

ARTICLE I

Recycling

[Adopted 12-19-1990 by Ord. No. 90-20; amended 3-15-1995 by Ord. No. 95-1; 3-19-1997 by Ord. No. 97-4; 7-8-2002 by Ord. No. 02-23; 12-13-2004 by Ord. No. 23-04. Amended in its entirety 10-13-2008 by Ord. No. 14-08]

§ 144-1. Purpose. [Amended 4-28-2011 by Ord. No. 07-11]

The purpose of this amended Article I and other recycling requirements is to continue to implement a recycling plan in the Borough of Mount Arlington consistent with the Morris County Solid Waste Management Plan and to implement the New Jersey Waste Electronics Recycling Act, N.J.S.A. 13:1E-99.94.

§ 144-2. Definitions.

BULKY RIGID PLASTIC ITEMS — Shall include, but not be limited to, plastic tables, benches, chairs, riding toys, doll houses, sand boxes, shelving, five gallon pails, car seats and Tyco products.**[Added 9-4-2012 by Ord. No. 11-12]**

COMMINGLED — A combining of nonputrescible source-separated recyclable materials for the purpose of recycling;

DESIGNATED RECYCLABLE MATERIALS — Those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include, but are not limited to the following list. A more detailed list of materials may be found on the Morris County Municipal Utilities Authority website located at www.MCMUA.com.**[Amended 4-28-2011 by Ord. No. 07-11]**

- A. **ALUMINUM CANS** — Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.
- B. **BRUSH** — Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.
- C. **CORRUGATED CARDBOARD** — Shipping containers made with kraft paper linerboard and corrugated medium.
- D. **GLASS BOTTLES AND JARS** — Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.
- E. **GRASS CLIPPINGS** — Vegetative material generated when grass (lawns) are cut.
- F. **HAZARDOUS DRY CELL BATTERIES** — Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead

acid, etc. These are often used as substitutes for nonrechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are nonrechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Nonrechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc nonrechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

- G. **LARGE RIDGE PLASTICS** — Harder and thicker plastics than the plastic bottles. Large plastic toys, laundry baskets, soda and milk crates, plastic pet carriers, kitty litter buckets, plastic storage containers, plastic garbage and recycling containers, empty and dry plastic paint cans, plastic shelving, plastic outdoor furniture without PVC pipes, five gallon buckets without metal handles. **[Added 9-3-2013 by Ord. No. 08-13]**
- H. **LEAD-ACID BATTERIES** — Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.
- I. **LEAVES** — Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.
- J. **METAL APPLIANCES** — Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.
- K. **MIXED PAPER** — Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.
- L. **NATURAL WOOD WASTE** — Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.
- M. **NEWSPAPER** — A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy

inserts which come with the paper, dependent upon the market conditions at the time.

- N. OIL-CONTAMINATED SOIL — Nonhazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be nonhazardous in accordance with the standards set forth in N.J.A.C. 7:26.
- O. PLASTIC BOTTLES (CODED 1, 2, 4, 5 AND 7) — Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols below. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled. **[Amended 9-3-2013 by Ord. No. 08-13]**
- P. STEEL (TIN) CANS — An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.
- Q. USED MOTOR OIL — Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.
- R. WHOLE TIRES* — Tires that are whole, not chipped into small pieces.

* Tires are allowed to be recycled and /or incinerated for energy recovery.

MUNICIPAL RECYCLING COORDINATOR — Supervisor of the Department of Public Works appointed by the Borough to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR — The Borough Health Officer and the Borough Recycling Coordinator who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment at Section 8.6.

MUNICIPAL SOLID WASTE (MSW) STREAM — All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Borough of Mount Arlington which is not bulky waste or construction and demolition debris.

RECYCLABLE MATERIAL — 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 — Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION — 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.

§ 144-3. 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 nonresidential 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 Borough of Mount Arlington, 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 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.
- B. **Exemptions:** Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the borough may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the Article 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 Borough Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 144-4. Municipal solid waste recycling goal.

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Borough of Mount Arlington accepts the goal of 50% recycling of borough solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.

§ 144-5. Collection of recyclable materials.

