

ORDINANCE 2022-06
AN ORDINANCE AMENDING CHAPTER XVI, ENTITLED "SOLID WASTE MANAGEMENT," OF THE BOROUGH OF ALLENHURST TO ADD PROVISIONS REGULATING THE USE OF PORTABLE RESTROOM FACILITIES.

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that the use of portable restroom facilities or porta-potties as they are commonly referred to, throughout the Borough has increased such that some regulation of the use is necessary, 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 portable restroom facilities or porta-potties 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 16-29 Regulation of portable restroom facilities or porta-potties as follows:

16-29 Regulation of portable restroom facilities or porta-potties.

Any person, business or cooperation placing or causing to be placed any portable restroom facilities or porta-potties or any other apparatus used as a temporary restroom of any kind whatsoever, on or about any property within the Borough, shall keep such equipment located as required hereby.

16-29.1 Restrictions for placement of portable restroom facilities or porta-potties.

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

- a. The same shall not, under any circumstances, be placed in the front yard of any property, as that term is defined in '26-2.1 of the Borough Code;
- b. They shall be kept in the rear yard, or side yard as those terms are defined in '26-2.1 of the Borough Code;
- c. They shall be placed as far away from neighboring properties as reasonably practicable, so as not to interfere with the neighbors use and enjoyment of their property;
- d. They shall not remain on any property where construction is not on-going and shall be removed during the summer construction moratorium.

16-29.2 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; Comm. Bolan-AYE; Mayor McLaughlin-AYE

APPROVED: February 15, 2022

ADOPTED: March 22, 2022

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 March 22, 2022.

Donna M. Campagna

Donna M. Campagna, RMC
Borough Clerk/Administrator