

**BOROUGH OF BERNARDSVILLE
ORDINANCE #10-1531**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE
BOROUGH LAND DEVELOPMENT ORDINANCE ENTITLED "ZONING" BY
ADDING PROVISIONS REGULATING DUMPSTERS**

BE IT ORDAINED by the Council of the Borough of Bernardsville of the County of Somerset in the State of New Jersey that Chapter 12 of the Borough Land Development Ordinance entitled "Zoning" is hereby supplemented and amended as follows:

Section 1. Section 12-23 entitled "Supplemental Regulations" is supplemented and amended by adding a new subsection 12-23.21 entitled "Dumpsters" which reads as follows:

12-23.21 DUMPSTERS

a. Definitions.

ia. All definitions set forth in Section 1-314 of the Borough Township Land Development Use Ordinance are incorporated by reference.

ii-b. As used in this section:

Dumpster shall mean a rigid container with a capacity of ten (10) cubic yards or more, used for collection and temporary storage of solid waste, construction materials, industrial and other waste materials.

Portable Storage Unit means any container, storage unit, shed-like container or other portable structure with a capacity of ten (10) cubic yards or more that can be or is used for the storage of personal property of any kind and which is located outside an enclosed building. A portable storage unit does not include an accessory building or shed complying with all building codes and land use requirements.

b. Permits Required; Fees.

Dumpsters and portable storage units, as defined above and Garbage containers often known as "dumpsters" when placed on residential property or in a residential zone, s, as defined above, shall require a permit issued by the Construction Official Code Enforcement Officer upon payment of a fee of twenty-five (\$25.00) dollars and shall be limited to use for a period not to exceed ninety (90) days, unless a longer period has been is-allowed as part of on-a

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development approval granted by the Planning Board or the Zoning Board of Adjustment, or by the Borough Council when no development application is involved. The Construction Official may grant one ninety (90) day permit extension, for an additional fee of \$25.. During the period covered by the permit, a dumpster may be removed for emptying and replaced without requiring an additional permit.

c. Miscellaneous Regulations.

i Dumpsters and portable storage units shall be placed either on vacant private property or located on the side yard or back yard of any existing building on private property. Should the applicant require or request placement in the front yard of a building on private property, said application shall be treated as the same as an application under paragraph c.(iii) below. If a permit extension has been granted and the applicant applies for a further extension or applies for an additional dumpster permit during the same calendar year at the same site, that application must be made to, and granted by, the Borough Council, and the fee for such extension or application shall be \$50. No property owner or agent for the property owner shall be allowed to apply for more than two (2) dumpster permits per year, per property. The permit date the permit was issued and the date of required removal representing the maximum time period for use under the permit shall be prominently displayed in a window of the residence facing the street, or in a window of the construction trailer or shed, if any, on all dumpsters.

ii It shall be unlawful for any person to construct or place a dumpster or portable storage unit as defined in this ordinance upon any front yard of private property or upon any Borough-owned land or upon any street, avenue, highway, lane, alley or public place. No permit shall be issued for such use or storage of dumpsters or portable storage units unless the applicant establishes a hardship by satisfying one or more of the following criteria:

(a) The lot configuration or placement of existing buildings or construction equipment or materials prevents placement of the dumpster in a side or rear yard.

(b) Parking on the property or adjoining streets will be adversely affected.

(c) Traffic flow on the property or adjoining streets will be adversely affected.

iii. Should the applicant demonstrate a hardship warranting placement of a dumpster or portable storage unit, on the front yard of private property or on a public area as defined above, the Construction Official shall issue a dumpster or portable storage unit permit, for a period not to exceed ninety (90) days, and may grant one ninety (90) day extension to the permit.

Extensions may be granted by the Planning Board or the Zoning Board of Adjustment as part of a development approval, or by the Borough Council when no development application is involved. The fee for a dumpster permit is twenty-five (\$25.00) dollars.

iv. A permit may be revoked by the Code Enforcement Officer if it is determined that the existence of the dumpster or portable storage unit is adversely affecting traffic flow or affecting the safety or welfare of the public.

d. Enforcement; Penalties.

i. This ordinance shall be enforced by the Borough Code Enforcement Officer.

ii. ~~v.~~ Any person who shall violate any provision of this section shall be subject to the penalties as provided in Chapter I, Section 1-5. Each day in which such violation continues shall constitute a separate offense. Repeat offenders, as that term is defined in Section 1-5, shall be subject to the penalties set forth in Section 1-5.

iii. The Code Enforcement Officer shall notify the owner, tenant and/or contractor in writing of any violation. The owner, tenant or contractor shall have five (5) days from the date of receipt of the notice to cure the violation.

iv. ~~iii.~~ If the violation is not cured, the Code Enforcement Officer may issue a summons and/or remove the dumpster without further notice, ~~on the case of an immediate threat to public health or safety.~~

v. Should the Borough be required to move the dumpster pursuant to paragraph ~~iv~~ above, the Code Enforcement Officer shall certify the costs of removal and storage and forward the bill to the property owner or person or entity in control of said property or dumpster 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 dumpster was located

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

Sandra G. Jones, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

By: _____
Lee C. Honecker, Mayor

Introduction:

1st Publication:

Public Hearing and Adoption:

2nd Publication: