Ewing Township Recycling Ordinance

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# Chapter 319: Solid Waste Article III: Recycling

## §319: 15 Recycling program.

Pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.11 et seq.), the Township of Ewing hereby adopts the Mercer County Recycling System as set forth in Mercer County Ordinance No. 89-19, effective August 15, 1989, as its recycling program. Pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act, each person and commercial, industrial and institutional establishment shall be required to comply with this Township recycling program. All municipal contracts for solid waste collection and/or disposal within the Township shall be consistent with this article and the Mercer County Recycling System.

## § 319-16: Definitions.

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

**ACCEPTABLE ALUMINUM CONTAINERS**
Aluminum containers of the type commonly used for the packaging of beverages and food products.

ACCEPTABLE BIMETAL CONTAINERS
Those cans with side and bottom construction made of steel and with top construction made of aluminum.

**ACCEPTABLE CO-MINGLED MATERIALS**
Those materials which would otherwise become municipal solid waste for municipalities in the County of Mercer and which may be collected, separated, processed and returned to the economic mainstream in the form of materials or products. Accepted co-mingled materials shall include "acceptable metal containers" and "acceptable glass," as defined herein. In no event shall acceptable co-mingled materials include unacceptable co-mingled materials.

**ACCEPTABLE FERROUS METAL CONTAINERS**
Metal containers of the type commonly used for the packaging of beverage and food products.

**ACCEPTABLE GLASS CONTAINERS**
Any clear, amber or green glass container of the type commonly used for beverage and food products. Expressly exempted from this definition are glass containers used for nonbeverage and nonfood products, such as pesticides, herbicides or other chemicals. Light bulbs, plate, safety and mirrored glass are also not considered acceptable glass.

**ACCEPTABLE METAL CONTAINERS**
Metal containers (cans) of the type commonly used for beverage and food products only, and may include aluminum, tin-plate steel and bimetal cans. Expressly exempted from this definition are cans utilized for the packaging of chemicals or other nonfood and nonbeverage products.

**ACCEPTABLE MIXED PAPER**
Newspapers and associated inserts, periodical magazines, office paper, mail and window envelopes.

**ACCEPTABLE PLASTIC CONTAINERS**
Any polyethylene terephthalate (PET) and high-density polyethylene (HDPE) plastic container of the type commonly used for beverage and food containers only. PET or HDPE containers utilized for nonfood and nonbeverage items are expressly exempted from this definition.

**BATTERY**
A group of two or more cells connected together to furnish electric current. For the purposes of this article, the battery and/or batteries being referred to are only for motor vehicles, including automobiles, trucks and motorcycles.

**BEVERAGE**
Milk, alcoholic beverages, including beer or other malt beverages, liquor, wine, vermouth and sparkling wine, and nonalcoholic beverages, including fruit juice, mineral water and soda water and similar nonalcoholic carbonated and noncarbonated drinks intended for human consumption.

**BEVERAGE CONTAINER**
An individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage.

**COLLECTION UNIT**
Any equipment determined to be necessary to complete the collection services described in the Recycling Plan and section attached hereto and made a part hereof. [1]

**COMMERCIAL ESTABLISHMENT**
Those businesses which constitute wholesale, retail or service establishments, such as restaurants, stores, markets, theaters, hotels, warehouses and offices.

**CORRUGATED**
Corrugated containers having liners of either test liner, jute or kraft.

**COUNTY RECYCLING SYSTEM**
The Mercer County Collection and Processing System, as more fully described in the Mercer County Recycling Plan and any amendments.

**CULLET**
Crushed or shattered glass with an average particle size of one millimeter by one millimeter to two millimeters by two millimeters, plus or minus.

**DEPARTMENT**
The New Jersey Department of Environmental Protection.

**DESIGNATED RECYCLABLE MATERIALS**
Those materials named in the approved Mercer County Recycling Plan and any amendments.

**END USER**
The ultimate market for designated recyclable materials, which utilizes said materials as raw materials in the manufacture of new commodities.

