

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2011-4-3**

**AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
ESTABLISHING REGULATIONS FOR THE PLACEMENT AND USE OF
BULK STORAGE CONTAINERS WITHIN THE TOWNSHIP.**

WHEREAS, a need arises on occasion to the Township Committee of the Township of Hainesport to amend existing Ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hainesport in the County of Burlington as follows:

Section 1. Chapter 132 "Property Maintenance" of the General Ordinances of the Township of Hainesport is hereby supplemented and amended by the creation of new Chapter 132-15 to be titled "Bulk Storage Containers" to read as follows:

132-15.1 Bulk Storage Containers on Public Property

No bulk storage container, storage container, storage device, "pod," or similar container shall be placed or maintained by any private party in or on any Township property, street, or right-of-way.

132-15.2 Bulk Storage Containers on Private Property

No bulk storage container, storage container, storage device, "pod," or similar container shall be placed or maintained on any private property unless it complies with one or more of the following provisions:

A. Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of packing or unpacking goods and materials of the owner or occupant of the property in preparation for or subsequent to moving into or out of the property for a period of not more than 21 consecutive days.

B. Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of storing the goods and materials of the owner or occupant of the property when necessary during renovation or rehabilitation of the structure located on the premises in which the goods or materials would otherwise be located during the period of renovation or rehabilitation and up to 14 days prior to commencement and 14 subsequent to completion of the work but in no event more than a total of four months.

132-15.3 Trash Dumpsters and Roll-Off Containers

No trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained by any private party in or on any Township property, street, or

right-of-way except in compliance with the provisions of this chapter. Furthermore, no trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained on any private property within the Township except in compliance with the provisions of this chapter or in a manner and location as set forth on a duly approved site plan.

132-15.4 Permit Required

Prior to the placement of any dumpster, roll-off container, or similar container in or on any Township property, street, or right-of-way, or on any private property (not covered by a duly approved site plan), the owner of the property using the container or person contracting for the use of such container shall apply for and receive a permit from the Township pursuant to the provisions and standards set forth herein.

A. Application for the permit shall be made to the office of the Township Code Enforcement Officer, or such other office as the Township Administrator may from time to time designate, on a form provided by the Township. The application shall require, among other things, the full name, address, and other contact information for the owner of the container, the person contracting for use of the container where such person is other than the owner of the property for which the container is to be used, and the owner of the property with which the use of the container is associated. The application shall be accompanied by a permit fee of \$25.

B. Any container to be placed on a street or right-of-way shall be placed on the street in a legal parking space, not designated for use as a handicap parking space, as designated by the Township and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The Township Code Enforcement Officer in the exercise of their discretion may direct that additional markings, their location, or nature shall be supplemented or altered if it is determined such actions are necessary for the protection of the motoring public.

C. The owner of the property associated with use of the container or the contractor arranging use of the container shall provide the Township Code Enforcement Officer with satisfactory proof of liability insurance covering any claims or losses for property damage or personal injury resulting from or occasioned by the placement of the container in an amount not less than \$250,000.

D. Any permit issued for placement of a container on a street, right-of-way or other public property shall be valid for a period of 14 days and sticker or notice shall be prominently displayed on the property associated with the use of the container indicating the commencement and expiration date of the permit.

E. Any container placed on private property shall be placed on a suitable base to assure stability. If in the opinion of the Township Code Enforcement Officer the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in Subsection B above.

F. Any permit issued for placement of a container on private property shall be valid for a period of 30 days and sticker or notice shall be prominently displayed on the property associated with the use of the container indicating the commencement and expiration date of the permit.

G. Upon a showing of continued need for the container (such as during the course of major construction projects), permits may be renewed up to three times for like situations.

132-15.5 Exceptions; variances for further extension of Time

A person applying for a permit under this chapter may apply for an additional extension of time to keep the storage or trash container in place as set forth in this section.

A. Applications for extensions beyond those specified in §§ 132-15.2 and 132-15.4 of this chapter shall be made to the Township Code Enforcement Officer or his designee on a form to be provided by the Township. The application shall contain full identifying information regarding the container, permit number, time it has been at the site, and reason for use. The application shall contain a narrative statement of the reason necessary for additional time. The application shall be accompanied by a fee of \$25.

B. The application shall be reviewed for a determination made as to whether an additional extension should be granted, and the duration of that extension, within ten business days of the filing of a complete application. In considering the application, the Code Enforcement Officer or his designee shall consider: 1) the length of time the container has been in place; 2) the reason for the container and the reasonableness of the time allotted under this chapter for completion of that purpose in light of all attendant circumstances; 3) the location of the container with respect to blocking or interfering with the efficient parking or passage of traffic, visual impact, nature of the neighborhood, and similar issues; 4) whether noise, litter, or similar quality of life problems have been associated with the use of the container; 5) whether the delay in completing the work or project for which the container is necessary is beyond the reasonable control of the user of the container; 6) the additional time reasonably necessary to complete the work or project; and 7) such other factors as may be deemed reasonable and appropriate.

132-15.6 Responsibility

The person contracting for use of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this chapter. Copies of the penalty provisions of this chapter shall be appended to the permit and shall be mailed with a copy of the permit to the owner of the container, the property owner, and any other interested party.

132-15.7 Violations and penalties

Violations of this chapter or any conditions of a permit issued pursuant to this chapter shall be subject to a fine of not less than \$100 nor more than \$250.

Each day or portion thereof that a violation continues shall be considered a separate violation. Any storage container, storage device, "pod," trash dumpster, roll-off container, or similar container placed or maintained on Township property, streets, or rights-of-way, or left in such a location after expiration of the permit for more than 10 days after the mailing of written notice to the owner of the container, the person contracting for use of the container, and the owner of the affected property, may be removed by the Township at the owner's expense for removal and storage of the container. Notices to remove pursuant to this section shall be sent by certified mail, return receipt requested or by personal delivery. Such charge for removal and storage of the container shall be in addition to any fines that may otherwise be imposed pursuant to this section.

Section 2 If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3 In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hainesport, the provisions hereof shall be determined to govern. This Ordinance is not intended to supersede the Land Development Code of the Township of Hainesport and is subject to the requirements of the Land Development Code.

This Ordinance shall take effect immediately upon final passage and the publication in accordance with the laws of the State of New Jersey. Further in accordance with provisions of N.J.S.A. 40: 55-D-16, a copy of this Ordinance as finally adopted shall be filed with the Burlington County Planning Board.

NOTICE

HAINESPORT TOWNSHIP ORDINANCE NO. 2011-4-3

AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, ESTABLISHING REGULATIONS FOR THE PLACEMENT AND USE OF BULK STORAGE CONTAINERS WITHIN THE TOWNSHIP

The ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Hainesport held on March 8, 2011. It will be further considered for final passage after a public hearing at the regular meeting to be held on April 12, 2011 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher		X	X			
Porto			X			
Fitzpatrick	X		X			
Dickinson			X			
MacLachlan			X			

FINAL NOTICE

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Notice is hereby given that Ordinance 2011-4-3 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on April 12, 2011. Said Ordinance shall take effect in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

Michael Dickinson
Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher						X
Porto		X	X			
Fitzpatrick	X		X			
Dickinson			X			
MacLachlan			X			

Introduced: March 8, 2011
First Publication: March 11, 2011
Adoption: April 12, 2011
Final Publication: April 17, 2011