**§183-10. 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 Borough of Mendham 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.

**§183-11. Enforcement.**

The municipal recycling coordinator, the Borough Administrator, the department of public works and any member of the Borough police are authorized and directed hereby to enforce this chapter. 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. The recycling coordinator, the Borough Administrator, and the department of public works shall recommend and the Borough 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.

**§183-12. 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 \$1,000.



**§183-13. 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 Borough of Mendham, 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.

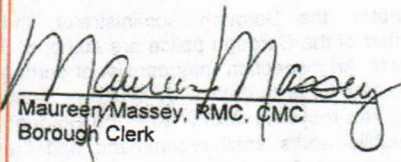
**SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: May 19, 2008

Adopted: June 16, 2008

ATTEST:

APPROVED:

  
Maureen Massey, RMC, CMC  
Borough Clerk

  
Neil J. Henry, Mayor