**EXISTING TRANSFER STATION**
The Solid Waste Transfer Station leased by the Township to the Mercer County Improvement Authority and located at Ewing Township, New Jersey, at Block 13, Lots 3, 10, 16, 17, 19 and 21.FOOD PRODUCTA food commodity packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

**INDUSTRIAL ESTABLISHMENT**
Those businesses which include manufacturing, industrial, research and development entities.

**INSTITUTIONAL ESTABLISHMENT**
Those entities constituting schools, hospitals, research institutions and public buildings.

**MULTIFAMILY UNITS**
Any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling spaces are occupied or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of 10 or more buildings in a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall also include apartments and condominiums. "Condominium" as used herein shall include the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvement, together with an undivided interest in common elements appurtenant to each such unit.

**MUNICIPAL SOLID WASTE STREAM**
All residential, commercial and institutional solid waste generated within the boundaries of any municipality.

**MUNICIPALITY**
The Township of Ewing.

**NONPROFIT GROUP**
Those groups or organizations operating not for profit, such as the Girl Scouts, Boy Scouts, religious organizations, etc., and other types of service organizations that may on occasion conduct recycling fund-raising activities.

**OFFICE PAPER**
High-grade paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and related types of cellulosic material containing not more than 10% by weight of volume of noncellulosic material, such as laminates, binders, coatings or saturates.

**PRIVATE RECYCLER**
Any individual or group registered with the Mercer County Improvement Authority to collect recyclable materials.

**RECYCLABLE CONTAINER**
A container intended for the in-home storage and collection of recyclable materials, to be approved by the Mercer County Improvement Authority and to be signed with an appropriate recycling slogan.

**RECYCLABLE MATERIAL**
Those materials which would otherwise become municipal solid waste and which may be collected, separated, processed and returned to the economic mainstream in the form of materials or products.

**RECYCLING**
The activity whereby a secondary material is introduced as raw material into a process in which it is transformed into a new product in such a manner that its original identity is essentially lost.

**RECYCLING ACT**
The New Jersey Statewide Mandatory Source Separation and Recycling Act, P.L. 1987, Chapter 102, N.J.S.A. 13:1E-99.11 et seq.

**RECYCLING CENTER**
Any facility designed and operated solely for receiving, storing, processing and transferring source-separated, nonputrescible or source-separated co-mingled nonputrescible metal, glass, paper, plastic containers and corrugated and other cardboard, or other recyclable materials approved by the Department.

**RECYCLING FACILITY**
Any solid waste facility utilized to separate or process solid waste into marketable materials.

**SCAVENGER**
Any individual or group that is not registered with the Mercer County Improvement Authority to collect recyclable materials or an individual or group which has not been granted an exemption to the registration requirement.

**SOLID WASTE**
Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials, including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

**SOLID WASTE FACILITIES**
Includes the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

**SOURCE SEPARATION**
The act of segregating designated recyclable materials from residential, commercial and institutional solid waste by the generator thereof for the purpose of collection, disposition and recycling.

**TIN-PLATE CANS**
Those cans with a basic steel construction with an interior coating of tin.

**TIRE**
A continuous solid or pneumatic rubber cushion encircling a wheel usually consisting when pneumatic of an external rubber-and-fabric covering that contains and protects from injury an air-filled inner tube for use on a motor vehicle not for commercial use. A tire as defined herein shall have the rim removed.

**UNACCEPTABLE CO-MINGLED MATERIALS**
Those materials which are not defined as "acceptable co-mingled materials.

**"UNACCEPTABLE MIXED PAPER**
Those materials which are not defined as "acceptable mixed paper" and are unsuitable for consumption as the grade specified.

**WHITE GOODS**
Refrigerators, freezers, washers, dryers and other appliances of steel construction.

[1] Editor's Note: The Recycling Plan is on file in the office of the Municipal Clerk.

## § 319-17: Municipal obligations.

The Township shall:

A. Provide for a collection system for leaves generated from residential premises.

B. Deliver tires to the existing transfer station or other such site as may be designated by the Mercer County Improvement Authority.

C. At least once every six months, notify all persons occupying residential, commercial and institutional premises of recycling opportunities and the source-separation requirements of its ordinance and the Mercer County Recycling Plan. In order to fulfill the notification requirements of this subsection, the municipality may, in its discretion, place an advertisement in a newspaper circulating in the municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate. At least once annually, the Mercer County Improvement Authority shall be informed, in writing, of the manner in which residents were notified.

D. Pursuant to N.J.S.A. 13:1E-99.16(c), at least once every 36 months conduct a review and make necessary revisions to its Master Plan and development regulations adopted pursuant to P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), which revisions shall reflect changes in state, county and municipal policies and objectives concerning the collection, disposition and recycling of designated recyclable materials. The revised Master Plan shall include provisions for the collection, disposition and recycling of recyclable materials designated in this article and for the collection, disposition and recycling of designated recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land. Permits for construction and demolition work, as well as road opening permits, shall be required to specify the quantity of materials recycled, where they will be taken and how they will be handled.

## § 319-18: Requirements of residents.

No person shall dispose of any recyclable material except as provided herein:

A. All persons residing in areas designated for recycling collection shall separate for curbside collection on designated collection days and such additional days as may be designated by the Mercer County Improvement Authority those materials designated in the Mercer County Recycling Plan as listed below, and shall do so in the manner as set forth in this article. In addition, residents shall be required to recycle all designated materials not collected as part of the Improvement Authority's curbside program in the manner designated by the municipality.

B. All persons shall recycle, or cause to be recycled, the following categories of recyclables:

(1) Acceptable glass containers.

(2) Acceptable metal containers.

(3) Acceptable plastic containers.

(4) Acceptable mixed paper.

(5) Tires.

(6) White goods.

(7) Leaves.

(8) Batteries.

(9) Corrugated cardboard.

(10) Grass.

(11) Used motor oil.

(12) Ferrous automotive scrap.

C. The following materials are collected through the Improvement Authority's residential collection programs: glass, aluminum, and plastic, tin-plate steel and bimetal containers and paper as identified in Subsection B (1) through (12) above. Private contractors servicing multifamily complexes within the Township of Ewing are required to collect for recycling, at a minimum, the same materials as collected through Improvement Authority residential collection programs.

D. As part of the Mercer County Source Separation and Recycling Plan, the Township of Ewing shall provide all residents a means to recycle items designated in the Plan and shall provide for collection of items designated in this Plan not collected curbside by the Improvement Authority in the manner stated herein.

E. Any persons having been found to have violated the provisions of this recycling program shall be assessed warnings, penalties and fines pursuant to this article.

F. At the time of placement of recyclable materials designated for collection by this recycling program at the curb or street side of residential units, said materials shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution by that resident to the County Recycling System for collection by the Mercer County Improvement Authority or its agent.

G. Any person may donate or sell designated recyclable materials to any person, whether operating for profit or not-for-profit, provided that the receiving person may not perform curbside collection under any circumstances unless that person has registered with the Mercer County Improvement Authority as a private recycler.

H. From September 1 to December 31 of each year, separate leaves from solid waste and, unless leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided for herein.

I. Private contractors servicing multifamily complexes.

(1) Materials collected from multifamily complexes by private contractors shall be the property of said private contractor. Private contractors servicing multifamily complexes shall provide monthly reports to the municipality on total tonnages recycled from all multifamily complexes serviced by said private contractor within the municipality. On or before January 31, private contractors shall file tonnage reports with the Improvement Authority, giving annual totals for tonnages recycled and markets for individual materials, along with documentation for those tonnages and markets.

(2) It shall be the responsibility of the landlord, building owner, property manager and/or private association to inform both current and new residents, at a minimum annually, of the manner, time and place for collection of recyclable materials.

## § 319-19: Commercial, industrial and institutional establishments.

No commercial, industrial or institutional establishment shall dispose of any recyclable except as provided herein:

A. All commercial, industrial and institutional establishments shall recycle or cause to be recycled the following categories of recyclables if a waste audit determines they are present in the waste stream. The Improvement Authority may, in its discretion, add additional materials to the list of designated recyclables, if it determines markets for those materials are available.

(1) Paper, including:

(A) Acceptable mixed paper.

(b) Corrugated cardboard.

(c) Office paper.

(2) Acceptable glass containers.

(3) Acceptable metal containers.

(4) Tires.

(5) White goods.

(6) Batteries.

(7) Acceptable plastic containers.

(8) Leaves.

