

TOWNSHIP OF MAPLEWOODORDINANCE

# 2586 - 09

AN ORDINANCE

TO AMEND

CHAPTER 235

OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD

Entitled

"SOLID WASTE"

*"Interpretive Statement"*

*This ordinance will revise the recycling regulations of the Township of Maplewood to conform to State and Essex County requirements.*

**BE IT ORDAINED**, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that Chapter 235 of the Code of the Township of Maplewood entitled "Solid Waste" be amended as follows:

**FIRST:**

Article IV Recycling of Chapter 235, Solid Waste of the Code of the Township of Maplewood shall be amended to read as follows:

**§ 235-12. Definitions.**

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

**ALUMINUM CONTAINERS** — Includes all disposable containers made and fabricated entirely of aluminum and used to store food and beverages.

**COMMERCIAL SOURCES** — All places of business, including but not limited to wholesale, retail or service establishments and industrial establishments and all multi-family dwellings containing 5 or more dwelling units.

**CARDBOARD CONTAINERS** — Includes all disposable containers made and fabricated primarily of cardboard and most commonly used for boxes, shipping containers and packing materials.

**DESIGNATED AREA** — An area where recyclable materials are placed for collection.

**DESIGNATED RECYCLABLE MATERIALS** — Those recyclable materials designated in this article to be source-separated from other solid waste.

**ELECTRONIC WASTE** — Computer central processing units and associated hardware including keyboards, modems, printers, and scanners; fax machines; cathode ray tube devices including televisions and computer monitors; flat panel display or similar video display devices; mobile (cell) phones; or any devices that contain one or more circuit boards.

**FERROUS SCRAP** — All structural steel or ferrous metal, cast iron components.

**GLASS** — Includes products used as bottles and jars and other glass containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various foods and beverages and all other material commonly known as "glass," excluding flat glass, commonly known as "window glass."

**GRASS CLIPPINGS** — The material naturally formed and cut from lawns.

**HAZARDOUS REFUSE** — Any waste which poses a present or potential threat to human health, living organisms or the environment. It shall include waste material that is toxic, corrosive, irritative, radioactive, biologically infectious, explosive or flammable.

**HOUSEHOLD BATTERIES** — All batteries other than lead acid batteries.

**INSTITUTIONAL SOURCES** — All government buildings, schools, clinics, etc.

**LEAVES** — The material naturally formed from trees, shrubs and bushes that is suitable for composting and mulching.

**LEAD ACID BATTERIES** — Storage batteries with lead electrodes that contain dilute sulfuric acid as the electrolyte, including starting batteries such as vehicle batteries, marine batteries and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.

**METAL CONTAINERS** — All disposable containers (other than aluminum containers) made and fabricated of one or more metals and used to store food and beverages.

**MIXED PAPER** — All newspaper, fine paper, bond paper, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material, whether shredded or whole.

**PLASTICS (H.D.P.E.)** — Those items fabricated from high-density polyethylene such as milk and water jugs, orange juice containers, shampoo containers, laundry product containers, dish soap containers and automobile product containers (oil and antifreeze).

**PLASTICS, P.E.T.E.** — Those items fabricated from polyethylene terephthalate, such as carbonated beverage containers.

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

**RESIDENTIAL SOURCES** — All houses and townhouses, including certain types of housing, such as senior citizens homes, but not including any multi-family dwelling of any type that contains 5 or more dwelling units.

**SOLID WASTE** — Includes all garbage and rubbish set out for regular collection by residential, commercial and institutional sources.

**TEXTILES** — Includes unsoiled clothing, fiber, yarn.

**TIRES** — Are limited to passenger vehicle tires.

USED MOTOR OIL — All waste crank case oils used in conjunction with internal-combustion engines, generators, turbines, etc.

VEGETATIVE WASTE — Tree branches, shrub cuttings, garden rakings, loose weeds and twigs, all plant or tree roots and other similar natural waste materials.

WHITE GOODS — Large products usually made of smooth finished metal which is usually painted white or covered with a white metallic covering, such as large appliances, dishwashers, washing machines, dryers, refrigerators, freezers, etc.

**§ 235-13. Promulgation of regulations.**

- A. Subject to the approval of the Township Committee, the Township Administrator is authorized to promulgate reasonable regulations for the administration and establishment of procedures for the collection of designated recyclable material as contemplated by this article.
- B. Notice of the regulations shall be given by the Township at least 30 days prior to the effective date of the regulations. Notice shall be by publication of an advertisement in an official newspaper of the Township, by posting a notice in a public place where public notices are customarily posted and by a mailing to all Township addresses.
- C. The regulations shall be subject to amendment, modification or supplementation by the Township Committee.

**§ 235-14. Source separation required; leaves.**

- A. On and after the date fixed and promulgated by regulation, it shall be mandatory for all residential, commercial and institutional sources to separate designated recyclable materials from all solid waste produced at such residential, commercial and institutional sources for collection in accordance with this article and the regulations adopted pursuant to this article.
- B. The recycling of leaves shall be in conformity with existing Township policy.
- C. During the period of October 15 through December 15 of each and every year, it shall be mandatory for all persons who accumulate leaves to separate the same from solid waste placed for collection and to place leaves at the curbside for collection in accordance with the regulations established and promulgated. The use of any type of plastic bag in conjunction with leaf separation and collection is prohibited.

