

## DUMPSTER / STORAGE UNIT FEES

### 12-23.21 Dumpsters.

a. *Definitions.*

1. All definitions set forth in Section 1-3 of the Borough Land Development Ordinance are incorporated by reference.

2. 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** shall mean 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 units, as defined above and when placed on residential property or in a residential zone shall require a permit issued by the Construction Official 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 allowed as part of a development approval granted by the Planning Board or the Zoning Board or the Zoning Board of Adjustment, or by the Borough Council when no development application is involved. The Construction Official may grant one (1) ninety (90) day permit extension for an additional fee of twenty-five (\$25.00) dollars. During the period covered by the permit, a **dumpster** may be removed for emptying and replaced without requiring an additional permit.

c. *Miscellaneous Regulations.*

1. 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,3 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 fifty (\$50.00) dollars. 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.

2. It shall be unlawful for any person to construct or place a **dumpster** or portable storage unit as defined in this section 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 (1) 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.

3. Should the applicant demonstrate a hardship warranting placement of a **dumpster** or portable storage units 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 (1) ninety (90) day extension of the permit.

4. 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.*

1. This section shall be enforced by the Borough Code Enforcement Officer.

2. 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.

3. 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.

4. If the violation is not cured, the Code Enforcement Officer may issue a summons and/or remove the **dumpster** without further notice.

5. Should the Borough be required to move the **dumpster** pursuant to paragraph c,5 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.

