

Chapter 127

DUMPSTERS

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[HISTORY: Adopted by the Board of Commissioners of the City of Margate City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 155.

Stormwater management — See Ch. 240.

Storm sewers — See Ch. 239.

Streets and sidewalks — See Ch. 242.

ARTICLE I

Permits

[Adopted 7-28-1983 by Ord. No. 1983-13]**§ 127-1. Definitions.**

Unless otherwise expressly stated, the following terms, whenever used in this article, shall respectively be deemed to mean:

DUMPSTER/CONSTRUCTION CONTAINER — Any container used in the normal course of demolition or construction for the purpose of storing, containing and/or carting debris.

PERSON — An individual or individuals or corporation, partnership or voluntary association.

PODS (PORTABLE ON-DEMAND STORAGE) — A nonmotorized storage container for on-site storage ("PODS®" is a brand container.).**[Added 11-16-2006 by Ord. No. 2006-30]**

§ 127-2. Permit required; use regulations. [Amended 11-16-2006 by Ord. No. 2006-30]

- A. No person shall use or be permitted to use any dumpster/construction container or PODS container without obtaining a written permit.
- B. The person to whom a permit is issued for a dumpster/construction container shall be required to ensure that the dumpster/construction container is covered with a tarpaulin during the evening hours.
- C. The person to whom a permit is issued for a dumpster/construction container or PODS container shall be required to ensure that flashing signal lights are placed on or about the dumpster/construction container or PODS container as may be required by the City of Margate Fire Marshal.
- D. The dumpster/construction container shall not be loaded in such a manner as to cause its contents to spill onto the street or sidewalk areas.
- E. No person shall use or be permitted to use a PODS container in excess of seven days, if placed on a public street, and 15 days if placed on private property. Permits may be renewed as outlined in § 127-4, Fees. **[Amended 8-3-2017 by Ord. No. 15-2017]**
- F. Prior to any dumpster construction container or PODS container permit issuance, the person or entity applying for the permit shall be required to have the designated individual from the Public Works Department or other designated Municipal entity confirm on the application for permit that the applicant has been provided a written copy of all Margate recycling information pertaining to what is permitted to be placed in the dumpster construction container or PODS container. **[Added 11-17-2011 by Ord. No. 22-2011 ; amended 7-16-2015 by Ord. No. 11-2015]**
- G. No dumpster construction container or PODS container shall be placed on any public street between Memorial Day and Labor Day. **[Added 8-3-2017 by Ord. No. 15-2017]**

§ 127-3. Issuance of permits; display.

- A. All permits required by this article shall be in writing and shall be issued by the City of Margate Police Department. The City of Margate Police Department shall issue the permit if it appears that the applicant has the right and the need to use a dumpster construction container or PODS container. Prior to the issuance of such a permit, the Police Department shall determine if the proposed use of the dumpster/construction container or PODS container will constitute a traffic and or safety hazard.

[Amended 11-16-2006 by Ord. No. 2006-30 ; 7-16-2015 by Ord. No. 11-2015]

- B. No permit authorized by this article shall be granted except pursuant to an application, in writing, signed by the person desiring such a permit or his/her authorized agent. The application must be submitted on forms provided by the City of Margate and shall set forth the location of the proposed dumpster/construction container or PODS container, the nature, extent and probable duration of the use of said containers and the reason for its use. **[Amended 11-16-2006 by Ord. No. 2006-30]**
- C. No permits shall be issued until the fee, hereinafter described, shall be paid to the City.
- D. The permits shall be displayed in a conspicuous position on the job site during the period of its use.

§ 127-4. Fees. [Amended 11-16-2006 by Ord. No. 2006-30 ; 7-16-2015 by Ord. No. 11-2015 ; 8-3-2017 by Ord. No. 15-2017]

- A. The fee payable for permits issued under this article shall be \$50 for each PODS container for the period of time as listed in § 127-2. The permit may only be renewed for additional fifteen-day periods for a fee of \$25 per renewal if the PODS container is located on private property.
- B. The fee payable for permits issued under this article shall be \$50 for each dumpster/construction container for a period of 15 days. The permit may be renewed for additional fifteen-day periods for a fee of \$25 per renewal.

§ 127-5. Violations and penalties. [Amended 1-25-1988 by Ord. No. 1988-1]

Any person violating any section of this article shall be subject to a fine not exceeding \$1,000 or imprisonment for 90 days, or both.

ARTICLE II
Prevention of Leaks into Storm Sewers
[Adopted 9-3-2009 by Ord. No. 24-2009]

§ 127-6. Purpose.

An article 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, semiliquids or solids from the containers to the municipal separate storm sewer system operated by the City of Margate 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.

§ 127-7. Word usage; definitions.

- A. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning stated herein unless their use in the text of this article 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.
- B. As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Margate 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, trash cans, garbage pails, and plastic trash bags.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the lands surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface- or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 127-8. Prohibited conduct.

- A. Any person who controls, whether owned or 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.
- B. 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, semifluids or solids to the municipal separate storm sewer system operated by the City of Margate.

§ 127-9. Exceptions to prohibitions.

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

§ 127-10. Enforcement.

This article shall be enforced by the Margate City Police Department and /or the Code Officials of the City of Margate.

§ 127-11. Violations and penalties.

Any person who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,000.