

Chapter 117, DUMPSTERS AND CONSTRUCTION WASTE CONTAINERS AND REFUSE CONTAINERS

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 5-2-1988 by Ord. No. 426 (Ch. 41 of the 1973 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse -- See Ch. 146.

§ 117-1. Definitions; word usage. [Amended 7-13-2009 by Ord. No. 718-2009]

A. For the purpose of this chapter, 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.

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

DUMPSTER/CONSTRUCTION CONTAINER -- Any container used in the normal course of demolition or construction for the purpose of storing, containing and/or carting debris.

MUNICIPAL SEPARATE STORMWATER SYSTEM (MS4) -- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Laurel Springs or other public body, and is designed and used for collecting and conveying stormwater.

PERSON -- Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

REFUSE CONTAINER -- Any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER -- Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE -- The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 117-2. Placement on sidewalks, streets and highways.

The placement of a dumpster and/or construction container upon a sidewalk, street or highway within the Borough of Laurel Springs by persons other than agents or employees of the Borough is hereby prohibited unless:

A. The dumpster and/or construction container is properly illuminated by at least one reflector on each side, such reflector to be at least six inches in diameter so that it is visible at night.

B. There is no defect or faulty design in the dumpster and/or construction container which would create a hazard to the general public.

C. The placement of the dumpster and/or construction container which must have the specific approval of the Construction Official of the Borough of Laurel Springs shall not block the flow of vehicular traffic or pedestrian traffic and shall not be loaded in such a manner as to cause its contents to spill onto the street or sidewalk areas.

D. The use of the dumpster and/or construction container will not create offensive odors or a health hazard.

E. The dumpster and/or construction container is conspicuously marked with the name and address of its owners.

F. A permit for the placement of the dumpster and/or construction container is obtained from the Construction Official of the Borough of Laurel Springs pursuant to this chapter, and evidence of such permit is displayed conspicuously on the property of the applicant by means specified by the Construction Code Official.

G. The movement of a loaded dumpster onto other than construction property or Borough street is prohibited.

§ 117-3. Application for permit.

An application for a permit pursuant to the provisions of this chapter shall be made on forms approved and made available by the Construction Official of the Borough of Laurel Springs. Such application shall include but not be limited to the following information:

A. The name and address of the applicant and, if applicable, the name and address of the lessor of the dumpster and/or construction container.

B. A description or diagram of the location where he proposes to place the dumpster and/or construction container.

C. A description of the dumpster and/or construction container which the applicant proposes to place on the sidewalk, street or any other public place of the Borough, which includes the name of the manufacturer, its capacity and a description of the reflectors required by § 117-2A.

D. The circumstance necessitating the use of the dumpster and/or construction container on a sidewalk, street or public place in the Borough.

E. The length of time the applicant plans to place the dumpster and/or construction container on the site, such time not exceeding 30 days.

§ 117-4. Issuance of permit.

All permits required by this chapter shall be in writing and issued by the Construction Code Official of the Borough of Laurel Springs. The Construction Official shall issue said permit if it appears that the applicant has a reasonable need to use a dumpster/or construction container. Prior to the issuance of such a permit, the Construction Official shall consult with the Chief of Police to determine that the proposed use of the dumpster and/or construction container shall not constitute a traffic and/or safety hazard. No permits shall be issued until the fee, hereinafter described, shall be paid to the Borough.

§ 117-5. Permit fee.

The fee payable for a permit pursuant to this chapter shall be as provided in the Annual Fee Ordinance for each dumpster/construction container.

§ 117-6. Insurance.

Each application for a permit authorized under this chapter shall be accompanied by a policy or certificate of insurance, including the applicant and the Borough as named insureds and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of such dumpster and/or construction container. Such policy or certificate shall contain limits of at least \$100,000/\$300,000 for bodily injury and \$50,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Construction Official of the Borough of Laurel Springs.

§ 117-7. Expiration of permit; renewal.

A. No permit shall be granted by the Construction Official for a term longer than 30 days, although, for good cause shown, a permit previously issued may be renewed for an additional thirty-day period.

B. Upon the expiration of the permit, the permit holder shall remove or cause to be removed the dumpster and/or construction container from the sidewalk, street or public place.

§ 117-8. Revocation of permit; appeals.

A. Any permit granted pursuant to § 117-4 of this chapter may be revoked by the Construction Official if:

(1) The permit holder has made any false statements in his application for a permit; or

(2) The permit holder fails to conform to the provisions of § 117-2.

B. A decision by the Construction Official to revoke any permit issued pursuant to this chapter shall be in writing and transmitted to the permit holder either in person or certified mail. Such decision shall clearly state the grounds for the revocation.

C. The permit holder may appeal the revocation to the governing body of the Borough of Laurel Springs. An appeal must be filed by the permit holder with the Borough Clerk within seven days after the notice of revocation is received by the permit holder. Such appeal must state in writing the grounds for the appeal. The governing body shall then set a time and place for hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to the address stated by the permit holder in the notice of appeal. The decision and order of the governing body shall be final and conclusive.

§ 117-9. Placement near fire hydrants.

No person shall cause or permit the placing of any materials, structures, shrubs or fences, living or otherwise, within 10 feet of a fire hydrant.

§ 117-10. Prohibited conduct. [Added 7-13-2009 by Ord. No. 718-2009EN]

A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Laurel Springs.

§ 117-11. Exceptions. [Added 7-13-2009 by Ord. No. 718-2009]

Exceptions to prohibited conduct are:

A. Permitted temporary demolition containers.

B. Litter receptacles (other than dumpsters or other bulk containers).

C. Individual homeowner trash and recycling containers.

D. Refuse containers at facilities authorized to discharge stormwater associated with industrial activity under a valid NJPDES permit.

E. Large bulky items (e.g., furniture, bound carpet and padding, white goods) placed curbside for pickup.

§ 117-12. Enforcement. [Added 7-13-2009 by Ord. No. 718-2009]

This chapter shall be enforced by the Police Department and/or other municipal officials of the Borough of Laurel Springs.

§ 117-13. Violations and penalties. [Added 7-13-2009 by Ord. No. 718-2009]

Unless otherwise provided by statute or in the Code of the Borough of Laurel Springs, violation of any provision of the Code of the Borough of Laurel Springs shall be punishable by one or more of the following: a fine not to exceed \$2,000, imprisonment for not more than 90 days and/or a period of community service not to exceed 90 days. Each day on which a violation occurs shall be considered a separate offense.

§ 117-14. Severability. [Added 7-13-2009 by Ord. No. 718-2009]

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this chapter.