

ORDINANCE NO. 297

AN ORDINANCE TO REGULATE THE USE AND LOCATION
OF DUMPSTERS AND ROLL-OFF CONTAINERS IN THE RESIDENTIAL ZONE
IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH ARBOUR,
COUNTY OF MONMOUTH, as follows:

SECTION 1. DEFINITIONS

"*Dumpster*" or "*roll-off container*" shall mean a bulk storage container for waste materials that can be hauled directly to the point of disposal or emptied into a large compactor-type truck for disposal.

"*Rubbish*" shall mean combustible paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding dunnage or non-combustible metal, metal furniture, dirt, glass, and crockery.

"*Waste materials*" shall include all other categories of materials to be disposed of, excluding garbage or recyclable materials.

SECTION 2. PROVISIONS FOR USE

- a) No dumpster or roll-off container shall be placed upon any lot in the residential zone or within the public right of way of the abutting street without a permit therefor issued by the Local Code Enforcement and Zoning Official of the Village of Loch Arbour or his authorized representative.
- b) All such dumpsters or roll-off containers shall bear an identification number assigned by the state, and the name, address and telephone number of the person responsible therefor.
- c) All such dumpsters or roll-off containers that remain within the public right-of-way 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 Local Code and Zoning Official or the Township of Ocean Police Department. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of five hundred (500') feet.
- d) Rubbish and waste materials must be completely contained within the dumpster or roll-off container. The accumulation of rubbish or waste materials will be not permitted outside the confines of dumpster or roll-off container, nor will it be permitted to accumulate so that the attached cover cannot be firmly closed. In the event that the dumpster or roll-off container does not have an attached cover, the rubbish or waste material must not accumulate higher than the top of the sides of the dumpster or roll-off container and must be covered by either a tarp or similar covering, except when rubbish and waste materials are being deposited in the dumpster or roll-off container.

SECTION 3. APPLICATION, PERMIT AND FEES

- a) Any person desiring to place a dumpster or roll off container on any lot in the residential zone or within the public right of way of the abutting street shall make written application therefor to the Local Code and Zoning Official specifying the exact proposed location of such dumpster or roll-off container, the size and capacity therefor and any other information as required by the Local Code Enforcement and Zoning Official on the form identified for said purpose.
- b) Unless otherwise specified, any permit issued pursuant to this Ordinance shall only be valid for a maximum of ninety (90) days and may be renewed for one additional ninety (90) day period, at the discretion of the Local Code Enforcement and Zoning Official upon completion of a new application and payment of a new permit fee.
- c) A permit may be renewed for one additional ninety (90) day period at the discretion of the Board of Trustees for good cause upon written application a minimum of thirty (30) days prior to the expiration of the renewal permit and the payment of a new permit fee.
- d) A maximum of three (3) permits may be issued within the one-year period commencing with the date of issuance of the initial permit. A maximum of one dumpster or roll-off container is permitted on any one lot at any time.
- e) The application for a dumpster or roll-off container permit that is to be located on a lot in the residential zone or within the public

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right of way of the abutting street shall be accompanied by a fee of fifty (\$50.00) dollars.

- f) Each renewal application for a dumpster or roll-off container permit to be located on a lot in the residential zone or within the public right of way of the abutting street shall be accompanied by a fee of fifty (\$50.00) dollars.
- g) The application for a dumpster or roll-off container permit to be located within a public right-of-way shall also be accompanied by an indemnity deposit of five hundred (\$500.00) dollars to reimburse the Village for the costs of any extraordinary cleanup or repairs that may be incurred by the Village as a result of the use permitted. The applicant shall be responsible for the cost of removing the dumpster and the repair of any damage to any street. The indemnity deposit shall not relieve the applicant from costs in excess of this sum if the deposit is not sufficient to cause the removal of any dumpster or the repair of any street.
- h) Said indemnity deposit shall be released upon the inspection and certification of the Local Code and Zoning Official as to the completed repairs to the public right of way.

SECTION 4. REFUSAL OR REVOCATION OF PERMIT; EMERGENCY REMOVAL

- a) The Local Code Enforcement and Zoning Official may, in his discretion, refuse to issue a permit if he deems same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- b) The Local Code Enforcement and Zoning Official may, in his discretion, revoke a permit if he deems same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- c) If the Local Code Enforcement and Zoning Official shall at any time determine that an emergency situation exists with regard to said dumpster or roll-off container, he may remove same without notice at the owner's expense.
- d) If a permit is revoked, the dumpster or roll-off container shall be immediately removed from the property or the public right of way.
- e) Upon the expiration of a permit, the applicant shall immediately cause the removal of the dumpster or roll-off container from the property or the public right of way.

SECTION 5. VIOLATIONS AND PENALTIES

Any person or persons, partnership or corporation who shall violate the terms of this Ordinance shall be subject to a penalty of not more than five hundred (\$500.00) dollars per day, and each day's continuance of the violation shall constitute a separate and distinct violation.

SECTION 6. SEVERABILITY

If any section, clause or provision of this Ordinance shall be adjudged invalid, said invalidity shall apply only to the section, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective upon its final passage and publication.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true copy of the Ordinance adopted by the Board of Trustees after a public hearing thereon on the 2nd day of October, 2002

LORRAINE CARAFA, R.M.C.
Village Clerk