

ORDINANCE 2021-14

AN ORDINANCE AMENDING CHAPTER XVI, ENTITLED "SOLID WASTE MANAGEMENT," OF THE BOROUGH OF ALLENHURST TO ADD PROVISIONS REGULATING THE USE OF DUMPSTERS.

Offered By: Mayor McLaughlin

Seconded By: Comm. McLaughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that the use of dumpsters or other large roll-off solid waste containers throughout the Borough has increased such that some regulation of the practice is necessary to maintain order, and

WHEREAS, the Borough Council has determined that it is in the best interests of the community to impose regulations on the location, duration and placement of such dumpsters to protect the appearance and good order of residential properties throughout the community;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that Chapter 16 of the Code of the Borough of Allenhurst be revised and supplemented with the addition of a new section 16-28 entitled "Regulation of Dumpsters" as follows:

16-28 Regulation of Dumpsters.

Any person or corporation placing or causing to be placed any roll-off container/dumpster or any other apparatus used to collect refuse and dispose of building material of any kind whatsoever, on or about any street or public place within the Borough, or upon any residential property throughout the Borough, shall keep such equipment properly guarded and reflected in such a manner that the safety of the public will be amply protected.

16-28.1 Permit Required.

No person shall place or permit a roll-off container/dumpster to be placed upon any street or municipality owned parking lot, or upon any residential property throughout the Borough without first obtaining a permit therefor in accordance with the requirements of this chapter.

16-28.2 Restrictions for placement upon the roadway.

The following restrictions are imposed upon the placement of such equipment on the public roadways:

- a. Within fifty feet of a stop sign;
- b. Twenty-five feet of a cross walk;
- c. Within fifteen feet of a fire hydrant;
- d. Within fifty of railroad crossing;
- e. Upon any bridge or elevated structure;
- f. Opposite any street excavation;
- g. Clear view of the dumpster must be obtained from a distance of two hundred feet in each direction;
- h. In any appropriately marked "No Parking Zone";
- i. Upon a cross walk;
- j. Within twenty-five feet of an intersection;
- k. In any space on public or private property appropriately marked for vehicle for the physically handicapped.

16-28.3 Cover Required.

During all times when the roll-off container/dumpster is in use, a tarpaulin or other suitable tight cover shall be placed over the roll-off container/dumpster in accordance with Section

16-53 of the Code of the Borough of Allenhurst.

16-28.4 Overfilling Prohibited.

The contents of the roll-off dumpster shall be emptied and disposed of upon reaching the waterline of the roll-off container/dumpster. It shall be a violation of this ordinance to overfill a roll-off container/dumpster.

16-28.5 Insurance.

Proof of insurance is required and shall continue in full force and effect during the term of the permit.

16-28.6 Application for permit; fee: Refusal and duration.

a. The chief of police shall issue a permit for the use of a roll-off container/dumpster as a temporary street obstruction prior to the placement of thereof, upon satisfactory written application by either the owner or the user/permit holder, and payment of the fee of two hundred (\$200.00) dollars for placement upon any public roadway throughout the Borough. There shall be no fee for placement upon any residential property throughout the Borough.

1. Each application shall be accompanied by a certificate of insurance, either from the owner or the user/permit holder, evidencing public liability coverage insuring the Borough in an amount not less than one million dollars for injuries, including accidental death for any one person, and subject to the same limit for each person in an amount not less than one million dollars on account of each occurrence; and a certificate of insurance either from the owner or the user/permit holder evidencing property damage insuring the Borough in an amount not less than five hundred thousand dollars on account of any occurrence and in an amount not less than five hundred thousand dollars on account of all occurrences. All policies shall be so written that the Borough shall be notified of cancellation or restrictive amendment at least fifteen days prior to the effective date of such cancellation or amendment.

2. Prior to the issuance of such a permit, the chief of police shall consult with the appropriate officers in the department to determine that the proposed use of the roll-off container/dumpster shall not constitute a traffic and/or safety hazard.

3. The roll-off container/dumpster can be effectively placed parallel to the curb with the street side of the container not more than eight feet six inches from the adjacent curb.

4. The roll-off container/dumpster shall be equipped and displayed with appropriate reflective markers to ensure high visibility to traffic.

5. Each initial application for a permit on public property shall be valid for a period of thirty (30) days, a written application to extend the duration of the permit renewal for an additional thirty (30) days may be considered at the rate of twenty-five (\$25.00) dollars for each additional thirty days, or any part thereof. The request for additional time due to hardships must be addressed in writing to the chief of police.

6. When a construction permit has been issued, roll-off containers/dumpsters on private property must be removed prior to the

issuance of the certificate of occupancy.

7. When no construction permit has been issued, roll-off containers/dumpsters on private property must be removed within thirty (30) days.

8. Firm supplying the roll-off container/dumpsters on either private or public property is responsible for any damage in the public right-of-way including, but not limited to, roadbeds, curbs, aprons, sidewalks and trees.

9. The public property roll-off/dumpster permit shall be conspicuously posted on the job site.

b. The chief of police may refuse the issuance of a permit hereunder if the placement of a roll-off container/dumpster at any street location shall constitute a public nuisance or hazard because of contour, narrow width, traffic or other conditions peculiar to the street at or near the proposed location.

16-26.7 Penalty.

Any person who violates any provision of this chapter shall receive written notice of said violation, warning said party to take action; if no action is taken within twenty-four (24) hours, a summons may be issued. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding two thousand (\$2,000.00) dollars or by imprisonment in the county jail for a term not exceeding ninety days, in accordance with the General Penalty section of this Code, ' 1-5.1(a). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

AND IT IS FURTHER ORDAINED that except as herein above provided, the remainder of Chapter XVI, Solid Waste Management, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

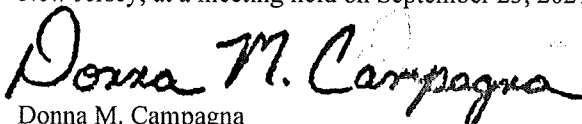
VOTE: Comm McLoughlin -AYE; Mayor McLaughlin-AYE

APPROVED: August 24, 2021

ADOPTED: September 23, 2021

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on September 23, 2021.



Donna M. Campagna
Borough Clerk/Administrator