

Chapter 158

DUMPSTERS

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[HISTORY: Adopted by the Mayor and Council of the Township of North Brunswick 3-15-2010 by Ord. No. 10-03 .¹ Amendments noted where applicable.]

GENERAL REFERENCES

Flood hazard areas — See Ch. 180.

Littering — See Ch. 216.

Solid waste — See Ch. 184.

Property maintenance — See Ch. 243.

Hazardous materials — See Ch. 191.

Separate stormwater sewer system — See Ch. 276, Art. III.

§ 158-1. Title.

This chapter may be cited and referred to as the "North Brunswick Dumpster Regulations Ordinance."

§ 158-2. Purpose.

This chapter is adopted pursuant to law in order to provide regulations for the use of commercial, construction and property maintenance dumpsters within the Township of North Brunswick.

§ 158-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL DUMPSTER — A container or debris-transfer body commonly used for the placing or collection of solid waste, garbage, trash and/or other refuse for removal and hauling by private haulers.

CONSTRUCTION DUMPSTER — A container or debris-transfer body commonly used for the placing or collection of construction materials and/or building materials during construction, renovation or demolition for use at commercial or residential construction sites to be removed by a private hauler. Construction dumpsters are not to be used for household garbage, solid waste or matter of a putrescent or putrescible

1. Editor's Note: This ordinance also repealed former Ch. 158, Dumpsters, adopted 10-24-2005 by Ord. No. 05-25, as amended.

nature.

CONSTRUCTION MATERIALS — Lumber, shingles, wallboard or other materials or debris generated by a project.

CURBSIDE — A location in the public right-of-way in proximity to the curb or in a similar area where a curb does not exist or in an alternate location as determined by the Director of the Department of Public Works or his or her designee.

ENFORCEMENT AUTHORITY — The Zoning Officer or his or her designee shall have the primary responsibility for enforcement of the terms of the provisions of this chapter with respect to commercial dumpsters. The Director of the Department of Community Development or his or her designee shall have primary responsibility for enforcement of the terms of the provisions of this chapter with respect to construction dumpsters. The Director of the Department of Public Works or his or her designee shall have primary responsibility for enforcement of the terms of the provisions of this chapter with respect to property maintenance dumpsters. The Township Police Department and the Director of the Department of Community Development, or their designees, shall have secondary authority to enforce all of the provisions of this chapter and to issue summonses for any violations under this chapter.

PERSON — Any natural person or firm, partnership, association, corporation, company, organization or entity of any type or formation.

PROPERTY MAINTENANCE DUMPSTER — A roll-off dumpster used for the removal of personal property or other goods, landscape material and household items. Property maintenance dumpsters are not to be used for the removal of construction and building materials, refuse, debris, household garbage, solid waste or matter of a putrescent or putrescible nature.

PROPERTY MAINTENANCE DUMPSTER RENTED FROM THE TOWNSHIP — A roll-off dumpster used for the personal property or other goods, yard waste, recyclable and household items which is rented from the Township. Property maintenance dumpsters rented from the Township are not to be used for the removal of construction and building materials, tree stumps, refuse, debris, household garbage, solid waste, stone, soil, concrete, asphalt, railroad ties or matters of a putrescent or putrescible nature.

PUBLIC AREA — Any public street, sidewalk, highway, lane, alley, parking lot or other public place or right-of-way in any zone within the Township.

ROLL-OFFS — A container or debris-transfer body commonly used for the placing or collection of solid waste, garbage, trash and/or other refuse and/or building materials during construction, renovation or demolition, which does not use a sealed lid and is "rolled" off and onto a collection vehicle.

§ 158-4. Commercial dumpsters.

- A. Regulations of use. No person shall place or permit or cause to be placed on any public street or sidewalk, whether in a residential or nonresidential zone, or in any other public right-of-way or public area of the Township, a commercial dumpster or similar container commonly used for the collection of solid waste, garbage, trash or other refuse.
- B. Permits. No permit shall be required for the use of a commercial dumpster by a commercial enterprise except as set forth in § 158-4C(1) hereinbelow.
- C. Location, placement and conditions.
 - (1) No commercial dumpsters shall be placed on properties which are or have been the subject of development applications (i.e., subdivision or site plan applications) other than those which have been approved and authorized by the appropriate land use agency. If a commercial

dumpster is to be placed on property that is not or has not been the subject of a development application, then a commercial dumpster may only be placed on the property upon securing a permit for same from the Zoning Officer.

- (a) Planking or other wood sheeting of sufficient size is required to be placed under the wheels or road contact areas to protect the roadway from damage. If the dumpster has wheels, they must be chocked to prevent movement.
 - (b) All dumpsters shall be fitted with reflectors on all sides in order to comply with the provisions of N.J.S.A. 27:5I-1a.
 - (c) No dumpster shall be permitted in an area accessible to the public where the placement interferes with the free and safe flow of traffic or which otherwise stands in a hazardous location.
 - (d) Notwithstanding the foregoing, commercial dumpsters must be sealed at all times and roll-offs shall not be used as commercial dumpsters under any circumstances.
- (2) Upon removal of any commercial dumpster, the area accessible to the public shall be swept clean of all loose debris and restored to its former condition.
 - (3) Commercial dumpsters shall at all times be kept in good repair and shall be structurally sound and leakproof and shall be constructed to stand firmly upright.

§ 158-5. Construction dumpsters.

- A. Regulations of use. No person shall place or permit or cause to be placed on any public street or sidewalk, whether in a residential or nonresidential zone, or in the public right-of-way or publicly owned property, or any other public right-of-way or public area in the Township, a construction dumpster or roll-off or similar container except in compliance with this chapter.
- B. Notice. Written notification to the Construction Official must be given at least 48 hours prior to the placement or utilization of a construction dumpster, whether in a public right-of-way, public area or private area.
- C. Permits. No person shall place or utilize a construction dumpster or roll-off or permit or cause a construction dumpster or roll-off to be placed or utilized in a public right-of-way or a public area in the Township without first having obtained a permit from the Construction Official therefor.
- D. Application for permit; fees; term; regulations.
 - (1) Any person seeking to place, cause or permit to be placed or to utilize a construction dumpster in the public right-of-way or publicly owned property or public right-of-way or public area in the Township shall do so only after having obtained a permit from the Construction Official. In order to obtain such permit, an application for a permit on a form to be furnished by the Construction Official shall be filed and the appropriate fee shall be paid.
 - (2) The application shall require that the applicant specify the exact proposed location of the construction dumpster, the size and capacity thereof, the length of time that said use is required and the contemplated use of the construction dumpster.
 - (3) The fee for obtaining a permit to place a construction dumpster in a public right-of-way or a public area shall be \$50. The permit shall be valid for a period of 10 days and may be renewed

for no more than three additional ten-day periods for a supplementary charge of \$150 for each such additional ten-day period.

- (4) No construction dumpster shall be placed in any area for more than five business days prior to commencement of construction or demolition and shall not remain therein for more than five business days subsequent to the completion of such construction or demolition or the expiration of the permit required herein.
- (5) No permit for placement in a public right-of-way or a public area shall be issued if the Township Police Department determines that the issuance of such permit will constitute a danger to the public safety or unwarranted interference with the efficient movement of vehicular or pedestrian traffic.
- (6) A permit for placement in a public right-of-way or a public area may be revoked at any time during its term or any extensions thereof if the placement or use of such construction dumpster constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason constitutes a nuisance.

E. Location, placement and conditions.

- (1) No construction dumpster shall be placed in a public right-of-way or a public area unless it is determined by the Construction Official or his designee that there is not sufficient room on the private property on which to place the construction dumpster so that the construction dumpster is required to be placed in a public right-of-way or a public area. No construction dumpster placed on private property shall impede the flow of pedestrian or vehicular traffic or safety sight lines. Construction dumpsters may be placed in public rights-of-way or public areas only upon the determination of the Construction Official or his designee that there is no safe or practical place where the dumpster may be placed other than in the public right-of-way or a public area.
 - (a) Planking or other wood sheeting of sufficient size is required to be placed under the wheels or road contact areas to protect the roadway from damage. If the dumpster has wheels, they must be chocked to prevent movement.
 - (b) All dumpsters shall be fitted with reflectors on all sides in order to comply with the terms of N.J.S.A. 27:5I-1a.
 - (c) No dumpster shall be permitted in a public right-of-way or a public area where the placement interferes with the free and safe flow of traffic or which otherwise stands in a hazardous location.
 - (d) No dumpster shall be placed less than five feet from the property line.
- (2) Upon removal of the construction dumpster, the public right-of-way or the public area shall be swept clean of all loose debris and restored to its former condition in accordance with the standards of the Township's Department of Public Works.
- (3) Construction dumpsters shall at all times be kept in good repair and shall be structurally sound and leakproof and shall be constructed to stand firmly upright.

§ 158-6. Property maintenance dumpsters.

- A. Regulations of use. No person shall place or permit or cause to be placed on any public street or sidewalk, whether in a residential or nonresidential zone, or in any public right-of-way in the

Township, a property maintenance dumpster or roll-off or similar container commonly used for the collection of personal property or other goods and household items except in compliance with this chapter.

