

**TOWNSHIP OF MONTGOMERY
ORDINANCE NO. 08-1270**

**AN ORDINANCE AMENDING AND
SUPPLEMENTING SECTION 11-3
OF THE CODE OF THE
TOWNSHIP OF MONTGOMERY
REGARDING RECYCLING**

BE IT ORDAINED by the Township Committee of the Township of Montgomery in the County of Somerset, State of New Jersey as follows:

Section 1. Section 11-3 Recycling of Code Amended. Section 11-3 of the Code of the Township of Montgomery, in the County of Somerset, State of New Jersey (1984) (“Code”) is hereby deleted and replaced in its entirety so as to read as follows:

11-3 RECYCLING

11-3.1 Definitions. The following words and phrases shall have the following meanings:

- a. *Aluminum Cans* shall mean food and beverage containers made entirely of aluminum.
- b. *Antifreeze* shall mean an automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
- c. *Computer Printout/White Ledger* shall mean all computer paper, a high-grade white paper, including letterhead, typing paper, copier paper, onionskin, and note pad.
- d. *Concrete, Asphalt and Masonry/Paving Material* shall mean asphalt, concrete, brick, cinder block, "patio blocks", and other masonry and paving materials.
- e. *Consumer Batteries* shall mean any type of button-, coin-, cylindrical-, rectangular- or other-shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional or household use, but shall not include lead acid batteries.
- f. *Corrugated Containers* shall mean brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.

- g. *Glass Containers* shall mean glass containers used for packaging food or beverages.
- h. *Heavy Iron* shall mean all structural steel or ferrous metal, cast from components.
- i. *Lead-Acid Batteries* shall mean batteries from automobiles, trucks, other vehicles and machinery and equipment which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.
- j. *Leaves and Brush* shall mean leaves, brush and other yard trimmings, including grass clippings, from institutional, commercial or industrial sources.
- k. *Magazines and Junk Mail* shall mean magazine stock, white and colored paper and envelopes, telephone directories and books.
- l. *Mercury Containing Devices* shall mean fluorescent and compact tubes, High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.
- m. *Mixed Paper* shall mean magazines, glossy inserts, computer paper, junk mail, colored paper and office paper.
- n. *Mixed Office Paper* shall mean items listed in computer printout/white ledger category when mixed with envelopes, manila folders and color paper, and which is generated by commercial/institutional sources.
- o. *Newspaper* shall mean all paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7, and #8 news).
- p. *Non-Residential Generator* shall mean the owner, occupant, or operator of any commercial, industrial or institutional premises, including but not limited to business establishments, restaurants, warehouses, factories, office buildings, governmental premises, and schools.
- q. *Occupant* shall mean any individual, partnership, corporation or other legal entity having actual physical possession or occupancy of a premises or part thereof, including but not limited to tenants.
- r. *Operator* shall mean any individual, partnership, corporation or other legal entity designated to manage or operate a premises.

- s. *Owner* shall mean any individual, partnership, corporation or other legal entity having legal title of record to a premises.
- t. *Plastic Containers* shall mean containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, and water or detergent bottles.
- u. *Premises* shall mean land and any improvements thereon, or any part thereof.
- v. *Residential Generator* shall mean the owner, occupant or operator of any single- or multi-dwelling unit, including, but not limited to single family homes, garden and high-rise apartments, condominiums, and townhouses.
- w. *Scrap Autos* shall mean crushed or shredded automobile or truck bodies, excluding auto shredder residue or "fluff".
- x. *Steel and Rigid Cans* shall mean rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
- y. *Stumps, Logs and Tree Parts* shall mean unfinished wood from land clearing projects, storm damage or pruning activities.
- z. *Textiles* shall mean textiles larger than 15" x 15," e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals.
- aa. *Tires* shall mean rubber-based scrap automotive and truck tires.
- bb. *Used Consumer Electronics* shall mean any appliance used in a business and which contains circuitry, including, but not limited to, computers, computer peripherals, printers, copiers, video cassette recorders, televisions, cell phones, fax machines, and the components and subassemblies of such electronic products.
- cc. *Used Motor Oil* shall mean a petroleum base or synthetic oil, which, through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of its original properties, such as oil used to lubricate internal combustion engines.
- dd. *White Goods and Light Iron* shall mean all large appliances such as washers, dryers, refrigerators, as well as products made from sheet iron,

such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other non-structural ferrous scrap.

