

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2643-23
ORDINANCE REPEALING AND REPLACING CHAPTER 14 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MILLBURN ENTITLED “SOLID WASTE MANAGEMENT”**

***STATEMENT OF PURPOSE:** The purpose of this Ordinance is to repeal and replace the Township’s Solid Waste Management Ordinance with updated definitions, revisions to mandatory source separation of recyclable materials, disposition of recyclable materials, time and place for garbage collection, containers, and new collection requirements for commercial and private institutional sources to contract with a private hauler for the collection of solid waste and recyclable materials, residential and municipal sources shall have solid waste and recyclable materials collected by a hauler contracted by the Township and requirements for solid waste and recycling collection from multifamily sources.*

WHEREAS, the Township Committee desires to effectively regulate solid waste and recyclable collections within the Township.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of Millburn in the County of Essex, State of New Jersey as follows:

SECTION 1. Chapter 14 of The Revised General Ordinances of the Township of Millburn entitled “Solid Waste Management” is hereby repealed and replaced in its entirety as follows:

§ 14-1.1. Definitions.

As used in this section, regardless of whether the following terms are used with or without capital letters:

ALUMINUM BEVERAGE CONTAINERS — Shall mean containers used in the consumption of alcoholic and non-alcoholic beverages both in the home and in retail establishments dispensing the same for on-or-off premises consumption, the same being made entirely of aluminum.

BIMETAL (TIN/STEEL CANS) – Shall mean aluminum and tin or tin-plated steel food and beverage containers, including those for fruits, vegetables, juices, and pet food.

CO-MINGLED CONTAINERS — Shall mean clear, brown, and green glass; aluminum cans, foil, or food containers; tin and bimetal cans; and #1 and #2 and #5 plastic.

COMMERCIAL SOURCE – Shall mean wholesale, retail, service or manufacturing establishments, including but not limited to restaurants, markets, offices, retail and wholesale outlets, industrial establishments and theaters.

CONSTRUCTION AND DEMOLITION DEBRIS — Shall mean recyclable materials, including, but not limited to, concrete, asphalt, roof shingles, brick, block, wood waste, tree stumps and tires. (Pursuant to N.J.S.A. 13:1E-99.34B and N.J.A.C. 7:26-1.1 et seq., any person or persons who receive, store, process or transfer source-separated recyclable materials other than metal, glass, paper, plastic containers and corrugated and other cardboard, require the prior approval of the New Jersey Department of Environmental Protection and Energy (NJDEPE). Therefore, recyclable materials, including, but not limited to, concrete, asphalt, roof shingles, brick, block, wood waste, tree stumps, and tires (Class B recyclable materials) as identified in N.J.A.C. 7:26A-1.1 et seq. must be recycled as NJDEPE-approved recycling centers, unless otherwise exempted, to be eligible for

tonnage grant funds.)

CONTAINER – Shall mean a receptacle used for the disposal of solid waste or source-separated recyclable materials. Containers must include lids to protect garbage or recyclable materials from the elements.

CORRUGATED CARDBOARD – Shall mean corrugated cardboard of the type commonly used for boxes, shipping containers and packing material having exterior cardboard plies separated by air spaces created by one or more fabricated cardboard plies.

ELECTRONIC WASTE/E-CYCLING — Shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines, fluorescent tubes, and cfl bulbs, 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 four (4") inches measured diagonally and that contains one (1) or more circuit boards, including a television, and cell phones.

FERROUS SCRAP METAL — Shall mean scrap metal that is magnetic and rusts such as structural steel or cast-iron elements.

GLASS FOOD AND BEVERAGE CONTAINERS – Shall mean containers and objects commonly used in residential and non-residential premises, such as bottles, jars, glasses, jugs and all other vessels made entirely and exclusively of glass.

HAULER – Shall mean the entity that transports any form of solid waste or recyclable material.

INSTITUTIONAL SOURCES – Shall mean churches, synagogues, colleges, not-for-profit organizations, and the like.

LEAD ACID BATTERIES – Shall mean batteries containing lead and lead oxide with the sulfuric acid electrolyte producing a voltage.

