

ORDINANCE NO. 5754

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ELIZABETH CHAPTER 8.16 ENTITLED "DEMOLITION CONTAINERS, DUMPSTERS AND ROLL-OFF SHIPPING CONTAINERS" SPECIFICALLY TO BEGIN REGULATING THEIR USE ON PRIVATE PROPERTY

WHEREAS, the City of Elizabeth hereby declares its intent to regulate, in a manner consistent with the interests of the citizens of the City, the location, use, and placement of demolition containers, roll-off dumpsters, and roll-off shipping containers; and

WHEREAS, demolition containers, roll-off dumpsters, and roll-off shipping containers are not regulated on private property and they have created a nuisance to the residents; and

WHEREAS, it is in the City's best interest to enforce the requirements of the City's ordinance for all demolition containers, roll-off dumpsters, and roll-off shipping containers on public and private property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH THAT THE FOLLOWING SECTIONS OF CHAPTER 5 BE AMENDED TO READ

SECTION 1. Section 8.16 of the Code of the City of Elizabeth entitled "**Demolition Containers, Dumpsters and Roll-Off Containers**" is hereby amended to read as follows:

~~Demolition Containers, Dumpsters, Roll-Off Dumpsters and Roll-Off Containers~~

SECTION 2. Section 8.16.010 of the Code of the City of Elizabeth entitled "**Definitions**" is hereby amended to read as follows:

~~"Demolition container" means a watertight roll-off container with an open top used for the purpose of depositing debris as the result of demolition activities.~~

"Disposal Facility" means a facility to which solid waste is brought from an outside source for disposal and one that is properly licensed and permitted under the laws of the State of New Jersey.

~~"Dumpster" means a watertight container usually equipped with a tight fitting lid used for the disposal of refuse other than building materials.~~

"Roll-Off Dumpster" means a roll-off container with an open top for short-term waste disposal projects like construction, landscaping, heavy debris, and other large-scale waste projects.

"Roll-Off shipping container" means a watertight roll-off container used for the purpose of shipping goods and cargo.

SECTION 3. Section 8.16.020 of the Code of the City of Elizabeth entitled "**Demolition Containers**" is hereby amended to read as follows:

~~Change Title – Demolition Containers Roll-Off Dumpsters~~

A. No person shall place or use a roll-off dumpster on private property without first obtaining a demolition container permit from the bureau of construction.

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on
DEC 14 2022
City Clerk

~~A.B.~~ No person shall place or use a ~~demolition container~~ **roll-off dumpster** on a city street without first obtaining a ~~demolition container~~ **roll-off dumpster** permit from the bureau of construction. Prior to the issuance of a ~~demolition container~~ **roll-off dumpster** permit, approval must be obtained from the Elizabeth police department division of traffic.

~~B.C.~~ Areas beneath and surrounding a demolition container shall be kept clean at all times and shall be cleaned immediately after the removal of such container.

~~C.D.~~ The ~~demolition container~~ **roll-off dumpster** shall not be filled higher than twelve (12) inches above the top edge.

~~D.E.~~ All ~~demolition containers~~ **roll-off dumpster** placed in the city street shall display the following:

1. Name, address and telephone number of the responsible person for the ~~demolition container~~ **roll-off dumpster**;
2. The ~~demolition container~~ **roll-off dumpster** permit number.

~~E.F.~~ The ~~demolition container~~ **roll-off dumpster** shall be marked at each end with at least one reflector and with at least one iridescent stripe measuring four feet by four inches.

~~F.G.~~ ~~Demolition containers~~ **Roll-off dumpster necessary for disposal of construction and/or demolition materials related to an issued Construction permit** shall be placed on the street or on private property no more than five consecutive days and may not be renewed without written permission from the construction official. The construction official may for good cause extend the time period except the total time including extensions shall not exceed thirty (30) days. Each extension shall be requested in writing. The determination of the extension shall be in writing.

H. **Roll-off dumpsters used for anything other than construction materials shall be placed on the street or on private property for no more than three days and may not be renewed.**

I. **No permitted roll-off dumpster can be used as a disposal facility.**

SECTION 4. Section 8.16.030 of the Code of the City of Elizabeth entitled "Roll-off Shipping Containers" is hereby amended:

A. **No person shall place or use a roll-off shipping container on private property without first obtaining a permit from the central licensing bureau.**

~~A.B.~~ No person shall place or use a roll-off shipping container on the sidewalk or street without first obtaining a permit from the central licensing bureau. Prior to the issuance of a roll-off shipping container permit, approval must be obtained from the Elizabeth police department division of traffic.

~~B.C.~~ The roll-off shipping container shall be placed on the street no more than three days and may not be renewed.

~~C.D.~~ No person shall be permitted to obtain a roll-off shipping container permit more than twice in any calendar year or more than two permits at any given address in any calendar year.

~~D.E.~~ All roll-off shipping containers placed in the city street shall bear the following:

1. Name, address, and telephone number of the responsible person for the roll-off shipping container; and
2. The roll-off shipping container permit number.

E.F. The container shall be marked at each end with at least one reflector and with at least one iridescent stripe measuring four feet by four inches.

H. No permitted Roll-off Shipping Container can be used as a disposal facility.

SECTION 5. Section 8.16.040 of the Code of the City of Elizabeth entitled “Dumpsters” is hereby deleted in its entirety.

SECTION 6. Section 8.16.050 of the Code of the City of Elizabeth entitled “Fees” is hereby amended:

A. The fees for permits pursuant to this chapter shall be ~~thirty dollars (\$30.00)~~ **sixty dollars (\$60.00)** per permit.

SECTION 7. Section 8.16.060 of the Code of the City of Elizabeth is hereby established to be entitled “Violations and Penalties” and read as follows:

Any person violating the provisions of this chapter shall, upon conviction thereof before the municipal court judge of the city, be subject to the fines and penalties set out in Section 1.12.010, and each day or part thereof any violation of the Code of the City shall constitute a separate offense that may be subject to progressive penalties.

SECTION 8. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

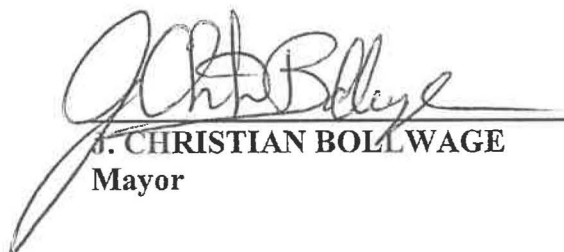
SECTION 9. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

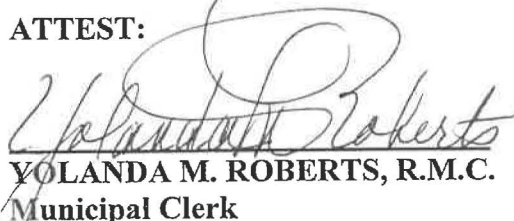
SECTION 10. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 12/13/22


NELSON GONZALEZ
President of City Council

APPROVED: 12/14/22


J. CHRISTIAN BOLLWAGE
Mayor

ATTEST:

YOLANDA M. ROBERTS, R.M.C.
Municipal Clerk