

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 14-2024** - Ordinance of the Borough of Eatontown Entitled **“ORDINANCE OF THE BOROUGH AMENDING CHAPTER 281 “SOLID WASTE”, ARTICLE 1 GARBAGE AND REFUSE REGULATIONS AND ARTICLE 5 “DUMPSTERS” BY INCLUDING THE REGULATION OF PORTABLE STORAGE CONTAINERS AND BAGSTERS”** was passed after a public hearing at the regular meeting of **September 25, 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 14-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE OF THE BOROUGH AMENDING CHAPTER 281 “SOLID WASTE”, ARTICLE 1 GARBAGE AND REFUSE REGULATIONS AND ARTICLE 5 “DUMPSTERS” BY INCLUDING THE REGULATION OF PORTABLE STORAGE CONTAINERS AND BAGSTERS

WHEREAS, the Director of Public Works and the Director of Land Use has recommended that the Borough regulate Portable Storage Containers and Bagsters as part of its bulk garbage regulations; and **WHEREAS**, the Borough Council adopted Ordinance 3-2024 Amending Chapter 281, creating Article V, entitled “Dumpsters”, and it hereby seeks to amend this section to include the regulation of Portable Storage Containers and Bagsters:

WHEREAS, the Borough Council believes it is in the best interest of the Borough to implement the recommendations of the Director of Public Works and the Director of Land Use.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough Council hereby amends Chapter 281 “Solid Waste”, Article I Garbage and Refuse Regulations and Article V “Dumpsters” as follows:

[additions are underlined, and deletions are marked through strike-out]

Article I Garbage and Refuse Regulations

§281-1 Definitions; word storage

Bagster

A dumpster in a bag is a temporary on-demand solution for residential construction debris, when a dumpster is too big for the job or accessibility, or timing is an issue.

Bulk Trash

Large items or materials that cannot be accommodated in standard waste containers, including but not limited to furniture, appliances, mattresses, and large electronic devices.

Portable Storage Container

A self-storage container, (portable storage on demand or PODS a familiar trade name for such containers) that is delivered to and retrieved from a home for short-term off-site or on-site storage.

Portable storage containers are loaded with materials and placed on a property authorized for residential use for purposes of temporarily storing materials or personal property.

Residential Move In

The process of occupying a residential property.

Residential Move Out

The process of vacating a residential property.

§281-3 Refuse Receptacles

The owner, agent, lessee, tenant or occupant of every dwelling or other premises, except multi-dwelling units or industrial premises, where refuse accumulates shall be provided one plastic refuse receptacle at no charge by the Borough of Eatontown for receiving and holding refuse. The Borough shall provide a

second refuse receptacle to those owners, agents, lessees, tenants or occupants of such dwellings who request one at cost to the Borough which shall not exceed \$70 per container. There shall be no charge to replace a damaged refuse receptacle. 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, shall prevent refuse from spilling out or overflowing and any Dumpster enclosures, Portable Storage Container and/or Bagster enclosures shall be secured. 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, semi liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Eatontown.

[Sections A-I No changes]

Article V Dumpsters

§281-2 Permitted Locations hereby moves to and becomes §281-27

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

§281-3 Permits Required hereby moves to and becomes §281-28

Before a Dumpster, Portable Storage Containers and /or a Bagster, either individually or collectively 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.

§281-4 Number of Dumpsters, Portable Storage Containers and Bagsters permitted hereby moves to and becomes §281-29

Only one Dumpster, Portable Storage Containers or Bagster may be placed at any residential property at any one time.

§281-5 Dumpster Portable Storage Containers and Bagster Locations and Liability hereby moves to and becomes §281-30.

Dumpsters, Portable Storage Containers and Bagsters 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, Portable Storage Containers and Bagsters to the sidewalks and streets. The area surrounding a Dumpster, Portable Storage Containers and Bagsters shall be subject to all property maintenance standards outlined in the Borough Code. No Dumpster, Portable Storage Containers and Bagster shall be allowed to remain in a state of disassembly or disrepair.

§281-6 Violations and Penalties hereby moves to and becomes §281-31

A.

Any Dumpster Portable Storage Container and Bagster placed in violation of this chapter, or which is not removed at the termination of the permit obtained for the placement of such Dumpster, Portable Storage Container or Bagster 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.

[No change]

§ 281-25 Exclusions.

A.

This article shall not apply to materials generated from nonresidential properties. Such materials shall not be collected by municipal services.

B.

This article shall not apply to materials generated by a contractor connected to work for which a building permit is required, such as excavating, construction and demolition, alterations or repair of any building or premises. Materials generated by a property owner, such hot tubs, entire kitchen or bathroom remodel, deck removal shall not be collected by municipal services.

C.

Materials generated by a property owner during a Residential Move Out or materials generated during the process of vacating a residential property shall not be collected by municipal services

Materials generated during the process of Residential Move-In occupying a residential property shall not be collected by municipal services.

The Director of Public Works or their designee shall determine whether materials constitute a Residential Move In or Residential Move-out.

D.

Bamboo shall not be collected by municipal services.

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.