LEAVES — Shall mean foliage material naturally formed from trees and bushes that are suitable for composting and mulching.

MIXED OFFICE PAPER — Shall mean paper products found in an office environment, including high-grade papers such as copier paper, computer printouts, stationary, magazines, catalogs, brochures, white envelopes, advertising flyers, and most mail.

MULTIFAMILY SOURCE — Shall mean any building or structure, or complex of buildings or structures in which five (5) or more dwelling units are rented or leased or offered for rental or lease, for residential purposes except for hotels, motels, or other guesthouses serving transient or seasonal guests, as those are defined under subsection (j) if 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 and who shall be authorized to, among other things, enforce the provisions of this section, and any rules and regulations which may be promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM — Shall mean all solid waste generated at residential, commercial, multifamily and institutional sources within the boundaries of the municipality of the Township of Millburn.

MUNICIPAL SOURCES – shall mean municipal or municipal-supported bodies.

NEWSPAPER — Shall mean paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

PLASTIC CONTAINERS — Shall mean co-mingled containers of #1 P.E.T.E. and #2 H.D.P.E., commonly referred to as beverage containers and detergent containers. May also includes #5 P.P. (Polypropylene).

RECYCLABLE MATERIAL — Shall mean those post-consumer waste items which otherwise become Municipal solid waste, but can be collected and returned to the economic mainstream in the form of raw materials or products.

RECYCLING CENTER — Shall mean that area designated by the Township as the area to recycle co-mingled glass, newspaper, aluminum, waste oil, white goods and corrugated paper and other recyclable materials.

RESIDENTIAL SOURCE – Shall mean homes, condominiums, townhouses, and other dwelling units not defined as multifamily, commercial or institutional sources.

SINGLE STREAM RECYCLING — Shall mean a system in which all paper fibers, plastics, metals, and other containers are mixed in a collection truck, instead of being sorted by the depositor into separate commodities and handled separately throughout the collection process.

SOLID WASTE — Shall mean all household garbage placed at the curb by the residents of the Township.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Shall mean recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purpose of recycling.

TIRES — Shall mean used truck and passenger automobile tires removed from rims.

USED MOTOR OIL — Shall mean any waste crankcase oil from periodic maintenance of internal combustion engines.

VEGETATIVE WASTE — Shall mean grass clippings, leaves, brush, tree branches, herbaceous waste, and twigs. Branches shall be free from roots, stumps and other contaminants. Brush shall be four (4) inches or less in diameter, and no longer than three (3) feet in length. Also known as herbaceous waste.

WHITE GOODS — Shall mean appliances such as air conditioners, stoves, washers, dryers, steel or cast-iron plumbing fixtures, dishwashers, refrigerators, water heaters, etc.

§ 14-1.2. Mandatory Separation of Recyclable Materials From Other Solid Waste.

There is hereby established a program for the mandatory source separation from the municipal solid waste stream by the single-family and multifamily residential, commercial, office park, industrial, institutional and governmental solid waste generators of the Township at the point of generation of the following items:

- Newspapers
- Mixed paper
- Corrugated Cardboard
- Glass food and beverage containers
- Aluminum beverage containers
- Leaves
- Grass clippings
- Brush
- Used motor oil

- Antifreeze
- White goods
- Lead acid batteries (vehicle batteries)
- Plastics #1, 2 and 5
- Steel/Tin containers
- Ferrous scrap metal
- Construction and demolition debris

And such other recyclable materials to be added or deleted as designated recyclables by the County of Essex pursuant to a duly adopted amendment to the County Solid Waste Management Plan approved by the New Jersey Department of Environmental Protection.

- a. **§ 14-1.3. Disposition of Recyclable Materials.** Newspapers, corrugated paper, magazines, telephone books, junk mail, and paper from residents shall be flattened and placed into securely tied bundles or placed in brown paper bags or corrugated paper boxes. Aluminum cans and food containers, and tin and bimetal cans shall be cleaned and drained of all food and liquid, left in original shape, glass and plastic containers shall be cleaned and drained free of food, liquid, or other substances and placed into a reusable recycling receptacle or container between five (5) and thirty-two (32) gallons in size. Receptacles or containers when left for collection shall not exceed thirty-five (35) pounds in weight.
- b. Leaves may be raked to the curb, but may only be placed in the street on the days indicated on the Township Leaf Collection Program Calendar for collection. Bagged leaves will be collected curbside on your first collection day through the end of the regular leaf program. No brush, grass and twigs are to be mixed in with the leaves.
- c. All commercial and private institutional entities shall provide for the recycling of corrugated cardboard by making arrangements with a private hauler.
- d. Vegetative waste from each private residence shall be picked up by the Public Works Department on designated collection days or recycled through private contractors or composted using approved composting techniques on one's own property. Residents shall be limited to four (4) separate units not in excess of thirty-five (30) pounds each of vegetative waste on each designated collection day. Brush shall be bundled in lengths not exceeding three (3') feet and weighing not more than thirty-five (30) pounds and shall be tied with cord. The Public Works Department shall not pick up stumps, roots, wood, or old firewood.
- e. White goods shall be picked up by prior arrangements with the Public Works Department at curbside once per week or may be brought directly to the recycling center. All concrete or other debris shall be removed from white goods. Only large metal objects shall be picked up by the Public Works Department. Any white goods which have a compartment of more than one and one-half (1-1/2) cubic feet capacity and a door or lid which locks or fastens automatically when closed, and which cannot easily be opened from the inside, shall have the door or lid locking or fastening device removed before being left unattended.
- f. Recyclable materials shall be placed at the curb on collection days. Recyclable materials shall be placed at the curb no earlier than 6:00 p.m. on the day before collection and not later than 6:00 a.m. on the day of collection. After collection, any empty containers shall be removed promptly but not later than 7:00 p.m. on the day of collection. Placing recyclable materials at the curb for collection on days other than those days designated for pickup shall be a violation of this section.

- g. Construction and demolition debris shall not be collected or disposed of through the Township. Every occupant, whether owner, apartment tenant, business tenant or otherwise, of any building or premises in the Township shall arrange for the collection and recycling of construction and demolition debris at an approved New Jersey Recycling Center for Class B Recyclable Materials.
- h. Anything herein to the contrary notwithstanding, any person may donate or sell recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit. Such sale or donation, however, shall be handled directly and privately and in a manner that does not interfere with the regulated methods of collection. No such person, partnership, or corporation shall appropriate recyclable material placed for collection curbside in accordance with this section.

§ 14-1.4. Establishment of Rules and Regulations.

The Superintendent of Public Works, with the approval of the Business Administrator, is hereby authorized to promulgate additional rules and regulations relating to the separation, preparation, collection, and times of collection of the recyclable materials pursuant to the provisions of this section; provided, however, such rules and regulations shall not be inconsistent with terms and provisions of this section and shall be approved by resolution of the Township Committee. Such rules and regulations shall be duly promulgated by publication so that the public has adequate notice thereof. Failure to comply with rules and regulations duly adopted pursuant to this section shall constitute a violation of this section.

§ 14-1.5. Recyclable Materials to Become Property of Township; Unauthorized Collection.

From the time of placement of the recyclable materials herein defined and designated at the curb or other designated place for collection by the Township or its authorized agent pursuant to the provisions of this section and any rules and regulations duly adopted hereunder, the recyclable materials shall become and be the property of the Township or its authorized agent.

It shall be a violation of this section for any person not duly authorized by the Township to collect or pick up or cause to be collected or picked up any recyclable materials at the curb or other designated place for collection by the Township or its authorized agent pursuant to the provisions of this section. Any and each such unauthorized collection in violation of this section from one (1) or more residential or commercial premises shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 14-1.6. Recycling Tonnages to Be Reported.

Organizations recycling directly with a private hauler shall report annual tonnages of materials recycled during the previous year to the Township Recycling Coordinator within the first two (2) months of the next calendar year.

§ 14-2. COLLECTION PROCEDURE FOR GARBAGE, REFUSE, AND RECYCLABLE MATERIALS.

§ 14-2.1. Purpose.

The intent of this subsection is to provide economical means for disposal of garbage and other refuse and return essential materials for reuse, prevent littering, control vermin, limit factors which are inimical to the health of the residents of the Township, limit the time exposure of the waste containers to public view and, in general, limit the impact of this activity on the aesthetic values of our community.

§ 14-2.2. Time to Place Garbage for Collection.

Every occupant, whether as owner, tenant, or otherwise of any building or premises in the Township is hereby required to place or cause to be placed, not earlier than 6:00 p.m. of the day preceding that upon which the appropriate Municipal Department and/or its designated agent for residential sources or private hauler for commercial and private institutional sources shall collect from the premises, at the edge of the street at or near the curb line of the street upon which the premises abut, but not so as to obstruct the drainage system. Nothing in this subsection, however, shall be deemed to apply to any occupant of premises who shall cause the collection and removal of such ashes, garbage, rubbish and other refuse matter to be performed by means of other than the municipal facilities, or its designated agent, unless such waste or other material is collected at the curb.

§ 14-2.3. Containers.

Solid waste and recyclable materials shall be placed in containers for curbside collections. Containers with recyclable materials shall be identified as such. Containers shall include a lid to protect against the elements, be of a rigid and sturdy material, and be no larger than thirty-five (35) gallons. No container from which garbage, ashes, rubbish, or other refuse matter may be collected and removed by the municipal facilities shall exceed fifty (50) pounds in weight, including contents.

Commercial sources shall obtain the requisite containers or dumpsters for the disposition of recyclable and solid waste material.

Removal of Containers from the Street. All containers from which contents have been collected by the Municipal Department shall be removed by the occupant not later than the same date of collection to a location not visible from the street. This provision applies regardless of location of the container in the vicinity of the rights-of-way which includes a driveway or other construction bridging the right-of-way. Windblown containers constitute a danger to vehicular traffic, and for that reason, if used, they should be removed promptly from the street after the contents are collected.

§ 14-2.4. Separation of Ashes.

It is required that the garbage, rubbish, and wet refuse matter, after draining, be placed in containers separate from ashes. Hot ashes shall be allowed to cool before placing in containers for collection.

§ 14-2.5. Packaging of Certain Garbage.

To prevent the emission of odors it is required that grease, meat scraps, fish and similar waste be suitably packaged in small closed containers before placing same in larger containers. This will be further assurance against attack by dogs or other animals resulting in a littered street area.

§ 14-2.6. Vines, Branches and Lawn Clippings.

All vines and branches of trees shall be securely tied in bundles not over three (3') feet in length and convenient in size for handling. Weeds and lawn clippings will be collected when placed at the curb area in suitable water-resistant disposable containers.

§ 14-2.7. Additional Items for Recycling.

The Superintendent of Public Works with the approval of the Township Committee is authorized to specify other items to be packaged separately either for delivery to a designated recycling center by residents or other means of a collection of such items.

Curb collection of waste and recyclable materials from residential and municipal sources will be scheduled as to the date and interval when each item will be collected.

§ 14-3. LEAF COLLECTION.

§ 14-3.1. Purpose.

The purpose of this section is to establish leaf collection regulations in the Township of Millburn in accordance with the Stormwater Management Regulations promulgated by the New Jersey Department of Environmental Protection.

§ 14-3.2. Definitions.

As used in this Chapter:

LEAF BAGS — Shall mean biodegradable paper bags which can be composted together with leaves and have been approved by the Township. Excluded is any type of plastic bag.

LEAVES — Shall mean and include leaves generated from residential or commercial property located within the Township which has been source-separated from solid waste. Excluded is any type of brush, branches, twigs, or grass clippings.

§ 14-3.3. Leaf Collection System.

Collection of leaves by the Township shall be in accordance with the rules and regulations as promulgated by the New Jersey Department of Environmental Protection. A leaf collection system, including a schedule for the collection of leaves in the Township, shall be developed by the Department of Public Works and the Township Business Administrator.