- A. **Separation of designated recyclable materials and required practices for residential users.** The recyclable materials stated herein must be separate from other solid

waste and must conform to the following regulations:

- (1) The owner or occupant of the premises shall keep clean and in safe handling condition all glass bottles and jars, aluminum cans, plastic bottles (coded 1, 2, 4, 5 and 7), and steel (tin) cans, which may be commingled, shall be reasonably cleaned and stored in standard solid waste containers. All containers and brown paper bags shall be placed, prior to collection, at curbside or as near to the street to be readily accessible to the collector without providing obstruction to pedestrians. Receptacles or other items to be disposed of shall be placed as noted above any time after 5:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any container shall be removed from the curbside by no later than 7:00 p.m. of the day of collection in accordance with the schedule adopted and advertised by the borough, or they may be deposited in designated areas of the Borough Recycling Center during designated hours. **[Amended 9-3-2013 by Ord. No. 08-13]**
- (2) (Reserved)
- (3) Scrap metals. Metal (as described in Chapter 144, Solid Waste, Article II) may be deposited in designated areas of the Borough Recycling Center or may be picked up by the borough through special arrangements with the Borough Recycling Coordinator or his/her designee.
- (4) Newspapers shall be compacted and tied securely in bundles not exceeding 50 pounds in weight and 12 inches in height. All bundles shall be deposited at curbside in accordance with the schedule adopted and advertised by the borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.
- (5) Office paper shall be bundled in the same manner as newspaper or corrugated cardboard and deposited in designated areas of the Recycling Center during designated hours.
- (6) Corrugated cardboard and paperboard shall be flattened and tied into bundles not to exceed 50 pounds or 12 inches in height. Bundles are to be deposited at curbside in accordance with the schedule adopted and advertised by the borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.
- (7) Magazines shall be tied into bundles not to exceed 50 pounds in weight or 12 inches in height. The bundles are to be place at curbside in accordance with the schedule adopted and advertised by the borough, or bundles may be deposited in designated areas of the Borough Recycling Center during designated hours.
- (8) Yard waste.
 - (a) Definitions. For the purposes of this subsection, the following terms, phrases, words and their derivations shall have the meanings stated herein

unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word 'shall' is always mandatory and not merely directory.

- [1] **CONTAINERIZED** — The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.
 - [2] **PERSON** — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
 - [3] **STREET** — Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
 - [4] **YARD WASTE** — Leaves, brush, and grass clippings.
- (b) **Leaves.** The borough, through a qualified contractor hired by the borough, will either collect leaves which are bundled in bags and placed at the curb during autumn months, or leaves may be bundled in bags and deposited in designated areas of the Borough Recycling Center. A collection schedule shall be published in the official borough calendar provided to each resident.
 - (c) **Brush and branches.** The borough, through a qualified contractor hired by the borough, will collect any residential brush and branches during the spring and/or fall of each year. All brush and branches must be cut and tied into manageable bundles, not to exceed four feet in length, and placed at curbside. A collection schedule shall be published in the official borough calendar provided to each resident. Untied branches and brush will not be picked up.
 - (d) **Grass clippings.** Grass clippings shall be brought to the Borough Recycling Center or placed in brown paper bags and left at curbside.
 - (e) **Prohibited conduct.** The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow, or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard

waste from the street or said party shall be deemed in violation of this section.

- (9) Batteries. Only household batteries are to be deposited in the Borough Recycling Center.
- (10) (Reserved)
- B. Separation of designated recyclable materials and required practices for commercial and institutional establishments.
 - (1) All commercial establishments, whether for profit or nonprofit, and all public and private institutional users shall be required to source-separate all designated materials (glass bottles and jars, aluminum cans and steel (tin) cans, newspaper, mixed paper, corrugated cardboard, and leaves, grass clippings, brush, natural wood waste, used motor oil, oil-contaminated soil, whole tires, lead-acid batteries, hazardous dry cell batteries and plastic bottles (coded 1 and 2), metal appliances) for recycling. It shall be the responsibility of the commercial and/or institutional establishment to establish its own programs for the collection, transportation and marketing of the designated recyclable materials. Documentation of the tonnage of materials recycled is to be submitted to the borough in accordance with Section 144-7C.
 - (2) Recycling programs for commercial and/or institutional establishments shall be arranged with private haulers or vendors. These establishments may obtain information from the Borough Recycling Coordinator or his/her designee in complying with this requirement. It is the responsibility of the commercial or institutional user to determine and notify the borough in writing that its hauler, contractor and/or vendor is properly licensed and insured and, in the case of used motor oil haulers, that such haulers have all necessary DEP (New Jersey Department of Environmental Protection) permits and/or licenses.
- C. The hours of operation of the Borough Recycling Center are posted at the gate to the Recycling Center and shall be advertised annually in the official newspaper. No person, firm, corporation or institution shall be permitted to utilize the Recycling Center except borough residents and only during regularly scheduled hours of operation.

§ 144-6. Residential dwelling compliance requirements.

The owner of any property shall be responsible for compliance with this Article. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the Borough Recycling Coordinator. Violations and penalty notices will be directed to the owner 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 six months during their occupancy.

§ 144-7. Nonresidential establishment compliance requirements.

- A. All nonresidential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Article.
- B. 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.
- C. All nonresidential facilities and their private haulers shall report on an annual basis to the Borough Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, 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.

§ 144-8. Electronics recycling requirements. [Added 5-17-2011 by Ord. No. 07-11]

- A. Purpose. The borough and its residents shall comply with the New Jersey Waste Electronics Recycling Act, a copy of which is incorporated at length herein. The New Jersey Waste Electronics Recycling Act, N.J.S.A. 13:1E-99.94, effective January 1, 2011, requires that any applicable electronic devices and component parts as defined in N.J.S.A. 13:1E-99.94 et seq., as solid waste, must be recycled and not disposed of in the garbage.
- B. Applicable and important sections for the borough and its residents.
 - (1) N.J.S.A. 13:1E-99.109, Used covered electronic device, disposal as solid waste prohibited. Section 16. On and after January 1, 2011, no person shall knowingly dispose of a used covered electronic device, or any of the components or subassemblies thereof, as solid waste.
 - (2) N.J.S.A. 13:1E-99.110, Enforcement; violations, penalties, Section 17.
 - (a) The State, including the Attorney General and the department, shall be authorized to initiate independent action to enforce any provision of this act, including failure by a manufacturer to remit the registration fee required pursuant to section 3 of P.L. 2007, c. 347 (C. 13:1E-99.96) or section 9 of P.L. 2007, c. 347 (C. 13:1E-99.102), or any fee required pursuant to subsection b of section 18 of P.L. 2007, c. 347 (C. 13:1E-99.111) to the department. Any funds awarded by the court shall be used first to offset enforcement expenses. Money in excess of the enforcement expenses. Money in excess of the enforcement expenses

shall be deposited into a separate account, and shall be dedicated for use by the department solely for the purposes of administering and enforcing the provisions of this act and any rules or regulations adopted pursuant thereto.

- (b) Any person who violates the provisions of this act shall be subject to a penalty of not less than \$500 nor more than \$1,000 for each offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, C. 274 (C. 2A:58-10 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this act.

If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate, and distinct offense.

The department may institute a civil action for injunctive relief to enforce this act and to prohibit and prevent a violation of this act, and the court may proceed in the action in a summary manner.

- (c) Violations of the act include, but are not limited to:

- [1] The sale of a new covered electronic device by any person that is not in full compliance with the provisions of this act;
- [2] The use of a qualified collection program to recycle covered electronic devices not discarded within the State, or region as provided in section 19 of P.L. 2007, c. 347 (C. 13:1E-99.112);
- [3] The knowing failure to report or accurately report any data required to be reported to the department pursuant to this act; and
- [4] The non-payment of any fee required pursuant to this act.

