

Introduction: 9/22/2
Public Hearing: 10/13/22
Effective: 11/3/22

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1987

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 15, STREET, SIDEWALKS, AND SANITATION, SECTION 15-7A DUMPSTERS

WHEREAS, the Township recognizes that dumpsters are a necessary part of the process of building, demolishing, restoring, or remediating all manner of commercial and residential properties; and

WHEREAS, it is the intent of Township the to allow the placement on public rights-of-way, but subject to reasonable limitations as set forth herein; and

WHEREAS, the Ordinance Committee has reviewed the Township's requirements concerning dumpsters, and has recommended certain amendments thereto; and

WHEREAS, the Township Council of the Township of Mahwah has determined that it is in the best interest of the Township to Amend Chapter 15 Streets, Sidewalks, and Sanitation to establish §15-7A Dumpsters.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 15 Streets, Sidewalks, and Sanitation to hereby amended to read as follows:

§15-7A Dumpsters

§15-7A.1 Purpose.

The Township recognizes that the usage of dumpsters, are appropriate and necessary in certain circumstances for building, demolishing, restoring, or remediating all manner of commercial and residential properties. However, the Townships also finds that it is in the best interests of the community to regulate their usage by monitoring the number, location and duration of use.

§15-7A.2 Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein.

“DUMPSTER” - A metal or other storage receptacle used to temporarily store debris or garbage and which is then emptied of its contents or removed with its contents to a dumpsite.

§15-7A.3 Use of Dumpster.

- A. No dumpster shall be placed upon any public right-of-way without first obtaining a permit from the Township Construction Official. Written notification as to the arrival date of said dumpster is to be submitted to the Construction Official and Chief of Police in writing.
- B. A dumpster must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster.
- C. Any person who controls, whether owned, leased, or operated, a dumpster must ensure that such container is covered at all times and shall prevent refuse from spilling out or overflowing.
- D. Any person who owns, leases or otherwise uses a dumpster must ensure that such dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Township of Mahwah.
- E. Any person who owns, leases or otherwise uses a dumpster must ensure that the dumpster is covered when materials inside are easily airborne, pose a hazard, emitting an odor or are otherwise offensive.
- F. Debris must be placed inside the dumpster; not alongside or on top of it.
- G. All dumpsters are required to be emptied when full. For the purpose of this ordinance, full is defined as when the contents of the container reach an average level of one foot below the top edge of the container sides. Any dumpster which has reached the full status, and is not emptied within seven (7) calendar days shall be considered in violation of this ordinance.
- H. When the placement of the dumpster is placed in the public right-of-way, it must have a flasher or sufficient reflective tape on the outside corner facing traffic at all times to make it visible at night. Where traffic may approach from either side, the dumpster must have a flasher or sufficient reflective tape on the outside corner on both sides.
- I. A dumpster shall not block a public sidewalk.
- J. No dumpster shall be placed nearer than 15 feet to any fire hydrant or other area intended for fire-fighting equipment.
- K. No dumpster shall be placed nearer than 3 feet to any building or structure.
- L. No dumpster shall be placed in such a manner as to interfere with the operation or maintenance of any public utility.

- M. Dumpsters in the public right-of-way shall be removed immediately upon the completion of the project. No dumpster, and/or refuse container shall be placed in the public right-of-way for more than thirty (30) days. An extension of the 30-day rule may be allowed with written permission from the Township Construction Official and payment of the renewal fee.
- N. Any dumpster placed in the public right-of-way shall be placed upon a wooden pad of at least six inches by six inches and at least $\frac{3}{4}$ of an inch in thickness, or on a similarly protective device in order to prevent damage to the road surface and said placement shall be approved by the Township Construction Official. The permit holder is responsible for the placement and removal of the wooden pad or similarly protective device.
- O. No dumpster shall be placed on streets, sides of streets or areas designated as "No Parking." Dumpsters shall not be placed in public parking lots or parks without prior written permission from the Township.
- P. If a dumpster is placed on commercial property, it shall not be placed in a manner to interfere or obstruct ingress and egress of any commercial building. Dumpsters shall not be placed in parking lots or obstruct parking without prior written permission from the Township.
- Q. If a dumpster is placed on residential property, it shall not be placed in a manner to obstruct or interfere with any neighboring property.
- R. If any damage or injury to the street, curb, or sidewalk shall be caused, the party to whom such permit has been issued shall be responsible and liable for the same. The Township shall restore the street, curb or sidewalk to its original condition and collect the cost of restoration from the permittee.

§15-7A.4 Permit Fees.

- A. Upon proper application, the Construction Official shall issue a permit to the applicant for a fee of \$50.00. The permit shall be for a period of thirty (30) days and shall authorize the placement of the dumpster on the property described in the application. Requests for extensions, in writing and showing good cause, may be granted at the discretion of the Building Inspector. There will be a cost of \$25.00 per 30-day extension.
- B. If the dumpster is to be placed on a public roadway, the applicant obtain a special permit for a fee of \$100.00. The applicant shall provide proof of insurance to the Township and acknowledgement that if any damage or injury to the street, curb, or sidewalk shall be caused, the party to whom such permit has been issued shall be responsible and liable for the same. The Township shall restore the street, curb or sidewalk to its original condition and collect the cost of restoration from the permittee.

§15-7A.5 Enforcement.

This section shall be enforced by the Township Property Maintenance Officer or the Township Engineer.

§15-7A.6 Penalties.

- A. Any person who violates any provision of this section shall, upon conviction thereof, be punishable by a fine not exceeding \$2,000 or such other penalties consistent with N.J.S.A. § 40:49-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. The Township may remove or have a dumpster removed from public right-of-way, if the container is in violation of this ordinance.

SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

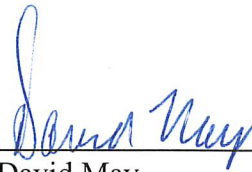
SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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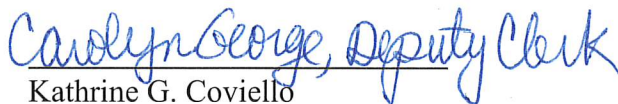
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Dated: November 3, 2022

Attest

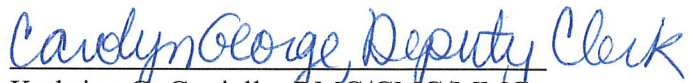


David May
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 13th day of October, 2022.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk