

ORDINANCE 2016-08

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, BY ADDING CHAPTER 348 ENTITLED "PORTABLE STORAGE UNITS AND DUMPSTERS".

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach to add Chapter 348 to read as follows:

CHAPTER 348 PORTABLE STORAGE UNITS AND DUMPSTERS

348-1

This Chapter and the regulations herein are in addition to any other requirements of law, rule, regulation and/or Borough Ordinances, specifically and without limitation

348-2 DEFINITIONS.

Terms not defined shall have their usual and customary meanings, unless a different meaning clearly appears from the context. The following terms whenever used or referred to in this Section shall have the following respective meanings:

Dumpster/Bagster (collapsible dumpster bag) or roll-of container

A bulk storage container for the collection of, and temporary storage of, solid waste, waste materials, rubbish, construction materials, industrial and other waste materials generally, that can be hauled directly to the point of disposal or emptied into a large compactor type truck for disposal.

Front yard envelope

The area encompassed by the distance from the improved roadway in front of the property to the point of the structure on the property closest to that roadway and from one side property line to the other side property line.

Portable storage unit

A transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which are placed on a site for the use of occupants of a dwelling or building on a limited basis. Portable storage units include but are not limited to certain trade named units called "PODS," "mobile attics" and like portable on-demand storage containers.

Rubbish

All mean combustible paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding dunnage or noncombustible metal, metal furniture, dirt, glass, and crockery.

Waste materials

All include all other categories of materials to be disposed of, excluding garbage or recyclable materials.

348-3 REGULATIONS APPLICABLE TO ALL PORTABLE STORAGE UNITS AND DUMPSTER/BAGSTER

The following regulations apply to the placement and use of all portable storage units and Dumpster/Bagster regardless of whether they require a permit or not:

- a. No portable storage unit or Dumpster/Bagster shall be placed, in whole or in part, upon any street, sidewalk or within any public right-of-way without a permit therefor issued by the Borough.
- b. All portable storage units or Dumpster/Bagster that have been issued a permit to be placed in any property, street, sidewalk or within any public right-of-way and will remain in one of those areas during the hours between sunset of one day and sunrise of the next day shall be equipped with suitable reflectors or other warning devices as may be required by the police department and Code Official. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of five hundred (500') feet.
- c. Rubbish and waste materials shall be completely contained within any Dumpster/Bagster. The accumulation of rubbish or waste materials shall be not permitted outside the confines of a Dumpster/Bagster, nor shall it be permitted to accumulate so that the attached cover cannot be firmly closed. In the event that the Dumpster/Bagster does not have an attached cover, the rubbish or waste material shall not accumulate higher than the top of the sides of the Dumpster/Bagster and shall be covered by either a tarp or similar covering, except when rubbish and waste materials are being deposited in the Dumpster/Bagster.
- d. All portable storage units shall be securely closed when not in use. No materials, property or goods shall be stored outside of a portable storage unit during the hours between sunset of one day and sunrise of the next day, except if the portable storage unit is being used in conjunction with construction, and in such case only construction materials may be left outside of the portable storage unit as permitted by law, rule, regulation and/or Borough Ordinances.
- e. All Dumpster shall bear the identification number assigned by the State of New Jersey and the name, address and telephone number of the person responsible therefor.
- f. Portable storage units and/or Dumpster/Bagster should not be placed in the front yard envelope, however, where the placement of the same is not possible or practical, the Code Enforcement Officer may permit the same, under appropriate conditions.
- g. Portable storage units and/or Dumpster/Bagster shall not be placed on any property more than two (2) times per calendar year, unless there are valid and current building permits issued for that property, and then the same is subject to all regulations and requirements herein.

h. The placement and/or use of more than one (1) portable storage unit and more than one (1) Dumpster/Bagster on a property, street, sidewalk or within any public right-of-way adjacent to a property at any given time.

i. The portable storage units and Dumpster/Bagster companies or property owners shall be responsible for the cost to repair any damage caused to any street, curb, sidewalk or other public improvements.

348-4 USE OF PORTABLE STORAGE UNITS AND DUMPSTER/BAGSTER WHICH REQUIRES A PERMIT. A permit for the placement and use of a portable storage unit and/or Dumpster/Bagster shall be required under the following conditions:

a. The use of a portable storage unit or Dumpster/Bagster when it will be placed, in whole or in part, upon any property, street, sidewalk or within any public right-of-way.

b. The use of a portable storage unit or Dumpster/Bagster for more than one (1) day as permitted herein shall require a permit.

c. If any of the foregoing conditions are met, the property owner shall apply for a permit, on the prescribed permit application form, submit a permit fee of thirty five (\$35.00) dollars and be issued a permit prior to placing the portable storage unit and/or Dumpster/Bagster on the property or upon any street, sidewalk or within any public right-of-way adjacent to a property and shall be subject to the following additional regulations:

1. No permit for a portable storage unit and/or Dumpster/Bagster shall permit the same to be on a property, or upon any street, sidewalks or within any public right-of-way, for more than thirty (30) consecutive days, however, additional permits may be applied for and approved provided that there are valid and current building permits issued for that property or the discretion of the Code Enforcement Department and/or Police Department

2. The regulations applicable to all portable storage units and Dumpster/Bagster in Chapter 348 shall be complied with.

3. The permit shall be prominently displayed on the portable storage unit and/or Dumpster/Bagster at all times.

4. Prior to any permit being issued for the placement of a portable storage unit or Dumpster/Bagster which in whole or in part, is upon any property, street, sidewalks or within any public right-of-way, the property owner shall provide sufficient proof of insurance coverage of five hundred thousand (\$500,000.00) dollars for a combined single limit bodily injury and property damage coverage, which may be from the portable storage unit or Dumpster/Bagster rental company, naming the Borough of Bradley Beach, its agents, servants, officials and employees, as additional insureds, which shall be in effect at all times the portable storage unit or Dumpster/Bagster is so placed. Further, it shall be a condition of said permit that the property owner shall hold harmless, indemnify and defend the Borough of Bradley Beach, its agents, servants, officials and employees from any claims relating to the placement or use of the portable

storage unit or Dumpster/Bagster in whole or in part, is upon any property, street, sidewalk or within any public right-of-way, or relate to the issuance of a permit for the same.

5. The Code Enforcement Department and/or Police Department, in their discretion, may refuse to issue a permit if he deems same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.

6. Upon the expiration of a permit, the portable storage unit or Dumpster/Bagster shall be immediately removed.

348-5 ENFORCEMENT.

a. Enforcement. This section is to be administered and enforced by the Borough Department of Code Enforcement. The Police Department shall also have jurisdiction to enforce the placement of portable storage unit or Dumpster/Bagster upon any street, sidewalk or within any public right-of-way without a permit therefor having been issued by the Borough, and, if a permit has been so issued the Police Department shall also have jurisdiction to enforce the requirements for the placement of reflectors and other warning devices as may be required by the permit.

348-6 VIOLATIONS AND PENALTIES

a. Violations/Remedies.

1. Upon the failure, neglect or refusal of a property owner or company to comply with this chapter then the Borough is authorized to issue a violation and/or summons. The Borough may remove any portable storage unit or Dumpster/Bagster without notice if it determines an emergency condition exists requiring action with regard to the portable storage unit or Dumpster/Bagster. Further, should the basis for the issuance of a violation or summons is not cured within ten (10) days of the issuance of violation or summons, then the Borough without notice to the property owner or company, may remove the portable storage unit or Dumpster/Bagster. All violation or summons shall be issued in the name of the property owner and the owner of the portable storage unit or Dumpster/Bagster as codefendants if the unit identifies the owner of the same.

2. Should the Borough be required to move or remove the portable storage unit or Dumpster/Bagster in order to correct any violation of this chapter, the Code Enforcement Department shall certify the costs of removal and storage of said portable storage unit or Dumpster/Bagster to the Chief Financial Officer who shall be authorized to forward the bill to the property owner or person or entity in control of said property or Dumpster/Bagster or container company for payment within thirty (30) days of the date of the bill and any continuing storage costs. The amount of the charge shall become a lien upon the lands and properties for which the portable storage unit or Dumpster/Bagster was located or properties of the owner, tenant or controller of the portable storage unit or Dumpster/Bagster where such portable storage unit or Dumpster/Bagster served the benefit and use of in the opinion of the Borough and shall be collected in the same fashion as real estate property taxes. Should the person or entity who owns, leases or controls the portable storage unit or Dumpster/Bagster failed to pay all charges, including fines and penalties which may have been assessed by the Municipal Court, and remove

the portable storage unit or Dumpster/Bagster from Borough custody within sixty (60) days of the Borough removing and storing the same then the Borough may sell the property at public auction. If the portable storage unit or Dumpster/Bagster container identifies the owner of the portable storage unit or Dumpster/Bagster, the same shall be notified of the proposed sale in writing ten (10) days prior to public sale. Any monies received as a result of the public auction shall first be credited toward any costs associated with the removal and/or storage of the portable storage unit or Dumpster/Bagster, then to any costs of placing or removing the lien upon the property, then to any costs of the public auction, then to any fines and penalties which may have been assessed by the municipal court, and, should any balance remain the same shall be paid to the owner of the portable storage unit or Dumpster/Bagster if the container so identifies the owner thereof, if not then to the property owner.

c. Penalties. Any person(s) who is found in violation of the provisions of this article shall be subject to the penalties in Chapter 1, Article II, General Penalty.

BE IT FURTHER ORDAINED THAT all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

This Ordinance shall become effective upon final passage and publication according to law.

MARY ANN SOLINSKI
Borough Clerk

GARY ENGELSTAD
Mayor

Introduced: February 9, 2016

Date of Hearing and Adoption: February 23, 2016

Dates of Publication: _____