- ee. *Wood Scrap* shall mean unfinished lumber from construction or demolition projects including pallets. Unfinished shall mean non-chemically treated, i.e., not pressure treated; impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals; painted, resin-coated or otherwise surface treated; laminated or bonded; or similarly altered from its natural condition.
- ff. *Wood Waste* shall mean unfinished lumber generated by residential generators of solid waste.

11-3.2 Program Continued. There is hereby continued a program for the mandatory separation of recyclables within the Township.

11-3.3 Separation and Placing for Removal. It shall be mandatory for all owners, operators and occupants of residential and non-residential premises within the Township, to separate designated recyclable materials from solid waste. Designated recyclable material shall be deposited separate and apart from other solid waste generated by the owners, operators, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as established in this section.

a. Requirements for Non-Residential Generators.

1. The owner, operator or occupant of any commercial, industrial, or institutional premises shall separate the following recyclable material as required under the County Recycling Program:

- Aluminum Cans
- Antifreeze
- Computer Printout/White Ledger
- Concrete
- Consumer Batteries
- Corrugated Containers
- Glass Containers
- Heavy Iron
- Lead-Acid Batteries
- Leaves and Brush
- Magazines and Junk Mail
- Mercury Containing Devices
- Mixed Office Paper
- Newspaper
- Plastic Containers (#1 & #2 plastic bottles)
- Scrap Autos
- Steel Cans

Stumps, Logs and Tree Parts
Textiles
Used Consumer Electronics
Used Motor Oil
White Goods and Light Iron
Wood Scrap

2. All commercial, industrial and institutional generators of solid waste shall be required to comply with the provisions of this section. The owner, operator or occupant of any commercial, industrial, or institutional premises within the Township shall annually report to the Recycling Coordinator regarding its recycling activities. Such report shall be on such forms as may be prescribed by the Recycling Coordinator.
 3. A non-residential generator of solid waste that sells beverages packaged in plastic or glass containers or aluminum cans and consumed on the non-residential generator's premises shall maintain at the premises receptacles exclusively for the deposit of these recyclable materials. Said receptacles shall be clearly marked to indicate that they are used exclusively for said purpose.
 4. Every office shall have in each work area within it a separate receptacle for the collection and disposal of computer paper/white ledger and mixed office paper.
- b. Requirements for Residential Generators. The owner, occupant or operator of any dwelling within the Township shall place for disposal, removal or collection the following named items in conformity with the following regulations:
1. Newspapers shall be secured in separate bundles not to exceed thirty-five (35) pounds and shall not be contained in plastic bags.
 2. The following recyclables are mandatory source separated items as of the effective date of this section:
 - Aluminum Cans
 - Asphalt
 - Concrete
 - Consumer Batteries
 - Corrugated Cardboard
 - Glass Containers
 - Leaves
 - Mixed Paper
 - Newspaper
 - Plastic Containers (#1 & #2 plastic bottles)

Steel and Bimetal Cans
Telephone Books
Textiles
Used Motor Oil
Wood Waste

3. The owner of the premises shall be responsible for compliance with this section. In addition, for multifamily units, the owner or operator of the premises is responsible for setting up and maintaining a recycling system for collecting recyclable materials in accordance with this section. Violations and penalty notices will be directed to the said owner or operator in those instances where the violator is not readily identifiable.