(9) Grass.

(10) Used motor oil.

(11) Ferrous automotive scrap.

B. As of March 15, 1990, all commercial, industrial and institutional establishments located within Ewing Township shall have submitted a source-separation recycling plan to the Mercer County Improvement Authority to meet the state recycling mandates, identifying or incorporating all of the following:

(1) All waste material generated, listed by type.

(2) All volumes of these waste categories currently recycled.

(3) Any agreement with any solid waste hauler or with a separate entity for the recycling of source-separated designated materials as defined within the Mercer County Recycling Plan.

(4) A description of current or proposed recycling efforts for designated materials.

(5) The name of the person responsible for the recycling plan.

C. Schedules.

(1) The schedule for submittal of these commercial, industrial and institutional recycling plans to the Mercer County Improvement Authority shall be as follows:

(a) All commercial, industrial and institutional establishments whose waste is collected by private haulers and not serviced by municipal collection shall submit the plan within four months of enactment of this article and shall implement the same within two months following approval of the plan by the Mercer County Improvement Authority.

(b) All commercial, industrial and institutional establishments whose waste is collected through a municipal collection system shall be part of the municipal collection system of recyclables. All establishments participating in the curbside collection program shall be required to recycle designated materials not collected curbside if a waste audit determines their presence in the waste stream.

(2) Commercial, industrial and institutional establishments are required to submit updated recycling plans, including a waste audit, to the Improvement Authority according to the following schedule:

(a) Facilities with more than 500 employees, by December 31, 1992.

(b)Facilities with 250 to 499 employees, by December 31, 1993.

(c)Facilities with 100 to 249 employees, by December 31, 1994.

(d)Facilities with fewer than 100 employees, by December 31, 1995.

(3) Recycling plans should be updated once every two years from date of approval of the waste audit.

D. All commercial, industrial and institutional establishments required to submit a recycling plan under this section may, at their option, submit a joint recycling plan with any other entity or entities whereby a common hauler and/or collection point, for common pickup, is set forth. However, each commercial/industrial and institutional establishment shall submit a plan identifying that they are part of this joint plan and shall attach a copy of same, incorporating it by reference. All joint plans must name all plan participants and designate a Coordinator for the joint plan. If a joint plan is filed, the person or entity serving as Coordinator shall be required to file tonnage reports with the Improvement Authority. It shall be the responsibility of the Joint Plan Coordinator to update the list of participants, if necessary, at the time of filing of recycling tonnage reports.

E. Any such commercial, industrial or institutional recycling plan shall be consistent with those terms, conditions and goals set forth in the Mercer County Recycling Plan and this article. The failure to submit said plan or comply with the same shall subject the commercial, industrial and institutional establishment to penalties as set forth in this article.

F. An extension of the time for plan submittal and/or plan implementation of up to 90 days may be requested from the Mercer County Improvement Authority depending upon the size of the establishment. Justification for such a request shall be submitted to the Mercer County Improvement Authority, in writing, and shall be verified as necessary or justified.

G. Pursuant to the Mercer County Recycling Ordinance No. 89-19, upon failure of a commercial, industrial and institutional establishment to meet the source-separation recycling provisions of this amended section and/or the provisions of the enacting ordinance of the Mercer County Board of Chosen Freeholders and/or the source-separation recycling provisions of the Recycling Act, if not exempted pursuant to Subsection H, the Mercer County Improvement Authority and/or Ewing Township shall provide said recycling service, and all fees and costs for providing said recycling service shall be paid to the municipality in which said commercial establishment is located.

H. Pursuant to N.J.S.A. 13:1E-99.16 of the Recycling Act, this municipality shall have the right to exempt persons occupying commercial and institutional premises within the municipal boundaries from the source-separation requirements of recycling of this section if those persons have otherwise provided for the recycling of the recyclable materials designated in the Mercer County Recycling Plan from solid waste generated at those premises. Such exemptions shall, however, not be effective until such time as approved with a formal plan amendment by Mercer County related thereto.

I. Batteries shall not be part of the curbside collection program but shall be disposed of in markets set forth in the Mercer County Recycling Plan Market Guide.