§ 14-3.4. Leaf Collection Regulations.

All persons occupying residential or commercial property within the Township shall place leaves for collection in the manner provided for in this subsection 14-3.4:

- a. On municipal roadways, leaves may be placed on the street for collection by the Department of Public Works only on those days designated for such placement by the Township.
- b. On County roadways, leaves may be placed to the street collection by Essex County in accordance with the collection schedule developed by Essex County each year.
- c. Leaves may be placed in biodegradable paper leaf bags and placed at the curb for collection by the Department of Public Works only on the first designated garbage collection day of the week.
- d. Private landscapers and other businesses engaged by Township residents may haul leaves to a privately-owned compost facility.
- e. The owners or occupants of property adjacent to a storm drain inlet shall not place any leaves within ten (10') feet of the inlet.

§ 14-3.5. Enforcement.

This Chapter shall be enforced by the Millburn Police Department, the Department of Public Works, the Recycling Coordinator and the Health Officer.

§ 14-3.6. Violations and Penalties.

Any person who violates any section of this Chapter shall, upon conviction, be subject to a fine of five hundred dollars (\$500.00) for the first offense, a fine of seven hundred fifty dollars (\$750.00) for the second offense, and a fine of one thousand two hundred fifty dollars (\$1,250.00) for any subsequent offense.

§ 14-4. COLLECTION REQUIREMENTS.

§ 14-4-1. Commercial and Institutional

Notwithstanding the foregoing or anything to the contrary, all commercial and private institutional sources shall contract with a private hauler for the collection of solid waste and recyclable materials. It is the responsibility of the commercial source and institutional source to ensure that all receptacles utilized for the disposal of solid waste and source-separated recyclable materials be clearly marked with the label of the hauler contracted by said entity for the disposal of these materials.

Sixty (60) days from the date of adoption, all commercial and institutional sources shall provide documentation to the Recycling Coordinator proving that hauling services are provided by a private hauler.

§ 14-4-2. Residential and Municipal Sources.

Notwithstanding the foregoing or anything to the contrary, all residential and municipal sources shall have solid waste and recyclable materials collected by a hauler contracted by the Township of Millburn. Residential sources shall place solid waste in containers clearly marked for solid waste, and recyclable materials placed in containers clearly marked for recyclable material.

When a container includes recyclable material mixed with solid waste, the container will not be collected by the hauler.

§ 14-4-3. Multifamily Sources.

Notwithstanding the foregoing or anything to the contrary, pursuant to N.J.S.A. 40:66-1.1 et seq., Multifamily Sources shall comply with all recycling requirements generally applicable to all other residential properties within the Township and shall have solid waste and recyclable materials collected by a hauler contracted by the Township of Millburn, except when a Multifamily Source contracts with a private hauler for the collection of solid waste and recycling, a written agreement with the Township of Millburn is required in accordance with N.J.S.A. 40:66-1.4 in order to receive an annual reimbursement for the actual cost incurred to the Multifamily Source for solid waste collection services, but not to exceed the cost that would be incurred by the Township in providing solid waste collection services and provided further that in order to be eligible for said reimbursement of costs for solid waste collection services, the Multifamily Source must be in compliance with all recycling requirements generally applicable to all other residential properties within the Township.

SECTION 2. Severability

If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not affect the validity of the remaining provisions of the Ordinance.

SECTION 3. Repeal of Inconsistent Provisions

All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance, are hereby repealed as to the extent of such inconsistency.

SECTION 4. Effective Date

This Ordinance shall take effect immediately after passage and publication as provided by law.

Ordinance 2643-23

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, Municipal Clerk

By: _____
Maggee Miggins, Mayor

Introduced: 6/6/2023
Published: 6/15/2023
Public Hearing/Adopted: 7/18/2023
Published: 7/27/2020

CERTIFICATION

I, Christine A. Gatti, Clerk of the Township of Millburn, in the County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Committee at a regular meeting held on the 18th day of July, 2023.

Christine A. Gatti, RMC
Municipal Clerk