

*Township of Logan, NJ
Sunday, January 13, 2019*

Chapter 84. Dumpsters and Portable Storage Units

[HISTORY: Adopted by the Township Council of the Township of Logan 4-1-2008 by Ord. No. 4-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 61.
Stormwater control — See Ch. 95.
Garbage, rubbish and refuse — See Ch. 99.
Litter — See Ch. 110.
Public health nuisances — See Ch. 114.
Property maintenance — See Ch. 125.
Streets and sidewalks — See Ch. 135.
Temporary construction trailers — See Ch. 144.
Temporary uses — See Ch. 145.

Article I. Use and Placement of Dumpsters in Public Areas

§ 84-1. Purpose.

The purpose of this chapter is to regulate the use and placement of dumpsters and portable storage units in public areas located within the Township of Logan and to prescribe penalties for the failure to comply.

§ 84-2. Definitions.

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

DUMPSTER

Any container that has the ability or capacity to hold more than two fifty-gallon trash cans of debris, or any container used for the purpose of holding or storing debris, refuse, vegetation, material and/or discarded personal property.

PUBLIC AREA

Includes any street, sidewalk, highway, public lane, alley, right-of-way, Township parking lot or other public place in the Township.

§ 84-3. Permit required.

No person shall place or utilize a dumpster or permit a dumpster to be placed on or within a public area in the Township of Logan without first having obtained a permit from the Zoning Office and after written approval from the Police Department.

§ 84-4. Application for permit; fees; conditions of issuance.

- A. Application for a dumpster permit shall be made by submission of the following information to the Township Zoning Office:
 - (1) Name and address of the applicant and the owner of the property, if different.
 - (2) Street address.
 - (3) Size of the dumpster to be placed at the site and the proposed location of the dumpster.
 - (4) Anticipated length of time the dumpster will be located at the site.
- B. The permit shall be valid for a period of seven calendar days and may be renewed upon application to the Zoning Office after written approval from the Police Department for additional seven-day periods, not to exceed a total period of 21 days.
- C. A permit may be revoked at any time during its term if the placement or use of the dumpster constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason that constitutes a nuisance.
- D. No permit shall be issued if the Police Department determines that the issuance of a permit will constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.

§ 84-5. Location, placement and condition of dumpsters.

- A. No dumpster shall be placed in a public area unless it is determined by the Superintendent of Public Works, or his designee, and the Police Department that there is insufficient room to place the dumpster on the private property of the person utilizing the dumpster. No dumpster placed on private property shall impede the flow of pedestrian or vehicular traffic or safety site lines.
- B. The dumpster shall be set back a minimum of 10 feet from any property line.
- C. The dumpster shall be equipped with markers consisting of reflective diamond-shaped panels measuring a minimum of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. The required markers shall have a minimum height of three feet from the bottom of the panels to the surface of the roadway.
- D. Dumpsters shall at all times be kept in good repair and shall be structurally sound and leakproof and shall be painted as to prevent the show of rust or deterioration and shall be constructed to stand firmly upright.
- E.

The wheels and/or supports of the dumpster shall be placed upon plywood that is a minimum of 3/4 inch, measuring two feet by two feet, to prevent damage to the road surface.

- F. Upon removal of the dumpster, the area shall be swept clean of all loose debris and restored to its former condition in accord with the standards of the Township Engineer and/or Public Works Supervisor.
- G. The applicant shall be responsible for any damage to the roadway or other public property caused by the placement of the container.

§ 84-6. Failure to remove; removal by Township; cost to be lien.

If the dumpster is not removed at the expiration of the time allowed by the permit, the Construction Code Official shall notify the owner that he/she has three days in which to have the dumpster removed from the premises. In the event the owner fails to comply, the dumpster shall be deemed to have been abandoned, and the Construction Code Official may arrange for its removal and the disposal of its contents. The costs associated with the removal of the dumpster and the disposal of its contents shall be a municipal lien against the property. A detailed statement of the aforesaid costs shall be certified by the Construction Code Official and forwarded to the Township Council, which shall examine the certification and, if found correct, shall cause the same to be filed with the Tax Collector and a copy forwarded to the property owner. This amount shall be charged against the land and shall become a lien upon such lands and shall bear interest at the same rate as taxes and shall be collected and enforced by the Tax Collector.

§ 84-7. Violations and penalties.