- (3) N.J.S.A. 13:1E-99.16 Municipal recycling system. Section 6. Each municipality in this State shall, within 24 months of the effective date of P.L. 2007, c. 311 (C. 13:1E-96.2 et al.), designate one or more persons as the municipal certified recycling coordinator. For the purposes of this section, "municipal certified recycling coordinator" means a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the department. Each municipality shall establish and implement a municipal recycling program in accordance with the following requirements:

- (a) Each municipality shall provide for a collection system for the recycling of the recyclable materials designated in the district recycling plan as may be necessary to achieve the designated recovery targets set forth in the plan in those instances where a recycling collection system is not otherwise provided for by the generator or by the county, interlocal

service agreement of joint service program, or other private or public recycling program operator.

- (b) The governing body of each municipality shall adopt an ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, in addition to leaves, the specified recyclable materials for which markets have been secured and, unless recycling is otherwise provided for by the generator, places these specified recyclable materials for collection in the manner provided by the ordinance.
- (c) The governing body of each municipality shall, at least once every 36 months, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.), which revisions shall reflect changes in federal, state, county and municipal laws, 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 the municipal recycling ordinance adopted pursuant to subsection (b) of this section, 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 or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.

- (d) The governing body of a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of the ordinance adopted pursuant to subsection (b) of this section if those persons have otherwise provided for the recycling of the recyclable materials designated in the district recycling plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator annually shall provide written documentation to the municipality of the total number of cartons recycled.
- (e) The governing body of each municipality shall, on or before July 1 of each year, submit a recycling tonnage report to the New Jersey Office of Recycling in accordance with rules and regulations adopted by the department therefor.
- (f) The governing body of each municipality shall, at least once every six months, notify all persons occupying, residential, commercial, and institutional premises within its municipal boundaries of local recycling opportunities, and the source separation requirements of the ordinance. In order to fulfill the notification requirements of this subsection, the

governing body of a 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.

The governing body of a municipality that adopts a recycling ordinance pursuant to subsection (b) of this section may limit the collection of designated recyclable materials to specified operating hours in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep.

§ 144-9. Scavengers.

Any recyclable materials placed at curbside or in the Borough Recycling Center in accordance with this Article are the property of the Borough of Mount Arlington and/or its authorized agent. No person, firm, corporation or institution shall collect, pick up or cause to be collected or picked up any recyclables placed at curbside, unless authorized to do so by the Borough of Mount Arlington.

§ 144-10. Sale, donation and documentation of recyclable material.

- A. Any person, firm, corporation or institution who is an owner, lessee or occupant of premises subject to this Article may donate or sell recyclable materials to any person, partnership, corporation or organization (whether operating for profit or not for profit), so long as the person, firm, corporation or institution receiving such recyclable materials submits documentation to the Municipal Recycling Coordinator pursuant to this section.
- B. This Article is in no way intended to prohibit the collection of recyclable materials through recycling drives by charitable organizations within Mount Arlington. Such organizations may conduct drives to be held on days other than those designated for collection by the Borough of Mount Arlington or its designee if:
 - (1) The organization shall first secure permission from the Recycling Coordinator or his/her designee; and
 - (2) Shall submit documentation to the Recycling Coordinator within 30 days after completion of the drive, listing the recyclable material collected, the tonnage and place of disposal.

§ 144-11. (Reserved)

§ 144-12. 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 Borough Solid Waste Ordinance.
- C. All persons, firms, corporations or institutions who are the owners, lessors or occupants of any premises within the Borough of Mount Arlington shall be required to source-separate all designated materials from all other solid waste, in accordance with this Article.
- D. It shall be the responsibility of the person, firm, corporation or institution whose solid waste was not removed, because it contained recyclables, to properly segregate the uncollected waste for proper recycling. No such person, firm, corporation or institution shall suffer or permit any such solid waste to remain at curbside longer than 12 hours after the end of the collection day.
- E. Special materials shall not be accepted at the Borough Recycling Center.

§ 144-13. Enforcement.

The Borough Health Officer and the Borough Recycling Coordinator are empowered to enforce the provisions of this Article. 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.

§ 144-14. Penalty for noncompliance with source separation requirement.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine of not less than \$25, nor more than \$1000.

Each day for which a violation of this Article occurs shall be considered a separate offense.

Fines levied and collected pursuant to the provisions of this Article shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses to operate the Borough Recycling Program.