

BOROUGH OF OLD TAPPAN
State of New Jersey
County of Bergen

ORDINANCE # 1065-13

AMENDING ARTICLE XI, CHAPTER 255 OF THE CODE OF THE BOROUGH OF OLD TAPPAN ENTITLED "ZONING"

WHEREAS, the use of temporary storage containers and/or dumpsters, also referred to as Portable Storage Containers (PSCs) and construction dumpsters, has increased within the territory of the Borough of OLD TAPPAN; and

WHEREAS, it is in the best interest of the residents of the Borough of OLD TAPPAN to regulate the use of such temporary storage containers and/or dumpsters, to maintain the residential quality for the Borough residents as well as visual and environmental impact in the Borough of OLD TAPPAN; and

WHEREAS, the Mayor and Council have determined that the general health, welfare and safety of the residents of the Borough of OLD TAPPAN will be improved by regulating the time, location, duration, size and content of such PSCs and dumpsters; and

WHEREAS, the Planning Board of the Borough of OLD TAPPAN has recommended such regulation(s) of temporary storage containers and/or dumpsters, by licensing and zoning to control the use and placement of such PSCs;

BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of OLD TAPPAN, in the County of Bergen and State of New Jersey, that Chapter 255, "ZONING", of the BOROUGH of OLD TAPPAN Code shall be amended to add Article XI, Section 255-55, entitled "TEMPORARY STORAGE CONTAINER AND/OR DUMPSTERS" as herein provided.

Section 1. Section 255-55. TEMPORARY STORAGE CONTAINER AND/OR DUMPSTERS

A. Definition.

A "temporary storage container" shall mean a container designed for the outdoor storage of personal property for temporary or permanent use, which is to be delivered and removed by vehicle.

A "construction dumpster" shall mean a roll-off waste container transported to and from the place of use by trucks or trailers and positioned at a construction site for the

collection and eventual disposal of construction waste.

B. Permit required.

1. No temporary storage container or dumpster (said dumpster to mean one not being used in conjunction with an ongoing Construction Permit issued by the Borough of Old Tappan) shall be allowed on any private property in the Borough of Old Tappan unless a Storage Container/Dumpster Permit is issued prior to the placement of such unit for the length of time as provided herein.
2. The owner or occupant of the site where the unit is to be placed shall apply for a Storage Container Permit to the Zoning Officer or his designee. The applicant shall pay, upon issuance of the Storage Container/Dumpster Permit, a required fee of Twenty-five Dollars (\$25.00).
3. The Storage Container/Dumpster Permit shall be valid for sixty (60) days. Upon the request of the owner or occupant of the site to renew the permit, the Zoning Officer or his designee shall inspect the site where the unit is located to determine whether such permit should be extended. Such permit may be extended up to four (4) additional thirty (30) day periods upon approval of the Zoning Officer or his designee. An additional fee of Fifteen Dollars (\$15.00) shall be paid for the extension of such permit for said thirty (30) day additional period. In no event shall a container or dumpster be placed on any site in the Borough of Old Tappan for more than one hundred eighty (180) days without the approval of the Zoning Board of Adjustment, said approval to be in the form of a duly adopted and memorialized resolution authorizing said container/dumpster for a period in excess of the one hundred eighty (180) day aggregate limit set forth herein.

C. Regulations.

1. Location.
 - a. No more than one temporary storage container and/or dumpster shall be permitted on any single tax map lot.
 - b. A temporary storage container and/or dumpster shall not be placed in the public easements or rights-of-way, nor shall it obstruct the sidewalk.
 - c. No temporary storage container and/or dumpster shall be placed within five (5) feet of a neighboring property line.
 - d. A temporary storage container and/or dumpster shall be set back at least fifteen (15) feet from the principal building on the lot.

- e. No temporary storage container and/or dumpster shall occupy an area greater than five percent (5%) of the total lot area at which it is located.
- f. The owner or occupant of the site where the unit is to be placed shall utilize existing buffers when determining the location for a temporary storage container and/or dumpster, to screen the container from adjoining properties.
- g. A temporary storage container and/or dumpster shall not obstruct circulation for vehicles, particularly emergency vehicles.

2. Size.

No temporary storage container and/or dumpster shall exceed eight (8) feet in height, eight (8) feet in width and twenty-four (24) feet in length.

3. Use.

A temporary storage container and/or dumpster shall be utilized on private property only for the limited purpose of temporarily storing common household items such as furniture, clothing or other household belongings coming from or to a structure *on* the property that is being renovated or sold.

- a. The following items are expressly prohibited from being stored or kept within a temporary storage container and/or dumpster: hazardous substances, including chemical, flammable or explosive materials; firearms; ammunition; prescription drugs or narcotics; any material or contraband the possession of which is unlawful; food, other than as packaged for sale in cans, jars or bottles and for use by the occupant of the dwelling upon the lot where the unit is permitted; and solid waste, recyclables, construction or demolition debris, commercial items or property for use other than at the premises where the unit is located.
- b. In no event shall a temporary storage container and/or dumpster be used for temporary habitation or humans or animals.
- c. A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is located. No garbage or similar putrescible material may be discarded in the dumpster, except in approved containers for such materials.

4. Signage.

All temporary storage container and/or dumpsters shall comply with the following:

- a. A temporary storage container and/or dumpster shall have no signage other than the name, address and telephone number of the person or entity engaged in the business of renting or otherwise placing the unit.
- b. The sign shall be permanently adhered to or painted on a temporary storage container and/or dumpster and the container shall have no more than one sign attached to a side, and no more than two signs total.
- c. A sign attached to a temporary storage container and/or dumpster shall be no larger than fifteen percent (15%) of the area of the side to where it is attached.

5. Lighting.

There shall be no lighting fixtures attached to a temporary storage container and/or dumpster, nor shall any lighting fixture be solely utilized to light a container.

6. Maintenance.

A temporary storage container and/or dumpster shall be in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. When not in use, the container shall be locked at all times. All temporary storage container and/or dumpsters used in the Borough of OLD TAPPAN shall be equipped with floors that prevent the intrusion of rats or other vermin into the unit.

D. Fines and Penalties.

Violations of this section, other than for failure to apply for and acquire a valid permit, shall be punishable by a fine of up to \$250 per day for the first violation, up to \$500 per day for a second violation, and up to \$1,000 per day for a third or subsequent violation.

E. Abatement.

Any temporary storage container and/or dumpster not in compliance with this Ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster.

Section 2. Invalidity.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Section 3. Severability.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. 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. No container in place at the time of adoption shall be exempt from the provisions hereof after thirty (30) days following the effective date hereof.