- B. Rental. Property maintenance dumpsters are available for rent from the Department of Public Works for a fee of \$400 for a period of seven days. Property maintenance dumpsters rented from the Department of Public Works shall not be used for stone, soil, concrete, asphalt or railroad ties, construction materials and other materials noted in the definition above.² All renters shall be required to execute a hold harmless and indemnification agreement as a condition of such rental.
- C. Permits.
- (1) No person shall place or utilize a privately obtained property maintenance dumpster or roll-off or permit or cause a property maintenance dumpster or roll-off to be placed or utilized in the public right-of-way in the Township without first having obtained a permit from the Director of the Department of Public Works or his designee therefor.
 - (2) A property maintenance dumpster or roll-off which has been rented from the Township may be placed or utilized in the public right-of-way in the Township without a separate permit; provided, however, that same has been approved, in writing, by the Director of the Department of Public Works and has also been approved by the Township Police Department and Zoning Officer.
- D. Application for permit; fees; term; regulations.
- (1) Any person seeking to place, cause or permit to be placed or to utilize a privately obtained property maintenance dumpster in the public right-of-way in the Township shall do so only after having obtained a permit from the Director of the Department of Public Works or his designee. In order to obtain such permit, an application for a permit on a form to be furnished by the Director of the Department of Public Works or his designee shall be filed and the appropriate fee shall be paid.
 - (2) The application shall require that the applicant specify the exact proposed location of the property maintenance dumpster, the size and capacity thereof, the length of time that said use is required and the contemplated use of the property maintenance dumpster.
 - (3) The fee for obtaining a permit to place a privately obtained property maintenance dumpster in the public right-of-way shall be \$50. The permit shall be valid for a period of 10 days and may be renewed (subject to availability) for additional ten-day periods for an additional fee of \$150 for each additional ten-day period.
 - (4) No property maintenance dumpster of any kind, whether privately obtained or rented from the Township, shall be placed on any given property for more than two thirty-day periods, (i.e., 60 days in total).
 - (5) No permit for placement in the public right-of-way or a public area shall be issued if the Township Police Department determines that the issuance of such permit will constitute a danger to the public safety or unwarranted interference with the efficient movement of vehicular or pedestrian traffic.
 - (6) A permit for placement in the public right-of-way or a public area may be revoked at any time

2. Editor's Note: See § 158-3.

during its term or any extensions thereof if the placement or use of such property maintenance dumpster constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason constitutes a nuisance.

- (7) Any property maintenance dumpster rented from the Township found to have the lessee disposing inappropriate materials into a property maintenance dumpster shall be billed for any and all costs incurred by the Township for the removal and disposal of such inappropriate materials. Should such lessee fail to reimburse the Township for the removal of such inappropriate materials, such costs shall be assessed against said lessee pursuant to § 158-8 herein.

E. Location, placement and conditions.

- (1) No property maintenance dumpster shall be placed in a public right-of-way or a public area unless it is determined by the Zoning Officer or his designee that there is not sufficient room on the private property on which to place the property maintenance dumpster so that the property maintenance dumpster is required to be placed in a public right-of-way or a public area. No property maintenance dumpster placed on private property shall impede the flow of pedestrian or vehicular traffic or safety sight lines. Property maintenance dumpsters may be placed in public rights-of-way or public areas only upon the determination of the Zoning Officer or his designee that there is no safe or practical place where the dumpster may be placed other than in the public right-of-way or a public area.
 - (a) Planking or other wood sheeting of sufficient size is required to be placed under the wheels or road contact areas to protect the roadway from damage. If the dumpster has wheels, they must be chocked to prevent movement.
 - (b) All dumpsters shall be fitted with reflectors on all sides in order to comply with the terms of N.J.S.A. 27:5I-1a.
 - (c) No dumpster shall be permitted in a public right-of-way or a public area where the placement interferes with the free and safe flow of traffic or which otherwise stands in a hazardous location.
 - (d) No dumpster shall be placed less than five feet from the property line.
- (2) Upon removal of property maintenance dumpsters, the public right-of-way or the public area shall be swept clean of all loose debris and restored to its former condition in accordance with the standards of the Township's Department of Public Works.
- (3) Property maintenance dumpsters shall at all times be kept in good repair and shall be structurally sound and leakproof and shall be constructed to stand firmly upright.

§ 158-7. Forcible removal.

- A. If any construction dumpster remains in excess of 30 days after construction work is discontinued, on any type of property in any zone, said construction dumpster shall be deemed a nuisance and a hazard to the public safety, health and welfare, and any enforcement authority or designee hereunder may provide for the removal of such construction dumpster after 48 hours' notice of said violation, at the cost and expense of the permit holder, or, in the case of a construction dumpster placed on private property, the construction dumpster renter or lessee. The permit holder of such construction dumpster, or, in the case of a construction dumpster placed on private property, the construction dumpster renter

or lessee, shall pay the reasonable costs of such removal.