11-3.4 Collection. The collection of recyclable material shall be in the manner prescribed as follows:

- a. All receptacles 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 they shall be readily accessible to the collector without providing obstruction to pedestrians. Receptacles and newspaper to be disposed of shall be placed outside after 6:00 p.m. on the day immediately preceding the day of collection, but no later than 7:00 a.m. on the day of collection.
- b. All receptacles or dumpsters shall be maintained clean and in a safe handling condition.
- c. It is prohibited and it will be determined to be a violation hereof for any generator of solid waste in the Township to put into or cause to be put into the solid waste collection system of the Township any leaves.
- d. The collection, removal and disposal of recyclables shall be supervised by the Township or its designated agent, who shall establish the time, method and routes of service. The County is the Township's designated agent for recycling and the County's rules and regulations are to be followed regarding the time, days of collection, method of collection and routes of service. If the Township's designated agent changes, residents will be notified of the change and of the new rules and regulations for the time, days of collection, method of collection and routes of service.

11.3-5 Collection by Unauthorized Person. It shall be a violation of this section for any person unauthorized by the County or Township to pick up or cause to be collected or picked up any recyclable materials during the twenty-four (24) hour period commencing at 6:00 p.m. on any day preceding a day designated for collection. Any and each such collection in violation hereof from one or more residences during said twenty-four (24) hour

period shall constitute a separate and distinct offense punishable as hereinafter provided.

11.3-6 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties. Pursuant to N.J.S.A. 13:1E-99.13a and N.J.S.A. 99.16c, new developments of multi-family residential units or of commercial, institutional, or industrial properties must comply with the following:

- a. Any development application pursuant to N.J.S.A. 40:55D-1 *et seq.* for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single-family developments of fifty (50) or more units or any commercial, institutional, or industrial development for the utilization of one thousand (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 reasonably determined by the Township Recycling Coordinator.
- b. Prior to the issuance of a Certificate of Occupancy by the Township, the owner of any new multi-family housing or of any 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 County 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 Township Engineer.

11.3-7 Building Permits. At the time of issuance of any building permit, the building code official will provide written instruction on proper disposal and recycling of construction and demolition waste that requires removal of twenty-one (21) or more cubic yards of waste materials and furnish a Notification of Construction/Demolition Activity Form that must be filled out by the permitted and faxed to the Somerset County Department of Health-CEHA OPERATIONS within two working days of the issuance of a permit.

11-3.8 Audit and Waste Reduction Plan.

- a. All non-residential generators shall have waste audit reduction plans for their premises.
- b. Waste audit and reduction plans shall include at least the following:
 1. A description of how the use of heavy metals will be eliminated from products and packaging;
 2. A description of how the use of double packaging will be eliminated, except where required for the integrity, health and safety of the product.

11-3.9 Recycling Plan Required. All non-residential generators with one hundred (100) or more employees are required to have a plan which describes how source separation and recycling shall be accomplished for their premises. The plan, which shall be submitted to the Township and County, shall include at least the following:

- a. Description of the manner in which the designated recyclables will be source separated from the waste stream;
- b. The name of the market vendor for each designated recyclable commodity.

11.3-10 Violation and Penalty. Any individual, partnership, corporation or other legal entity that violates or neglects to comply with any provision of this section or any regulations promulgated thereto shall, upon conviction thereof, be punishable in accordance with section 1-5 of this Code.

11.3-11. Enforcement. The office of the Recycling Coordinator shall be empowered to enforce the recycling provisions of this Section. The Recycling Coordinator shall have the powers and duties enumerated in N.J.S.A. 13:1E-99.16. The Recycling Coordinator is further authorized and directed to establish reasonable rules and regulations to enforce the provisions of this section. Such rules and regulations shall be effective only upon their approval and adoption by resolution of the Township Committee.

Section 2. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be valid and enforceable.

Section 3. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date. This Ordinance shall take effect immediately after final passage and publication in accordance with the laws of the State of New Jersey.