

ORDINANCE NO. 21-45

AN ORDINANCE TO AMEND AND SUPPLEMENT §412 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING §412.21F, RESCINDING §412.21G THROUGH M AND ESTABLISHING AN ORDINANCE UNDER §4-34 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED, "TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS

WHEREAS, the Township Committee, under Ordinance #7-25, amended and supplemented Section 412 of the Land Development Ordinance of the Township of Neptune by adding a portion concerning Temporary Trailers, Dumpsters, Portable Storage Units and like Portable On-demand Storage Containers under §412.21; and

WHEREAS, the Township Committee would like to now amend Subsections (G) through M by rescinding its enforcement under the Land Use Development Ordinance and creating new enforcement under the Code of the Township of Neptune, while amending §412-21F to refer to this change.

NOW, THEREFORE, BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, §412.21F, shall be amended as follows and the Land Use Development Ordinance, §412.21G through M shall be rescinded, while creating a new Ordinance under Code of the Township of Neptune, §4-34, entitled "Temporary Trailers, Dumpsters, Portable Storage Units and like Portable On-demand Storage Containers as follows:

§412.21F No Trailer may be temporarily or permanently used for storage of materials in any zoned district except to the extent permitted with regards to Dumpsters, Pods, Mobile Attics and like Portable On-demand storage containers to the extent permitted under §4-34 of the Code of the Township of Neptune.

§4-34.1 TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS.

Portable Storage Unit – Definition. A transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which are placed on a site for the use of occupants of a dwelling or building on a limited basis. Portable storage units include but are not limited to certain trade named units called "PODS", "mobile attics" and like Portable On-demand Storage Containers.

Dumpster – Definition. A rigid container generally used for routine collection, temporary storage of solid waste, construction materials, industrial and other waste materials generally on a temporary basis which is a portable detachable device.

Public Area – Definition. Includes street, sidewalk, highway, public lane, alley, Township parking lot or other public place in the Township under the control and/or ownership of the Township.

Per Year – Definition. Means 52 weeks from the date of issuance of the first permit.

§4-34.2

PLACEMENT OF DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS ON PRIVATE PROPERTY.

- a. Any person looking to place, permit to be placed or utilize a Dumpster as defined above shall require a permit issued by the Director of Code Enforcement and a payment of a non-refundable filing fee of \$30.00 for residential property and \$150.00 for commercial properties or such other fee as may be fixed from time to time by the Township committee and shall be limited to a use not to exceed 60 days. "Portable Storage Units or like storage containers placed on private property shall be limited to 30 days placement and shall require a permit from the Director of Code Enforcement upon payment of a non-refundable fee filing fee of \$30.00 for residential properties and \$150.00 for commercial properties, or such other fee as may be fixed from time to time by the Township Committee. Such Dumpsters and Portable Storage Units or like Portable On-demand Storage Container shall be placed either on vacant private property or located on the side yard or backyard of an existing building or private property. Should the applicant require or request placement in the front of a building on private property; said application shall be treated the same as an application under §4-34.2b of this Ordinance. No property owner or agent for the property owner shall be allowed to apply for a Dumpster or Portable Storage Unit or like Portable On-demand Storage Container permits in excess of 2 permits per year, per property. All Dumpsters and Portable Storage Units and Portable On-demand Storage Containers shall be appropriately labeled as of the date the permit was issued and the date required for removal; representing the maximum time period for use under the permit.
- b. Front yard shall be defined in accordance with the Zoning Code of the Township. Should the applicant seek a hardship from the Director of Code Enforcement, which would allow for placement of the Dumpster or Portable Storage Unit or like Portable On-demand Storage Containers in a location on the front yard of private property or on a public area as defined above, and should the Director of Code Enforcement grant such hardship application as set forth more fully below; said "Dumpster," Portable Storage Unit or like Portable On-demand Storage Container shall be subject to the same time period for removal or renewal as set forth more fully above, but shall be subject to a permit fee of \$100.00 for residential properties and \$300.00 for commercial properties, or such other fee as may be fixed from time to time by the Township Committee, with the same limitations as set forth the above.
- c. Should a permit be issued for placement of the dumpster, portable storage unit or like portable on-demand storage container on a public area as defined above within the Ocean Grove Historic District, the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container shall not be permitted in the public area on a weekend during the summer season. Weekends shall be defined as between Friday at 3 pm and Monday at 8 am. Summer season shall be defined as between the dates of May 15th and September 15th. This prohibition shall extend to Tuesday at 8 am should the weekend be followed by Memorial Day, Labor Day or the Fourth of July legal holidays.