J. New commercial, industrial and institutional establishments commencing operations in the Township of Ewing shall submit a recycling plan within six months of commencement of operations. An extension of time for plan submittal and/or plan implementation of up to 90 days may be granted by the Improvement Authority on request. Justification for such request shall be submitted to the Improvement Authority, in writing, and shall be verified as necessary or justified.

K. Commercial, industrial and institutional establishments shall file tonnage reports with the Improvement Authority annually with documentation on materials claimed for recycling. Reports are due on or before January 31 of the year following the end of the reporting period, which is December 31. The Improvement Authority reserves the right to establish more frequent reporting periods should the New Jersey Department of Environmental Protection and Energy require more frequent reporting.

L. All persons leasing commercial, industrial or institutional space to tenants shall annually inform such tenants of the responsibilities for recycling under the terms of this plan.

M. At the time of placement of recyclable materials designated for collection by the plan at the curb or streetside of commercial, industrial or institutional establishments, said materials shall be considered the sole property of the Mercer County Improvement Authority and shall be considered a conscious contribution to the county recycling system for collection by the Mercer County Improvement Authority or its agent.

## § 319-20: Private recyclers.

A. Any person or group of persons wishing to collect recyclable materials shall register with the Mercer County Improvement Authority as a private recycler.

B. No private recycler shall conduct recycling collection activities on designated county collection days.

C. Upon registration, each private recycler shall receive an identification/registration decal from the Mercer County Improvement Authority and shall prominently display the same on recycling vehicles when collecting recyclables.

D. An ongoing condition of collection activities within the municipality shall be the submittal of certified weight tickets to the Mercer County Improvement Authority for material sold to quantify levels for state-mandated recycling goals. Said tickets shall be submitted to the Mercer County Improvement Authority no later than 30 days following the date of sale of the subject material.

## § 319-21: Enforcement.

The enforcement of this recycling program shall be provided individually and severally by the Township of Ewing and/or the Mercer County Improvement Authority and/or the New Jersey Department of Environmental Protection. Ewing Township hereby designates its Superintendent of Sanitation as liaison with the Mercer County Improvement Authority for the enforcement of this article.

## § 319-22: Registration requirements.

No person shall collect recyclables unless registered with the Mercer County Improvement Authority and the requisite fee has been paid, unless an exemption has been granted by the Mercer County Improvement Authority in accordance with Mercer County Ordinance No. 89-19. The identification/registration decal of each person so registered shall be prominently displayed on each recycling vehicle at all times while collecting recyclables.

## § 319-23: Failure to register or display identification decal; penalty.

A. Failure to register or display the identification registration decal on vehicles while collecting recyclables shall subject such private recycler to a fine of $250 per offense.

B. Any person or entity conducting recycling collection activities on designated county recycling collection days shall be fined a penalty of $250 per offense.

## § 319-24: Violations and penalties.

A. Any person who is found to have violated the provisions of this article shall be subject to the following procedures and penalties:

(1) A warning on the first occasion that said ordinance is violated; and

(2) Thereafter, a cessation in the collection of garbage which contains recyclable materials from that household.

(3) A fine up to $500 per day of violation, depending upon the extent of and circumstances of the violation, to be assessed pursuant to N.J.S.A. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby and pursuant to the inclusion of this article within the Mercer County Solid Waste Management Plan.

(4) The terms and provisions of this subsection may be enforced individually and severally by the Township of Ewing, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

B. Failure of a commercial, industrial or institutional establishment to submit a plan or have an approved plan in place as required by this article shall subject it to a fine up to $100 per day until plan submittal requirements are met.

C. Any commercial, industrial or institutional establishment located within Mercer County found to have violated its required recycling plan as submitted to the county pursuant to this article shall be subject to the following procedures and penalties:

(1) A warning on the first occasion that said plan is violated and cessation of waste collection; and

(2) Thereafter, a fine up to $1,000 per day of violation depending upon the extent of and circumstances of the violation and the size of the violating establishment, to be assessed pursuant to N.J.S.A. 13:1E-9 by the Mercer County Improvement Authority, as authorized hereby.

(3) The terms and provisions of this subsection may be enforced individually and severally by the Township of Ewing, the Mercer County Improvement authority and the New Jersey Department of Environmental Protection.