

*Township of Mansfield, NJ  
Monday, December 9, 2019*

## Chapter 16C. Dumpsters

[HISTORY: Adopted by the Township Committee of the Township of Mansfield 11-28-2007 by Ord. No. 2007-28. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Driveway and apron construction standards — See Ch. **16B**.

Streets and sidewalks — See Ch. **49**.

Traffic control — See Ch. **60**.

### § 16C-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **APPLICANT**

Any person (as defined herein) who applies for a permit for the placement of a dumpster.

#### **DUMPSTER**

Any debris-transfer body which is commonly used for the placement, collection and/or carting of rubble, rubbish, garbage, debris, building material or any other matter, whether such container is portable or semiportable.

#### **PERSON**

A natural person, corporation, partnership, sole proprietorship, limited partnership, limited partnership association, voluntary association, estate or trust, and shall include the plural form of any entity or person defined herein.

#### **SAFETY DEVICES**

Lights and/or reflectors mounted on or at the dumpster which shall be capable of warning vehicle traffic or pedestrians for a distance of 200 feet and shall be visible in both day- and nighttime hours.

### § 16C-2. Location.

The property owner shall make every effort to place the roll-off dumpsters on private property rather than on streets, highways or public property. In such cases where the only practical location for a roll-off dumpster is on a street, highway or public property, the property owner shall submit with the permit application a plan that shows where the roll-off dumpster is to be located depicting driveways, intersections and property lines.

### § 16C-3. Permits required.

Consistent with N.J.S.A. 27:51-1, no person or entity, other than duly authorized servants or agents employed or engaged by the Township of Mansfield on behalf the Township of Mansfield, shall park or leave unattended any waste or refuse container, commonly known as a "roll-off dumpster," on or along any municipal street, highway or public property within the Township of Mansfield without first obtaining a permit from the Township Clerk, or along any street, highway or public property without the written consent of the appropriate county or state authority having jurisdiction over the highway or public property.

## § 16C-4. Application review and issuance.

- A. Application forms for a permit to place a roll-off dumpster upon a street, highway or public property within the Township of Mansfield shall be obtained from the office of the Township Clerk. The application forms for a permit to place a roll-off dumpster upon a street, highway or public property within the Township of Mansfield shall be signed by the owner of the property adjacent to the street, highway or public property on which the roll-off dumpster is to be placed.
- B. Before the permit is issued to park or leave unattended any roll-off dumpster, the application shall be reviewed and location inspected and photographed prior to approval by a member of the Mansfield Police Department, who shall certify that the placement of a roll-off dumpster on or along the public road, street, right-of-way or public property shall not create an unreasonable hazard or risk to the health, safety or welfare of the residents of Mansfield Township.
- C. Permits, when issued by the Township Clerk, shall only be issued in the name of the property owner and shall be displayed prominently upon the private property adjacent to the public property upon which the roll-off dumpster is placed. The Township Clerk shall provide copies of any permits that are issued pursuant to this section to the Mansfield Police Department and Property Maintenance Official and Building Inspector. The permit shall be displayed in a conspicuous position on the job site during the period of its use.  
[Amended 1-28-2015 by Ord. No. 2015-2]

## § 16C-5. Fees and deposits.

- A. The permit fee shall be \$100. In addition, under advisement of the Construction Office, the Township may, in its discretion, require an indemnity deposit of \$500 to reimburse the Township for the cost of any extraordinary cleanup or repair which may be incurred by the Township as a result of the use permitted.
- B. Upon permanent removal of the dumpster or other receptacle, the Public Works Department shall inspect the property for any damage to the street, sidewalk or publicly owned property. If there has occurred any damage to said property, then there shall be deducted from the deposit moneys in a sufficient amount to repair the same. If the moneys on deposit are insufficient to cover the cost of repairs, the owner shall be responsible for any additional sums necessary to complete the cost of repairs.
- C. The permit fee may be waived by the Mansfield Township Committee for dumpsters placed pertinent to Township projects or events whether the cost would be borne by the Township or a private entity.

## § 16C-6. Permit time limited.

Consistent with N.J.S.A. 27:51-1, approval for placement of a roll-off dumpster upon a street, highway or public property shall remain in effect for a period of not more than 30 days. Upon expiration of the initial thirty-day approval, a placement permit may be endorsed one time for a thirty-day renewal period by the Township Clerk for a second fee of \$100.

## § 16C-7. Restrictions on location and placement.

- A. All dumpsters placed on public streets or roadways shall comply with the provisions of Chapter 4 of Title 39 of the New Jersey Statutes Annotated and all parking ordinances of Mansfield Township.
- B. No dumpster shall be placed within five feet of an adjacent property owner's driveway.
- C. The width of the street or roadway to be used shall be limited in accordance with the traffic conditions, and the portion so used shall not exceed 1/3 of the width of said street or roadway.
- D. No dumpster shall be placed at a site more than 24 hours prior to construction nor remain more than 24 hours subsequent to construction being completed.
- E. Upon removal of any dumpster, the street or roadway shall be swept clean of all loose debris and restored to its former condition.

