

Ordinance Number 11-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter XII, Sanitation, Section 3, Dumpsters, Refuse Containers, Dumpsters & Pods

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Chapter XII: Sanitation; Recycling, Section 3, Dumpsters is hereby repealed and replaced with the following language:

SECTION 3. REFUSE CONTAINERS, DUMPSTERS AND PODS

3.1 Purpose:

An ordinance requiring 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, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the **City of Lambertville** 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.

3.2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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.

City shall mean the City of Lambertville.

Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] 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, bagsters, trash cans, garbage pails, and plastic trash bags.

Dumpster shall mean a container or debris-transfer body commonly used for the placing and/or collection of debris and building materials during building construction and/or renovations which, for the purposes of this section, shall include movable storage units containing refuse or debris.

POD shall mean a container for the purpose of storing items used for the placing and/or collection of household items, furniture, and or supplies.

Stormwater – means 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 – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

3.3 Prohibited Conduct:

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.

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 City of Lambertville.

3.4 Exceptions to Prohibition:

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

3.5 DUMPSTERS

Permit Required.

No person shall encumber or obstruct any street or other public place in the City by placing therein or thereon any dumpster or other similar container commonly used for the collection of building materials, except in compliance with the provisions of this section and with a permit issued in accordance herewith.

3.6 Permit Application:

Any person desiring a permit shall make written application therefor to the City Clerk specifying the exact proposed location of such dumpster, contain or other receptacle, the size and capacity thereof, the name and owner of the abutting property, the length of time that the use is required, and such other information as may be required by the City Clerk.

All such dumpsters or similar containers shall bear an identification number assigned by the State, and the name, address and telephone number of the person responsible therefor.

All such dumpsters, containers or other receptacles that remain on the public streets or sidewalks during the hours between sunset of one day and sunrise of the next day shall be equipped with suitable reflectors, or such other warning devices, as may be required by the City Clerk. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of 500 feet.

Unless the length of time on the subject permit is specified, any permit issued pursuant to this section shall only be valid for 48 hours.

3.7 Permit Term; Expiration, Additional fees is amended as follows:

No permit shall be granted by the City Clerk for a term longer than seven (7) days.

3.8 Fees and Deposits

The application for a permit shall be accompanied by a fee as outlined below. In addition, the City Clerk may in her discretion require an indemnity deposit not to exceed \$500.00 to reimburse the City for the cost of any extraordinary cleanup or repairs which may be incurred by the City as a result of the use permitted. This deposit, or any unused portion thereof, shall be refunded in the event that there are no extraordinary cleanups or repairs.

Permits issued within a six-month time frame shall pay the following fees:

- a. Permit 1, initial application, seven (7) day period: \$50.00
- b. Permit 2, second application, seven (7) day period: \$100.00
- c. Permit 3, third application, seven (7) day period: \$125.00
- d. Permit 4, fourth application, seven (7) day period: \$150.00
- e. Permits issued beyond four weeks within a six-month time frame shall only be granted for special circumstances which shall be outlined in a letter to the City Clerk. The fee shall be \$175.00 per week beyond the initial four-week time frame and must receive approval from the following departments: Public Works, Police Department, and the Clerk.

Upon the expiration of the permit, the permit holder shall remove or cause to be removed the dumpster, POD or similar container from the sidewalk, street, or public place.

There shall be a limit of one unit (dumpster or POD) for each occurrence.

Failure to remove the dumpster, POD, or container after the expiration of the permit shall result in a fine of \$500.00 per occurrence.

Applicants can submit a letter outlining their hardship and requesting relief from the limitations to the Governing Body. The Governing Body will hear such requests at the next session and will make a determination to waive based on the hardship.

3.9 Refusal or Revocation Permit

The City Clerk may in her discretion refuse to issue a permit if she deems same to constitute a danger to public safety, or an unwarranted interference with the efficient movement of traffic.

The City Clerk may revoke a permit for the same reasons, and if the dumpster or similar container is not removed within 24 hours after notification, may arrange to have the same removed by the company at the property owner's cost and expense.

If the City Clerk shall determine that an emergency situation exists with regard to the dumpster or other similar container, she may remove same without notice, at owner's expense.

3.10 Restriction on Location and Placement

No dumpster or other similar container shall be placed within 10 feet of a fire hydrant.

No dumpster or similar container shall be placed within five feet of an adjacent property owner's driveway.

No dumpster or other similar container shall be placed closer than 25 feet from an intersection or

further than six inches from the curb.

The area beneath and surrounding the dumpster or other similar container shall be kept cleaned, and upon removal of same, the street or roadway shall be swept clean of all loose debris and restored to its former condition.

The dumpster or other similar container shall not be filled higher than four inches from the top edge to prevent debris or materials from fall or being blown onto the streets.

All dumpsters or containers placed at the curb or in the street must have covers.

3.11 Insurance

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named additional insured's and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of such dumpster or other similar container. Such policy or certificate shall contain limits of at least \$100,000/\$300,000 for bodily injury and \$50,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the City Clerk.

3.12 Enforcement:

This ordinance shall be enforced by the Department of Public Works and/or the Police Department of the City of Lambertville.

3.13 Violations and Penalties:

Any dumpster or similar container in violation of this section shall be removed by the permit holder after 12 hours oral notice given to the owner thereof by the City Clerk.

Notwithstanding paragraph a above, any dumpster or other similar container situated in such a manner as to obstruct an adjacent owner's driveway or create traffic or road hazard shall be moved immediately upon notice given to the owner thereof by the Police Department.

Any person(s) who is found to be in violation of the provisions of this ordinance shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5 General Penalty.

3.14 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

3.15 Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023