§4-34.3

PROHIBITION OF DUMPSTERS, PORTABLE STORAGE UNITS, PORTABLE STORAGE UNITS OR LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS IN CERTAIN PRIVATE PROPERTY AREAS.

- a. It shall be generally unlawful for any person to construct or place a storage container for garbage, such as a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container as defined in this ordinance upon any front yard of private property or upon any Township owned or unaccepted dedicated street, avenue, highway, lane, alley or public place or area as defined above. No permit shall be issued for such use or storage of Dumpsters, Portable Storage Units or Like Portable On-demand Storage Containers unless the applicant establishes a hardship by satisfying one or more of the following criteria:
 - (1) Narrowness of distance between property lines making placement of the Dumpster, Portable Storage Units or like Portable on-demand Storage Containers elsewhere other than at the front of said private property or at a public area difficult if not impossible.
 - (2) Parking needs affected.
 - (3) Traffic flow affected.
 - (4) Other reasons establishing the necessity of placement on the front of private property or on a public area.
- b. Should the applicant demonstrate a hardship warranting placement of a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container on the front yard of private property or on a public area as defined above, the Director of Code Enforcement shall issue a permit with regards to Dumpsters, Portable Storage Units or similar Portable On-demand Storage Containers on a temporary basis, in the case of a Dumpster for a period not to exceed 60 days and in the case of a Portable Storage Unit or like Portable On-demand Storage Containers not to exceed 30 days. Extensions cannot be granted for more than the aforesaid time period set. Both a permit for a Dumpster and a permit for Portable Storage Container shall require a fee as set forth in §4-34.2b above.
- c. Any permit may be revoked by the Director of Code Enforcement if it is determined that the existence of the dumpster, portable storage unit or like portable on-demand storage container is affecting traffic flow or affecting the safety or welfare of the public.
- d. Further conditions for Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers are as follows:
 - (1) At the time the application is filed, each applicant shall furnish the Township of Neptune with a Certificate of Insurance which contains limits of at least \$100,000.00/\$300,000.00 for bodily injury and \$100,000.00 for property damage, which shall name the Township of Neptune as an additional insured and which shall be non-cancelable during the permit period.

- (2) Any applicant who is given a "Hardship Permit" to place a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container in the front yard or in a public area shall furnish the Township of Neptune with sufficient surety, to be determined by the Township Engineer to guarantee against damage to the streets, curbs and sidewalks or other improvements in the public right-of-way.
- (3) No Dumpster, Portable Storage Unit or like Portable On-demand Storage Container shall be placed in a public area for more than 24 hours prior to commencement of construction, and shall not remain therein for more than 24 hours subsequent to construction being completed, and shall not exceed the time period limitations of §4-34.2a above.
- (4) No permit shall be issued by the Director of Code Enforcement until it is determined that the issuance of the Permit will not constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- (5) Any person who controls, owns or lease or operates a refuge Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit must ensure that such container or Dumpster is covered at all times and shall prevent refuge or materials from spilling out or overflowing.
- (6) Any person who controls, owns or leases or otherwise uses a refuge Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit must ensure that such unit or container does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal sewer system operated by the Township of Neptune or public areas or adjoining properties.
- (7) No Dumpster, Portable Storage Unit or like Portable On-demand Storage Container shall be placed in a public or private area unless it is determined by the Police Department that there is sufficient room to place the Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit on the property of the person utilizing the same. No Dumpster, Portable Storage Unit or Like Portable On-demand Storage Container placed on the property shall impede the flow of pedestrian or vehicular traffic or safety and site lines.
- (8) All Dumpsters, Portable Storage Units or Like Portable On-demand Storage Units allowed on public areas 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, Portable Storage Unit or like Portable On-demand Storage Container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic.

