

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 03-2024** - Ordinance of the Borough of Eatontown Entitled **“ORDINANCE AMENDING CHAPTER 281, “SOLID WASTE”, CREATING ARTICLE V “DUMPSTERS”, SECTIONS 282-1 THROUGH 282-6 REGULATING THE USE AND LOCATION OF DUMPSTERS WITHIN THE BOROUGH”** was passed after a public hearing at the regular meeting of **April 10, 2024** by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 03-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE AMENDING CHAPTER 281, “SOLID WASTE”, CREATING ARTICLE V “DUMPSTERS”, SECTIONS 282-1 THROUGH 282-6 REGULATING THE USE AND LOCATION OF DUMPSTERS WITHIN THE BOROUGH

WHEREAS, the Borough has encountered significant public safety and public damage concerns from the unregulated placement of dumpsters in and around residential properties throughout the Borough; and **WHEREAS**, the Department of Land Use has recommended that the Borough Council regulates the placement and permitting of dumpsters in connection with residential properties throughout the Borough; and

WHEREAS, the Borough Council believes that it is in the best interest of the Borough to regulate dumpsters to further the public, health, safety and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby amends Chapter 281 “Solid Waste”, creating Article V entitled “Dumpsters” Section 281-

§281-1 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

DUMPSTER

Any debris-transfer body which is commonly used for the placement, collection and/or carting of rubble, rubbish, garbage, debris, building material or any other matter, whether such container is portable or semiportable.

§282-2 Permitted Locations

Dumpsters shall not be permitted on any location within the Borough of Eatontown, except as set forth herein.

§282-3 Permits Required.

Before a Dumpster is placed on or adjacent to any residential property, the owner, tenant, or contractor working on the subject property shall apply for a permit approving such placement with the Traffic Safety Officer. If the permit application is made by a tenant or contractor, written permission from the owner of the subject property for the placement of such container on the subject property must be provided to the Traffic Safety Officer before a permit may be issued. Permits, in conjunction with building permits, shall be issued for a period of 14 days. The fee for said permit shall be \$25.

§282-4 Number of Dumpsters permitted.

Only one Dumpster may be placed at any residential property at any one time.

§282-5 Dumpster Locations and Liability

Dumpsters may be placed in the streets, public rights-of-way, or upon residential driveways. The property owner shall be liable for any damage caused by the placement of the Dumpsters to the sidewalks and streets. The area surrounding a Dumpster shall be subject to all property maintenance standards outlined in the Borough Code. No Dumpster shall be allowed to remain in a state of disassembly or disrepair.

§282-6 Violations and Penalties.

A.

Any Dumpster placed in violation of this chapter, or which is not removed at the termination of the permit obtained for the placement of such Dumpster or immediately upon the direction of the Code Enforcement Officer, Traffic Safety Officer, or a law enforcement officer for removal for safety reasons shall be punishable, upon conviction thereof, by a fine not to exceed \$2,000 per day, per violation, for each violation .

B.

The owner of the subject property shall be afforded a five-day period to cure or abate such a violation. Each day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest Tax Map shall be deemed a separate offense and punishable as set forth in Section (A) above.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.