

ORDINANCE NO. 17-2010

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF HARRISON,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 159
ENTITLED "PROPERTY MAINTENANCE" OF THE CODE OF
THE TOWNSHIP OF HARRISON**

WHEREAS, the Mayor and Committee, Township of Harrison, have determined that certain amendments to Chapter 159 entitled "Property Maintenance" are necessary; and

WHEREAS, in all other respects Chapter 159 entitled "Property Maintenance" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Article VI entitled "Dumpster Use and Placement" shall be amended to read as follows:

§159-15. Dumpster Use and Placement.

A. The use and placement of dumpsters in public and private areas is regulated as follows:

~~A.~~ (1) The purpose of this section is to regulate the use and placement of dumpsters in public areas, on construction and development sites and in association with the renovation, rehabilitation and reconstruction of buildings and structures in private areas located within the Township of Harrison.

~~B.~~ (2) Permit required.

No person shall place or utilize a dumpster or permit a dumpster to be placed on or within a public or private area in the Township of Harrison without first having obtained a permit from the Construction Office and upon approval from the Chief of Police.

~~C.~~ (3) Application for permit; fees; conditions of issuance.

~~(4)~~ (a) Application for a dumpster permit shall be made by submission of the following information to the Township Zoning Office:

~~(a)~~(i) Name and address of the applicant and the owner of the property, if different.

~~(b)~~(ii) Street address.

~~(c)~~(iii) Size of the dumpster to be placed at the site and the proposed location of the dumpster.

~~(d)~~(iv) Anticipated length of time the dumpster will be located at the site.

~~(2)~~ (b) The permit shall be valid for a period of 7 days and may be renewed upon application to the Construction Office for additional 7 day periods not to exceed a total period of 24 days.

~~(3)~~ (c) A permit may be revoked at any time during its term if the placement or use of the dumpster constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason that constitutes a nuisance.

~~(4)~~ (d) No permit shall be issued if the Police Department determines that the issuance of a permit will constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.

D. ~~(4)~~ (4) Location, placement and condition of dumpsters.

~~(1)~~ (a) No dumpster shall be placed in a public or private area unless it is determined by the Police Department that there is insufficient room to place the dumpster on the property of the person utilizing the dumpster. No dumpster placed on a property shall impede the flow of pedestrian or vehicular traffic or safety site lines.

~~(2)~~ (b) The dumpster shall be equipped with markers consisting of reflective diamond-shaped panels measuring a minimum of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. The required markers shall have a minimum height of three feet from the bottom of the panels to the surface of the roadway.

~~(3)~~ (c) Dumpsters shall at all times be kept in good repair and shall be structurally sound and leak proof and shall be painted as to prevent the show off rust or deterioration and shall be constructed to stand firmly upright.

~~(4)~~ (d) Upon removal of the dumpster, the area shall be swept clean of all loose debris and restored to its former condition in accordance with the standards of the Township Engineer and/or Public Works supervisor.

~~(5)~~ (e) The applicant shall be responsible for any damage to the roadway or other property caused by the placement of the container.

E. ~~(5)~~ (5) Failure to remove: removal by Township; cost to be lien.

If the dumpster is not removed at the expiration of the time allowed by the permit, the Construction Code Official shall notify the owner that he/she has 3 days in which to have the dumpster removed from the premises. In the event the owner fails to comply, the dumpster shall be deemed to have been abandoned and the Construction Code Official may arrange for its removal and the disposal of its contents. The costs associated with the removal of the dumpster and the disposal of its contents shall be a municipal lien against the property. A detailed statement of the aforesaid costs shall be certified by the Construction Code Official and forwarded to the Township Committee, which shall examine the certification and, if found correct, shall cause the same to be filed with the Tax Collector and a copy forwarded

to the property owner. This amount shall be charged against the land and shall become a lien upon such lands and shall bear interest at the same rate as taxes and shall be collected and enforced by the Tax Collector.

B. The following Section regulates the use of dumpsters outdoors or dumpsters exposed to stormwater:

(1) Purpose.

The purpose of this Section is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Harrison and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(2) Definitions.

For the purpose of this Section, 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.

- (a) Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Harrison or other public body, and is designed and used for collecting and conveying stormwater.
- (b) Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- (c) Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- (d) 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.
- (e) 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.

(3) Prohibited Conduct.

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.

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 Township of Harrison.

(4) Exceptions to Prohibition.

(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 under a valid NJPDES permit.

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

(5) Enforcement.

This ordinance shall be enforced by the Zoning Official and/or the Police Department of the Township of Harrison.

(6) Penalties.

Any person(s) who is found to be in violation of the provisions of §159-15.B shall be subject to a fine not to exceed \$2,000.00.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

**BY: _____
LOUIS F. MANZO, MAYOR**

ATTEST:

DIANE L. MALLOY, Clerk

INTRO: 6/21/2010

FINAL:

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on June 21, 2010. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on July 6, 2010 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

DIANE L. MALLOY
Clerk