The required marker shall have a minimum height of 3 feet from the bottom of the panel/unit to the surface of the roadway.

- (9) All Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers shall at all times be kept in good repair and shall be structurally sound and leak proof and shall be painted as to prevent the show of rust or deterioration, and shall be constructed to stand firmly upright.
- (10) All permits for Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers for particular properties shall be restrictive in that any garbage or debris placed in the same must be as a result of construction or work on the site listed in the application and cannot be used as a transfer station for construction materials, garbage and/or debris from other sites.
- (11) Any "Hardship Permit" located in a public area shall be subject to the following requirements:
 - (i) They shall be located a minimum of 25 feet from the nearest intersection. A minimum of 35 feet from a stop sign.
 - (ii) They shall be located a minimum of 10 feet from the nearest fire hydrant.
 - (iii) They shall be located as close to the curb as possible.
 - (iv) A minimum clearance of 15 feet shall be maintained on the street side of the unit for the passage of vehicles. In locations where 15 feet is not normally available with automobiles parked on the street, the Dumpster or Storage Unit or like Portable On-Demand Storage Container shall not exceed six (6) feet, six (6) inches in width.
 - (v) They shall be marked with reflective material so as they are visible to oncoming traffic.
 - (vi) 24-hour emergency contact shall be provided in the event that removal of the Dumpster, Storage Unit or like Portable On-Demand Storage Container is necessary.

§4-34.4

NOTICE OF FAILURE TO COMPLY.

The Director of Code Enforcement is hereby authorized to notify, in writing, by mailing by certified mail, return receipt requested and regular mail or hand delivering to the owner, or person or entity in control of the property where the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container is located or person or entity that in the opinion of the Township controls, owns or

leases the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container or the agent of the owner or person or entity in control therein of the particular violation. The person or entity shall have five (5) days from the date of receipt of the notice to cure the violation. Said notice shall be deemed to serve as a continuing notice for the remainder of the calendar year and the Township may, without further notice, correct any existing violation in accordance with this Ordinance.

§4-34.5 FAILURE OR REFUSAL TO COMPLY.

Upon the failure, neglect or refusal of an owner, tenant, person or entity in control or his or her agent to comply with this Ordinance per the aforesaid notice within the time period prescribed by this Ordinance then the Township is authorized to either issue citations of violation as set forth more fully in this Ordinance and/or to remove the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container without further notice. The Township may act with regards to this provision without notice if it determines an emergency condition exists requiring action with regards to the dumpster or container.

§4-34.6 UNPAID CHARGES TO CONSTITUTE A LIEN ON PROPERTY.

Should the Township be required to move the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container in order to correct any violation of this Ordinance, the Director of Code Enforcement shall certify the costs of removal and storage of said Dumpster, Portable Storage Unit or like Portable On-demand Storage Container and shall be authorized to forward the bill to the property owner or person or entity in control of said Dumpster, Portable Storage Unit or like Portable On-demand Storage Container for payment within thirty (30) days of the date of the bill and any continuing storage costs. The amount of the charge shall become a lien upon the lands and properties for which the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container was located or properties of the owner, tenant or controller of the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container where such Dumpster, Portable Storage Unit or like Portable On-demand Storage Container served the benefit and use of in the opinion of the Township. Should the person or entity who owns, leases or controls the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container fail to pay all charges and remove the dumpster or container from Township custody within ninety (90) days of the Township removing and storing the same, then the Township may sell the property at public auction. If the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container identifies the owner of the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container, the same shall be notified of the proposed sale in writing ten (10) days prior to public sale.

§4-34.7 OTHER VIOLATIONS; PENALTIES.

In the event that any person or entity fails to comply with this Ordinance by committing an unlawful act, a fine not exceeding \$2,000.00 Dollars per violation, a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days or any combination thereof shall be imposed.

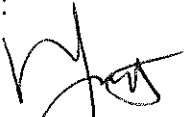
All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING: October 7, 2021

APPROVED, PASSED AND ADOPTED: November 8, 2021

ATTEST:



Richard J. Cuttrell
Municipal Clerk



Dr. Michael Brantley
Mayor