- B. If any property maintenance dumpster remains in excess of the authorized period of use (i.e., in excess of 60 days), the said property maintenance dumpster shall be deemed a nuisance and a hazard to the public safety, health and welfare, and any enforcement authority or designee hereunder may provide for the removal of such property maintenance dumpster after 48 hours' notice of said violation, at the cost and expense of the permit holder, or, as applicable, renter. The permit holder or renter, as applicable, shall pay the reasonable costs of such removal.
- C. If any dumpster shall be found to be overflowing, on any type of property in any zone, the dumpster shall be deemed a nuisance and a hazard to the public safety, health and welfare, and any enforcement authority or designee hereunder may provide for the removal of such dumpster at the cost and expense of the permit holder, if applicable, or, in the case of a dumpster placed on private property, the dumpster renter or lessee. Any person holding a permit to use a dumpster, whether for a construction dumpster or a property maintenance dumpster, or, in the case of a construction or property maintenance dumpster placed on private property or a commercial dumpster, the dumpster renter or lessee, shall pay the reasonable costs of such removal.

§ 158-8. Assessment for Township's cost of removal; liens.

Upon removal of any type of dumpster by the Township as provided in § 158-7 or the failure of any lessor to reimburse the Township for the costs of removal of inappropriate materials pursuant to § 158-6D(7), such costs shall be charged as a special tax against the owner of the lands where the dumpster was located. The amount thereof shall thereupon become a lien and tax upon lands and shall be added to and become part of the taxes next to be levied and assessed upon such lands by the Tax Collector's office. Said amount shall bear interest at the same rate and shall be collected and enforced by the same officers and in the same manner as taxes. The Township shall have the right to bring a summary action for collection of such costs, including reasonable attorney's fees incurred, in the Superior Court of New Jersey, Law Division, Middlesex County.

§ 158-9. Enforcement.

The appropriate enforcement authority, or his designee, shall be primarily charged with the enforcement of the provisions of this chapter and shall cause prosecutions for violations thereof to be instituted before the Municipal Court with all reasonable dispatch. The Township Police Department or the Director of the Department of Community Development or the Director of the Department of Public Works, or their designees, shall have concurrent authority to enforce all of the provisions of this chapter. The appropriate enforcement authority shall not be required to serve a violation notice or like correspondence to violators of the provisions of this chapter and shall have the right to immediately issue summonses to any violators of the provisions of this chapter.

§ 158-10. Employee report of noncompliance.

Any Township employee who observes noncompliance with any of the regulations of this chapter shall immediately notify the Department of Community Development, the Township Police Department or the Department of Public Works.

§ 158-11. Violations and penalties.

- A. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or be imprisoned for a term not exceeding 90 days, or both. A separate

offense shall be deemed committed on each day during or on which a violation occurs or continues.

- B. The Township shall, upon a second or subsequent violation of any provision of this chapter within the same calendar year, have the right, but not the obligation, to cause the removal of the dumpster and to charge the costs of same against the violator pursuant to the terms and conditions of § 158-8 herein.
- C. The imposition and collection of any penalty imposed by the provisions of this § 158-11 shall not constitute any bar to the right of the Township to collect the cost of removal as provided in § 158-8 herein.
- D. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues pursuant to this Chapter 158.

§ 158-12. Prevention of discharge into municipal separate storm sewer system and New Jersey State waters. [Added 8-2-2010 by Ord. No. 10-17]

- A. All dumpsters and refuse containers that are outdoors or exposed to stormwater shall be covered at all times. Any spilling, dumping, leaking, or other discharge of liquids, semi-liquids or solids from dumpsters to the municipal separate storm sewer system(s) operated by the Township and/or the waters of the State of New Jersey are hereby prohibited.
- B. 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 section clearly demonstrates a different meaning:

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of North Brunswick or other public body, and is designed and used for collecting and conveying stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association, political subdivision of the State of New Jersey subject to municipal jurisdiction or entity of any type or formation now known or hereinafter devised.

REFUSE CONTAINER — Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

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.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

- C. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster shall 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 shall 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 North Brunswick.
- D. Exceptions to prohibition:

- (1) Permitted temporary demolition containers;
 - (2) Litter receptacles (other than dumpsters or other bulk containers);
 - (3) Individual homeowner trash and recycling containers;
 - (4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit;
and
 - (5) Large bulky items (e.g., furniture, bound carpet and padding, and white goods placed curbside for pickup).
- E. Enforcement. This section shall be enforced concurrently by the Township of North Brunswick Police Department, the Township Code Enforcement Officer and the Director of the Department of Public Works, or his or her designee.
- F. Penalties. Any persons adjudged to be in violation of the provisions of this section shall be subject to a fine not to exceed \$500.