Each day a dumpster is placed or utilized in violation of the terms of this article shall constitute a separate offense. Each offense hereunder is punishable by a fine of not more than \$100 per day.

Article II. Covering of Refuse Containers/Dumpsters for Stormwater Sewer Protection

[Added 9-7-2010 by Ord. No. 13-2010^[1]]

- [1] *Editor's Note: This ordinance also provided for the retitling of Art. I and the inclusion of the former contents of Art. II, Use and Placement of Dumpsters in Public Areas, §§ 84-2 through 84-7, in Art. I, as well as the renumbering of former §§ 84-8 through 84-15 as §§ 84-14 through 84-21.*

§ 84-8. Purpose.

The purpose of this article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semiliquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Logan and/or

the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 84-9. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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 Logan or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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 water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 84-10. Covering of containers; prevention of leaks and discharges.

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Township of Logan.

§ 84-11. Exceptions.

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 84-12. Enforcement.

This article shall be enforced by the Zoning Official and/or the Police Department of the Township of Logan.

§ 84-13. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$2,000.

Article III. Use and Placement of Portable Storage Units in Public Areas

§ 84-14. Definitions.

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

PERSONAL PROPERTY

Any movable item or thing that is subject to ownership.

PORTABLE STORAGE UNIT

Any container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use and which is customarily delivered and removed by truck. For the purpose of this article, a portable storage unit may also be identified as simply a "unit(s)."

PUBLIC AREA

Includes any street, sidewalk, highway, public lane, alley, right-of-way, Township parking lot or other public place in the Township.

§ 84-15. Permit required.

No person shall place or utilize a portable storage unit or permit a portable storage unit to be placed on or along a public area in the Township of Logan without first having obtained a permit from the Zoning Office after written approval from the Police Department.

§ 84-16. Application for permit; fees; conditions of issuance.

- A. Application for a portable storage unit shall be made by submission of the following information to the Township Zoning Office:
 - (1) Name and address of the applicant and the owner of the property, if different.
 - (2) Street address.
 - (3) Size of the portable storage unit to be placed at the site and the proposed location of the portable storage unit.
 - (4) Anticipated length of time the portable storage unit will be located at the site.
- B. The permit shall be valid for a period of seven calendar days and may be renewed upon application to the Zoning Office after written approval from the Police Department for additional seven-day periods not to exceed a total period of 21 days.
- C. A permit may be revoked at any time during its term if the placement or use of the portable storage unit constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason that constitutes a nuisance.
- D. No permit shall be issued if the Police Department determines that the issuance of a permit will constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.

§ 84-17. Location, placement and condition of portable storage units.

- A. Portable storage units may be located in residential zoning districts. Except as provided herein, they shall not be placed in a public area, and shall be set back a minimum of 10 feet from any property line. Final placement shall be to the satisfaction of the Zoning Officer.
- B. Portable storage units may be allowed in nonresidential zoning districts. The units shall be placed only in the rear or side portion of a site. Under no circumstances shall a portable storage unit be placed in an area fronting a street or road or in a grass/landscaped area or in the front parking lot of a commercial establishment. The placement of portable storage units in fire lanes, passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited. Applicants for portable storage units in nonresidential zoning districts must also demonstrate, to the satisfaction of the Zoning Officer, that the specific location/complex has sufficient space to place a portable storage unit and continue to provide adequate parking and public safety access and to comply with all health, safety and welfare concerns.
- C. Portable storage units shall never be utilized as accessory structures in any zoning district.
- D. The owner and operator of any site on which a portable storage unit is placed shall be responsible for ensuring that his or her portable storage unit is in good condition, free

from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked with a combination-style lock (no key locks). The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no form of waste, refuse or hazardous substance is stored or kept within the portable storage unit.

- E. A portable storage unit shall have no signage other than a serial number identifying the unit and the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable storage unit.

§ 84-18. Violations and penalties.

Each day a portable storage unit is placed or utilized in violation of the terms of this article shall constitute a separate offense. Each offense hereunder is punishable by a fine of not more than \$100 per day.

Article IV. Severability; Repealer; When Effective

§ 84-19. Severability.

Should any section, clause, sentence, phrase or provision of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter.

§ 84-20. Repealer.

All prior ordinances or parts of ordinances inconsistent with this chapter be and the same are hereby repealed to the extent of such inconsistencies.

§ 84-21. When effective.

This chapter shall take effect immediately upon final passage and publication in accordance with law.