

ORDINANCE No. 40- 2008

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON REPLACING LANGUAGE OF CHAPTER 232
"RECYCLING" OF THE CODE OF THE TOWNSHIP OF LIVINGSTON

WHEREAS, the Township of Livingston promotes recycling activities; and

WHEREAS, present recycling chapter has been found to be outdated and needed to be replaced with more expansive language.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey as follows:

Section 1. Chapter 232: Recycling is deleted in its entirety and replaced with a new Chapter 232: Recycling as follows:

§ 232-1. Definitions

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

ALUMINUM BEVERAGE CONTAINERS, ALUMINUM FOIL AND ALUMINUM FOOD CONTAINERS – Beverage containers constructed entirely (top, bottom and sides) from aluminum material and also used, but clean, wrapping material, pans and plates constructed of aluminum.

AUTOMOBILE LEAD ACID BATTERIES –Used Batteries from automobiles, trucks and other vehicles.

BATTERIES, HOUSEHOLD –Single-use dry cell batteries such as type AAA, AAC, D, 9 volt and button cell.

BATTERIES, RECHARGEABLE – Batteries used with rechargeable units.

BOOKS – Soft cover, paperback books and hard cover books.

BRUSH –Tree and shrub branches which have been removed from residential properties and are free from roots, stumps and other contaminants

CHIPBOARD—Gray cardboard, including cereal boxes, pizza boxes, gift boxes, cracker and cookie boxes, thin grocery boxes, shoe boxes and note pad backing.

COMINGLED CONTAINERS—Clear, brown and green glass food and beverage containers in addition to aluminum, tin and metal containers and plastic which bears code markings #1 – #7.

COMPUTER MONITOR—A covered electronic device that is a cathode ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet.

CONSTRUCTION AND DEMOLITION DEBRIS—Recyclable materials, including but not limited to concrete, asphalt, roof shingles, brick, block, wood waste, tree stumps and tires.

CORRUGATED CONTAINERS/CORRUGATED CARDBOARD CONTAINERS – See mixed paper. Includes all disposable containers made and fabricated primarily of corrugated cardboard most commonly used for boxes, shipping containers and packing materials, having exterior cardboard piles separated by air spaces created by one or more ridged and grooved cardboard pile.

COVERED ELECTRONIC DEVICE –A computer central processing unit, “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 inches measured diagonally and that contains one or more circuit boards; except that a “covered electronic device” shall not include an automobile or service replacement part built by or for an automobile manufacturer for use in an automobile, a household appliance, a large piece of commercial or industrial equipment, such as commercial medical equipment, that contains a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device that is contained within, and is not separate from, the larger piece of equipment, or other medical devices;

FERROUS SCRAP – objects containing iron.

HIGH GRADE PAPER – White office paper, computer paper and duplicator paper.

LEAVES – The material naturally formed from trees, shrubs and bunches that is suitable for composting and mulching.

MIXED PAPER – Brown paper shopping bags, catalogues, chipboard, colored paper, computer printouts, corrugated containers, cardboard, high grade paper, junk mail, magazines, newspaper, telephone books, soft cover books of all marketable grades.

PLASTIC CONTAINERS—Commingled containers #1-#7, milk containers, soda bottles and detergent containers.

POTS AND PANS -

PLASTIC BAGS—Carry-out bags that are given free of charge by retailers for carrying merchandise out of the store

RECYCLABLE ELECTRONICS—Computer CPUs, laptops, mainframes, computer peripherals such as USBs and other cables, monitors and flat screens, scanners, telephones, cell phones and telephone systems, fax machines and central office equipment, printers and copiers, televisions, electronic circuit boards and components, stereo equipment, electronic games, rechargeable batteries, portable electronic music devices and PDAs.

RECYCLABLE MATERIAL—Post-consumer waste items which otherwise would become municipal solid waste. These items can be collected, resold and re-manufactured into new products.

SOLID WASTE—All garbage and rubbish not included in recycling list.

STYROFOAM -

TELEVISIONS—A cathode ray tube or flat panel display primarily intended to receive video programming via broadcast, cable or satellite transmission or video from surveillance or other similar cameras.

TIRES—Truck and passenger automobile tires removed from rims.

USED MOTOR OIL—Any waste crank case oil from periodic maintenance of internal combustion engines.

WHITE GOODS –Appliances, such as air conditioners, stoves, washers, dryers, freezers, steel or cast iron plumbing fixtures, dishwashers, refrigerators, water heaters.

§ 232-2. Regulations.

The Township Council 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 Council. 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.

232-3 Mandatory Separation of Recyclable Materials from Other Solid Waste.

Every occupant, whether owner, apartment tenant, business tenant, or otherwise, of any building or premises in the Township shall separate from all other solid waste products: aluminum beverage containers, aluminum foil and aluminum food containers, plastic containers, tin and steel tin cans, computer monitors, , glass food and beverage glass containers, electronic waste, recyclable electronics, televisions, leaves, grass clippings, brush and other vegetative waste Styrofoam, tires, paint and solvents, mixed paper, white goods, used motor oil, antifreeze, newspapers, corrugated paper, telephone books, high grade paper, junk mail, magazines, chipboard, ferrous scrap, computers, acid batteries and construction and demolition debris. Every occupant shall prepare the aforementioned recyclable materials for pickup, collection and recycling pursuant to this section.

