

BOROUGH OF CRESSKILL

ORDINANCE NO. 20-04-1554

**ORDINANCE AMENDING ARTICLE XIII
DUMPSTER AND OTHER RECEPTACLES FOR DEBRIS COLLECTION**

WHEREAS, the Borough's Construction Code Officials have requested that the Dumpster Permit Process be controlled through the Building Department and various procedural steps be implemented prior to the issuance of a Dumpster Permit; and

WHEREAS, the Council concurs with the Building Department's Recommendation regarding amendments to the "Dumpster Ordinance";

NOW, THEREFORE, BE IT ORDAINED as follows:

ARTICLE XIII §230-104 (A) be amended as follows:

- A. No container, dumpster, receptacle or other object for the collection of rubbish or debris shall be placed upon any property without a permit issued by the Building Department;

All other provisions of ARTICLE XIII §230-104 et seq shall remain as Ordained

ARTICLE XIII §230-105 (A) be amended as follows:

- A. Any person desiring a permit under this article shall submit a written application to the Building Department, specifying the exact proposed location of their dumpster, container, or other receptacle, the size and capacity thereof, the name of the owner of the adjacent property, the length of time that the Dumpster will be used, and such other information as may be required by the Building Department.

All other provisions of ARTICLE XIII §230-105 et seq shall remain as ordained.

BE IT FURTHER ORDAINED, the Council does hereby Ordain New Provisions to this ARTICLE XIII, §230-106 - §230-110, Regulation pertaining to the use and location of Dumpsters in various zones;

New Provision:

ARTICLE XIII §230-106 Fees and Deposits.

The application for a permit shall be accompanied by a fee of \$25.00. In addition, the Building Department may, in its discretion, require an indemnity deposit not to exceed \$500.00, to reimburse the Borough if the property owner refuses to abate any violation of this Ordinance.

New Provision:

ARTICLE XIII §230-107. Refusal or revocation of permit; emergency removal.

- a. The Building Department may, in its discretion, refuse to issue a permit if deems same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- b. The Building Department may revoke a permit for the same reasons noted in Section (A) above, and, if the dumpster or other receptacle is not removed within 24 hours after notification; the Borough may arrange to have same removed and stored at the property owner's expense.

- c. If the Building Department shall at any time determine that an emergency situation exists with regard to the dumpster or other receptacle, the Department may cause the removal of the dumpster(s) without notice, at the owner's expense.
- d. This Ordinance is Public Notice that upon petitioning the Borough for a Dumpster Permit, the property owner does hereby authorize the Borough to lien its property to recoup all reasonable expenses if the Borough must remove the Dumpster as a result of the Licensee's breach of this Ordinance.

New Provision:

ARTICLE XIII §230-108. Applicability.

The provisions of this article are not intended to apply to containers or receptacles used for normal weekly garbage collection.

New Provision:

ARTICLE XIII §230-109. Interpretation.

Any reference herein to the Building Department shall be interpreted to mean the Building Department of the Borough of Cresskill.

New Provision:

ARTICLE XIII §230-110 (A) (1-11)

A. Dumpster

1. Single Family Residential Zones. No dumpster shall be located within (10) feet of an adjacent property, unless the occupant of the adjacent property agrees to such and signs the authorization form which shall be submitted with the permit application for the dumpster. No Dumpster shall be placed so that it blocks any public sidewalk or street.
2. Multi-Family, Commercial and Industrial Zones. No dumpster shall be located within ten (10) feet of an adjacent residential property unless the occupant of the adjacent property agrees to such and signs the authorization form which shall be submitted with the permit application for the dumpster. No dumpster shall be located anywhere in the Borough unless a permit is obtained from the Borough's Building Department.
3. If permitted by Ordinance and the dumpster is placed on the public street or alley, the dumpster shall be directly in front of or on the side of the property address utilizing the dumpster. Additionally, a dumpster placed in the street shall:
 - a. Not be more that eighteen (18") inches from the Curb;
 - b. Not obstruct driveways of adjacent properties; not obstruct vehicle or pedestrian traffic;
 - c. Be protected at both ends by a barricade, which after sunset, shall have a flashing yellow light attached to it; and
 - d. All such dumpsters, containers or other receptacles which remain on the public street or sidewalks 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 Building Department. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of 500 feet.
4. A dumpster shall not be placed on a public street if on-street parking is not permitted on that street.
5. Time limitations.
 - a. Single Family Residential Zones: A construction dumpster and any replacement dumpster not in a public street may be placed for a thirty (30) day period, once every six months. A construction dumpster and any replacement dumpster placed upon a public street may be placed for a period not exceeding fourteen (14) consecutive or concurrent days in any six (6) month period.

- b. Multi-Family and Commercial: A construction dumpster and any replacement dumpster not in a public street may remain on the site as long as required, but shall not exceed a total of six (6) months. A construction dumpster or any replacement dumpster placed upon a public street may be placed for a period not exceeding fourteen (14) consecutive or concurrent days in any six (6) month period.
 - c. Industrial: a dumpster or any replacement dumpster may remain on the site as long as needed, but not to exceed a total of eighteen (18) months.
6. Sanitation. The following requirements shall be maintained while the dumpster is on or at the site:
 - a. The area around the dumpster shall be kept free of debris and litter;
 - b. Any dumpster into which animal, vegetable waste, or food material has been dumped or deposited shall be removed or emptied within twenty-four (24) hours;
 - c. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor;
 - d. A full dumpster shall be removed from the site and emptied within two (2) days; and
 7. Usage. A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.
 8. Identification. The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weather proof manner on the dumpster.
 9. Permit Required. A permit shall be required for a dumpster. The permit shall be issued on a plastic placard which must be adhered to the dumpster.
 10. Abatement. Any dumpster not in compliance with this ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, may include, but is not limited to, the removal and/or the emptying of the dumpster.
 11. Enforcement of this Ordinance shall be undertaken by the Building Department and/or Police Department.
 12. Violations; penalties.
 - a. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Five Hundred (\$500.00) Dollars (each daily infraction after the issuance of a summons shall be deemed a separate offense), or imprisonment for a term of not more than thirty (30) days, or both.
 - b. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such Order of Judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage and publication as required by law.