

BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY

ORDINANCE # 4-2009

AN ORDINANCE AMENDING CHAPTER 47 OF  
THE CODE OF THE BOROUGH OF WASHINGTON  
TO INCLUDE NEW COUNTY RECYCLING REQUIREMENTS

**WHEREAS**, certain amendments to the Rubbish Ordinance of Washington Borough are needed to make it consistent with the Warren County Solid Waste Management Plan (hereinafter “County Plan”); and

**WHEREAS**, the Borough Council has determined to make such amendments to comply with the updated County Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington that Chapter 47 of the Code of the Borough of Washington is hereby amended to read as follows:

**1. Section 47-1 entitled “Short Title” is amended to read:**

This Chapter shall be known as the “Rubbish and Recycling Ordinance of Washington Borough.”

**2. Section 47-2 entitled “Definitions” is amended by the addition of the following definitions:**

**ANTI-FREEZE** – All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

**COMMERCIAL USE** – An activity involving the sale of goods or services carried out for profit.

**COMMINGLED RECYCLABLES** — Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles;

**DESIGNATED RECYCLABLE MATERIALS**- means those materials designated within the current Warren County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

<b>Designated Traditional Materials:</b>	<b>Designated Non-traditional Materials:</b>
Aluminum cans	Antifreeze
Computer paper	Asphalt & concrete pavement, concrete bricks
Glass bottles & jars – three colors (clear, green & brown)	Automotive batteries (lead acid)
Corrugated cardboard	Carpet
High grade office paper – white	Computers

Magazines & mixed paper	Florescent tubes
Newsprint	Laser & inkjet cartridges
<b>Designated Traditional Materials (cont.):</b>	<b>Designated Non-traditional Materials (cont.):</b>
Plastic bottles: 1. PETE-clear & green (type #1) 2. HDPE-clear & colored (type #2)	Household batteries as identified in the County Plan
Steel cans/tin cans	Latex paint
	Leaves & yard waste (brush, tree parts)
	Non-treated wood
	Oil Filters
	Propane Tanks
	Scrap metals (including junked autos)
	Source separated metal
	Stumps
	Textiles/Clothing
	Tires
	Used motor oil
	White goods (large appliances)

**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.

**MISCELLANEOUS RECYCLABLE MATERIALS** – Includes materials which would otherwise be classified as solid waste, are not otherwise defined in this Chapter, and are documented as being recycled. It currently is limited to: carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes.

**MULTIFAMILY DWELLING** – means 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** – means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance and any rules and regulations promulgated hereunder.

**MUNICIPAL SOLID WASTE (MSW) STREAM** – means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Washington which is not bulky waste or construction and demolition debris.

**OIL FILTERS** – a detachable device in a motor vehicle which is part of the lubrication system of an internal combustion engine used to decontaminate oil that contains suspended impurities.

**RECYCLABLE MATERIAL** – means 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.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** – means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

**SOURCE SEPARATION** – means 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.

**3. A new Section 47-5 is added to read as follows:**

**§47-5. Residential Dwelling and Commercial Establishment Compliance Requirements**

**A. Residential Dwelling Compliance Requirements.**

1. The owners/occupants of single family and two family dwellings shall be responsible for compliance with this Ordinance.
2. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.
3. Violations and penalty notices will be directed to the owner, occupant, 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. Commercial Establishment Compliance Requirements.**

1. All commercial, business, or industrial facilities shall be required to comply with the provisions of this Ordinance.
2. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
3. Annually, every business, institution, or industrial facility shall report to the municipal Recycling Coordinator the recycling activities undertaken at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the municipal recycling coordinator.
4. 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.

**4. Section 47-7 is amended by revising subsection K (new language is shown in underlined text, deleted language is shown in strike-through text) and adding new subsections V, W, and X as follows:**

- K. Motor oil and oil filters shall be placed in separate metal or plastic containers with a secure, tight-fitting cap to prevent ~~spillage~~ leaks or spills. Motor oil and oil filters must be brought to an authorized recycling center and may not be placed out at curbside for collection.
- V. Anti-freeze must be placed in a plastic or glass container with a secure, tight-fitting cap to prevent spills and brought to an authorized recycling center. It may not be placed out at curbside for collection.
- W. Electronic waste must be brought to an authorized recycling center and may not be placed at curbside for collection.
- X. Miscellaneous recyclables, currently limited to carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes, must be brought to an authorized recycling center and may not be placed at curbside for collection.

**5. Section 47-14 is deleted and replaced in its entirety with the following:**

**§ 47-14. Mandatory Source Separation; Exemption From Source Separation Requirements**

- 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 Borough of Washington, 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. Designated recyclable materials shall be taken to an authorized recycling center or, for recyclable materials for which curbside pickup is provided, placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Washington.
- B. Exemptions: Pursuant to *N.J.S.A. 13:1E-99.16.6(d)*, the governing body of a municipality 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.

**6. Section 47-15 is deleted and replaced in its entirety with the following:**

**§47-15. Prohibition of the Collection of Waste Mixed with Recyclable Materials; Collection by Unauthorized Parties Prohibited**

- 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 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. Each such instance of tampering, collection, removal, or handling of designated recyclable materials in violation hereof shall constitute a separate and distinct violation of this chapter.

**7. Section 47-16 is renumbered to 47-18 and amended to read as follows (new language is shown as underlined text):**

**§47-18. Violations and penalties.**

- A. Any person, corporation, occupant, or entity that violates or fails to comply with any of the provisions of this chapter shall, upon conviction be punished for each offense by a fine not to exceed \$2,000, by imprisonment for a term not to exceed 90 days in the county jail, or by a period of community service not exceeding 90 days.
- B. Notwithstanding the provisions of subsection A, any person who violates §47-9D of the Code of the Borough of Washington shall, upon conviction, be punished for each such offense by a minimum fine of \$100 and a maximum fine of \$5,000.

**8. A new Section 47-16 is added to read as follows:**

**§47-16. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties**

- A. Any application to the planning board of the Borough of Washington 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.
  3. Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.
- B. Prior to the issuance of a Certificate of Occupancy by the Borough of Washington, 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.

**9. A new Section 47-17 is added to read as follows:**

**§47-17. Enforcement**

The municipal Board of Health, the Recycling Coordinator, the zoning officer, the building inspector, the housing officer, or other code enforcement officer, the police department, and the Warren 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.

**10. 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 upon passage and publication in accordance with law.

Introduced 4/7/2009

Public Hearing/Adoption 5/5/2009

Kristine Blanchard, RMC

Borough of Washington