Every organization or facility that sponsors events or meetings for more than 50 people and/or who is granted permission by the Township to hold events on Township property shall provide sufficient and visible recycling containers for recycling of commingled glass, metal and plastic and shall make arrangements for the collection of these materials for the purpose of recycling.

Every retailer that provides plastic carry-out bags to its customers and that occupies more than 10,000 square feet shall have an in-store recycling program for plastic bags, including a visible, clearly marked collection bin near the store entrance and a plan for collection and recycling of plastic bags.

The above list of recyclables may be amended and increased by the Town Council by resolution as state or county regulations dictate and as markets develop for other materials in the municipal solid waste stream.

232-4. Disposition of Recyclable Materials.

- a. Newspapers, corrugated paper, mixed paper, magazines, telephone books, junk mail, high grade paper and chipboard from residents shall be flattened and placed into securely tied bundles or placed in brown paper bags or corrugated paper boxes reusable receptacle. Each bundle shall not exceed thirty (30) pounds in weight.
- b. Aluminum cans, aluminum foil and aluminum food containers, and tin and bi-metal cans shall be cleaned and drained of all food and liquid, and placed in a reusable receptacle or container not less in size than five (5) gallons or more than thirty-two (32) gallons. Receptacles or containers when left for collection shall not exceed t (50) pounds in weight.
- c. 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, not less in size than five (5) gallons or more than thirty-two (32) gallons. Receptacles or containers when left for collection shall not exceed fifty (50) pounds in weight glass, plastic, aluminum containers, Styrofoam and chipwood may be comingled.

- d. Leaves may be placed at the curb for pickup by the Township Public Works Department at designated periods in the year in accordance with the schedule published by the Township. Bagged leaves will be collected at curbside on state and county roads only.
- e. All commercial properties shall provide for recycling of corrugated papers by making arrangements with a private contractor.
- f. White goods shall be picked up by the Public Works Department at curbside on the final Wednesday of each month. Arrangements must be made through the Township Clerk's Office by Friday noon before Collection Day. All debris shall be removed from white goods. Any white goods which have a compartment of more than one and one-half (1½) cubic feet capacity shall have the door or lid locking or fastening device removed before being left unattended.
- g. Used motor oil and antifreeze from vehicles and lawn mowers shall be respectively placed in plastic bottles and containers and delivered to an authorized and designated used oil recycling center, gas station.
- h. Recyclable materials to be collected by the Township shall be placed at the curb on designated collection days. In no event shall recyclable materials be placed in the street or right-of-way. Recyclable materials shall be placed at the curb not earlier than 4:00 p.m. during Eastern Standard Time and 6:00 p.m. during Eastern Daylight Savings Time on the day before regular Municipal collection and not later than 7:30 a.m. on the day of regular Municipal 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 pick-up shall be a violation of this section.
- i. 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.
- j. Computer monitors, television covered electronic device, and recyclable electronics shall be taken to the electronics recycling events sponsored by the Township or County or to another designated electronics waste management site.

§ 232-5. Ownership of recyclables; Unauthorized Collection.

From the time of placement at the curb by any person of aforementioned recyclable materials for the collection by the Township or such person as the Township may designate to conduct the collection, pursuant to the regulations established herein, such used newspapers, glass and aluminum products shall become the property of the Township or the aforesaid person designated by the Township to conduct the collection. It shall be unlawful for any person not authorized by the Township to collect or pick up or cause to be collected or picked up any such recyclable materials for any purpose whatsoever. Each and any such collection in violation hereof from one or more premises shall constitute a separate and distinct offense punishable as hereinafter provided.

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 at curbside in accordance with this section.

232-6 Licensing of collectors of recyclables.

The Township Council may enter into agreements granting a contract to qualified persons to authorize them to collect recyclable materials, remuneration for the same to be in accordance with regulations to be promulgated and adopted. As markets develop for recyclable materials, the Township Council may enter into agreements for payment to the Township for sale of recyclable materials.

232-7 Recycling Tonnages to be Reported.


Organizations recycling directly with a private contractor 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.

§ 232-8. Violations and penalties.

- A. Any person who violates or neglects to comply with the requirements of § 232-3 and the regulations issued pursuant thereto shall be penalized by a fine not to exceed \$250.
- B. Any person who violates the provisions of § 232-4 shall be penalized by a fine not to exceed \$1,000.
- C. A separate offense shall be deemed committed on each during or on which a violation of this chapter occurs.

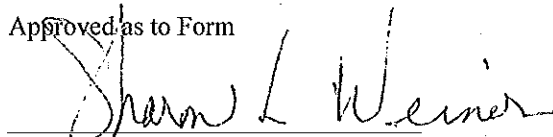
Section 2. Except as hereby amended, the code of the Township of Livingston shall remain in full in effect.

Section 3. This Ordinance shall take effect upon final passage and twenty (20) days from publication in the accordance with the law.


Garry S. Schneiderman, Mayor


Glenn R. Turtleaub, Township Clerk

Approved as to Form


Sharon L. Weiner, Township Attorney

Introduced: 11/17/08

Adopted: 12/15/08