## § 16C-8. Reflective markers required; coverings.

Consistent with N.J.S.A. 27:51-1, in all cases where a roll-off dumpster is to be placed upon a street, highway or public property, the roll-off dumpster shall be equipped with and display markers consisting of all-yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway. At the end of each workday or during any prolonged period of time when not in use, the roll-off dumpster shall be covered with a tarpaulin or other industry-acceptable material.

## § 16C-9. Damage to street, highway and property prohibited.

- A. No person shall purposely, knowingly, recklessly or negligently damage any street, highway or public property or allow damage to be caused to any street, highway or public property by the placement of a roll-off dumpster upon a street, highway or public property. It shall be no defense to a prosecution for an offense under this section that a permit for placement of a roll-off dumpster was obtained from the Township Clerk or that timber material had been placed under the wheels or skids of the roll-off dumpster as required by this chapter, it being the

responsibility of the property owner to provide for further protective measures to the street, highway or public property if the timber material required by this chapter proves to be insufficient to adequately protect the street, highway or public property from damage by reason of the weight of the roll-off dumpster or any other factor or cause. The roll-off dumpster shall have its wheels or skids, as the case may be, placed on timber material having minimum dimensions of not less than two inches thick by 12 inches wide by 48 inches long, so as to provide protection to the surface of the street, highway or public property upon which the roll-off dumpster is to be placed.

- B. If the Mansfield Township Public Works Department shall at any time determine that any physical damage has been caused to any street, sidewalk or Township-owned property, it may cause the removal of the dumpster or other receptacle without notice, at the owner's expense, and the owner shall be responsible for all costs necessary to restore the property to its condition prior to the placement of the dumpster or other receptacle.

## § 16C-10. Refusal or revocation of permits; emergency removal; appeals.

- A. The Township may, in its discretion, refuse to issue a permit if it deems the same to constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- B. The Township may revoke a permit for the same reasons and, if the dumpster or other receptacle is not removed within 24 hours after notification, may arrange to have the same removed and stored at the owner's expense.
- C. The Township may revoke a permit if it determines that false statements were made in the application or if it determines that the applicant has failed to conform to the regulations set forth herein.
- D. If the Township shall at any time determine that an emergency situation exists with regard to said dumpster or other receptacle, it may remove the same without notice, at the owner's expense.
- E. The Township may revoke a permit if it determines that any dumpster has remained filled without being emptied for a period exceeding 72 hours.
- F. A decision by the Township to revoke any permit issued hereunder shall be transmitted in writing to the permit holder by registered or certified mail; such decision shall state clearly the grounds for revocation.
- G. The permit holder may appeal the revocation to the Mayor and Committee of Mansfield Township. An appeal must be filed within seven days after the notice of revocation was mailed. Such appeal must state in writing the grounds for the appeal. The Mayor and Committee shall then set a time and place for the hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to his last known address. The decision and order of the Mayor and Committee shall be final and conclusive.

## § 16C-11. Removal by Township; costs.

The placement of a dumpster in a public road or right-of-way without the benefit of permit shall result in the right of the Township to remove such dumpster. The cost of removing such dumpster shall be assessed against the applicant or the person benefited from the placement of the dumpster.

## § 16C-12. Enforcement.

The enforcement of this chapter shall be by the Mansfield Township Police Department, which shall issue the appropriate summonses in the event that any roll-off dumpster is placed along any public road, street, right-of-way or public property under the jurisdiction of Mansfield Township without first obtaining the required permits.

## § 16C-13. Violations and penalties.

Consistent with N.J.S.A. 27:51-1, a person who is convicted of a violation of this chapter shall be subject to a fine of \$100 for each violation, and each day said violation is continued shall constitute a separate offense. In default of the payment of a fine, imprisonment in the county jail for a period of not more than 90 days may be imposed. All fines collected under this chapter shall be paid over to the board or body charged with the maintenance of the street, highway or public property upon which the violation occurs. In addition to a fine, a person who has been convicted of a violation of this chapter may be sentenced to make restitution in the event that a street, highway or any public property has been damaged by reason of placement of a roll-off dumpster thereon.

## § 16C-14. Severability.

Should any part or parts of this chapter be adjudged invalid, such adjudication shall not affect the validity of this chapter as a whole but shall apply only to the part or parts which are subject of the adjudication and the remainder of this chapter shall remain valid and effective.

## § 16C-15. Repealer; when effective.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. This chapter shall take effect immediately upon its proper publication and adoption and as provided by law.