**§ 235-15. Materials to be source-separated.**

- A. The following materials are designated recyclable material to be source separated by all sources:
  - (1) All paper.
  - (2) Glass.
  - (3) Aluminum containers.
  - (4) Used motor oil.
  - (5) Leaves.
  - (6) Plastic (PETE and H.D.P.E) marked "1" or "2".
  - (7) Metal Containers.
  - (8) Cardboard.
  - (9) Lead Acid Batteries
  - (10) Electronic Waste.

- (11) Ferrous Scrap.
- (12) Household Batteries
- (13) White goods
- (14) Textiles

C. The above list may be amended and increased by regulation promulgated pursuant to section 235-13 of these ordinances as markets develop for other materials in the municipal solid waste stream or as required by the State of New Jersey or Essex County.

**§ 235-16. Placement by residential sources for collection.**

- A. All residential sources shall be allowed to place designated recyclable materials (other than used motor oil, lead acid batteries, household batteries, electronic waste, tires and textiles) at curbside in a manner and according to a schedule promulgated and published by the Township. Designated recyclable materials may be placed at curbside no earlier than 5:00 p.m. on the day preceding collection and no later than 6:30 a.m. on the day of collection. Recycling receptacles must be removed from curbside on the day of collection no later than 7:00 p.m.
- B. The Township will not pick up used motor oil. Used motor oil shall be delivered by residential sources to the Township recycling center or to an authorized and designated used motor oil recycling center.
- C. Electronic waste, lead acid batteries and household batteries, tires and textiles shall be delivered by residential sources to an authorized recycling facility or to the Township's recycling center on the scheduled collection dates or as otherwise permitted by the Municipal Recycling Coordinator.
- D. White goods and ferrous metal will be picked up by calling Public Works for an appointment.

**§ 235-17. Ownership of recyclables; unauthorized collections.**

- A. From the time of placement of the designated recyclable materials at the designated area for collection by the Township or its authorized agent pursuant to the provisions of this article and any rules and regulations adopted hereunder, said designated recyclable materials shall become and be the property of the Township of Maplewood or its authorized agent.
- B. It shall be a violation of this article for any person not duly authorized by the Township of Maplewood to collect or pick up or cause to be collected or picked up any designated recyclable material placed at the designated area for collection by the Township or its authorized agent pursuant to the provisions of this article. Any and each such unauthorized collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

**§ 235-18. Collection agreements.**

The Township Committee, pursuant to the provisions of statutes of the State of New Jersey, may enter into agreements granting a franchise or license to qualified persons, partnerships or corporations, authorizing them to collect recyclable materials within the Township.

**§ 235-19. Private disposal.**

- A. All commercial or institutional sources shall enter into agreements or otherwise arrange for the disposal of designated recyclable materials by means of private

disposal. In no event shall any commercial or institutional source leave recyclable materials at the curb, nor shall such recyclable materials be disposed of as part of the solid waste pickup by the Township of Maplewood, except in cases of extreme hardship, in accordance with regulations to be promulgated.

- B. Nothing in this section shall be deemed to prohibit any owner, lessee or occupant of a residential source located in the Township from disposing of recyclable materials privately through a sale or gift, provided that in no event shall such recyclable materials be left at the curb or any such recyclable materials be disposed of as part of the solid waste pickup by the Township of Maplewood.

**§ 235-20. Reports to be submitted.**

- A. The Township Administrator shall annually submit a recycling tonnage report to the New Jersey Office of Recycling.

- B. All commercial, institutional or multifamily units which are not serviced by the municipal recycling collection system must submit recycling documentation in accordance with regulations to be promulgated on a quarterly basis to the Municipal Recycling Coordinator. Due dates for report periods are as follows:

Reporting Period	Due Date
January 1 to March 31	April 8
April 1 to June 30	July 8
July 1 to September 30	October 8
October 1 to December 31	January 8

- C. The Municipal Recycling Coordinator will compile all recycling documentation and report to the County Recycling Coordinator on a quarterly basis by the 15th of the months stated above under "Due Date."

- D. Those not complying will be subject to enforcement penalties.

**§ 235-20.1. Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

- 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 article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

**§ 235-20.2. Enforcement**

The Code Enforcement Official, the Department of Health, the Municipal Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Essex County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. 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.

**§ 235-21. Violations and penalties.**

Any person, firm, corporation or entity found guilty of violating any section of this article or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by fine not to exceed \$1,000.

**SECOND: Severability**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**THIRD: Repeal of Prior Ordinances**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**FOURTH: Effective Date**

This Ordinance shall take effect after final passage and publication according to law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on March 17, 2009 and that Committee met again on April 7, 2009, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

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**ELIZABETH J. FRITZEN, R.M.C.**  
Township Clerk