



**BOROUGH OF EMERSON  
COUNTY OF BERGEN, NEW JERSEY**

Permit # \_\_\_\_\_

***Permit Application***  
**DUMPSTER, REFUSE or GARBAGE CONTAINER**

(Code of Emerson, Chapter 216, Local Ordinance #1378-09)

Property Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Dumpster/Refuse Container Description/Size: \_\_\_\_\_

Container Contractor Name, Address, Phone: \_\_\_\_\_

Dates(s) at Above Location: \_\_\_\_\_

Location of Unit on Property: \_\_\_\_\_

- 1.) No construction dumpster shall be located within (10) feet of property line or abutting dwelling.
- 2.) Permit shall be displayed in a weather-proof manner on the dumpster.
- 3.) Dumpster must be covered at night and when not in active use.
- 4.) A full dumpster shall be removed from the site and emptied within two (2) days.
- 5.) Failure to comply could result in a fine of Five Hundred (\$500.00) Dollars, or imprisonment for a term of not more than ninety (90) days, or both.
- 6.) See reverse for all requirements.

***Applicant attests all statements above are true  
and is aware of the rules:***

\_\_\_\_\_  
**Signature**

Approved by Construction Official: \_\_\_\_\_ Date: \_\_\_\_\_

Fee: **\$25.00**      Cash \_\_\_\_\_ Check # \_\_\_\_\_

**1378-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON, CHAPTER 216, ENTITLED PROPERTY MAINTENANCE, § 216-3 ENTITLED DEFINITONS, AND § 216-26 ENTITLED APPEARANCE OF EXTERIOR OF PREMISES AMENDING § 216-26 D. DUMPSTERS AND OTHER GARBAGE OR REFUSE CONTAINERS**

**BE IT ORDAINED** by the Council of the Borough of Emerson, as follows:

**Section I.** Subsection 216-3(B), "Definitions," of Chapter 216, Property Maintenance, of the Code of the Borough of Emerson is hereby amended and supplemented to include the term "Construction Dumpster" to read as follows:

§ 216-3. Definitions.

B. The following terms wherever used or referred to in this code shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context:

**CONSTRUCTION DUMPSTER**

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.

**Section II.** Subsection 216-26(D), "Dumpsters and other garbage or refuse containers," of Chapter 216, Property Maintenance, of the Code of Emerson is hereby deleted in its entirety and replaced as follows:

§ 216-26. D. Construction Dumpsters

- 1) Single Family Residential Zones. No construction dumpster shall be located within (10) feet of an abutting dwelling, unless the occupant of the abutting dwelling agreed to such and signs the authorization form which shall be submitted with the permit application for the dumpster. No dumpster shall be placed so that it blocks any public sidewalk or street.
- 2) Multi-Family, Commercial and Industrial Zones. No construction dumpster shall be located within ten (10) feet of an abutting residential property unless the occupant of the abutting dwelling agreed to such and signs the authorization form which shall be submitted with the permit application for the dumpster. No construction dumpster shall be located on a public street or alley unless a permit is obtained from the Borough Building Department.
- 3) If permitted and the construction dumpster is placed on the public street or alley, the dumpster shall be directly in front of or on the side of the property address utilizing the dumpster. Additionally, a dumpster placed in the street shall:
  - a. Not be more than eighteen (18") inches from the curb;
  - b. Not obstruct driveways of abutting properties;
  - c. Not obstruct traffic;
  - d. Be protected at both ends by a barricade, which after sunset, shall have a flashing yellow light attached to it; and
  - e. Have a reflector or reflective area of not less than thirty-six (36) square inches at each end.
- 4) A dumpster shall not be placed on a public street if on-street parking for vehicles is not allowed at that location.
- 5) Time limitations.
  - a. Single Family Residential Zones: A construction dumpster and any replacement dumpster placed under this ordinance and not in a public street may be placed for not more than a total of thirty (30) days in any six (6) month period. A construction dumpster and any replacement dumpster placed upon a public street may be placed for not more than a total of fourteen (14) days in any six (6) month period.
  - b. Multi-Family and Commercial: A construction dumpster and any replacement dumpster placed under this ordinance and not in a public street may remain in the site as long as required, but not to exceed a total of six (6) months. A construction dumpster or any replacement dumpster placed upon a public street may be placed for not more than a total of fourteen (14) days in any six (6) month period.
  - c. Industrial: A dumpster or any replacement dumpster placed under this ordinance may remain on the site as long as needed, but not to exceed a total of eighteen (18) months.
- 6) Sanitation. The following requirements shall be maintained while the construction dumpster is on or at the site:
  - a. The area around the dumpster shall be kept free of debris and litter;
  - b. Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within twenty-four (24) hours;
  - c. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor;
  - d. A full dumpster shall be removed from the site and emptied within two (2) days; and
  - e. The dumpster must be covered at night and when not in active use.
- 7) Usage. A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.
- 8) Identification. The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weather proof manner on the dumpster.
- 9) Permit Required. A permit shall be required for a dumpster. The permit shall be obtained from the Borough Clerk's Office after paying the required fee of \$25.00. The permit shall be displayed in a weather proof manner on the dumpster.
- 10) Abatement. Any 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.
- 11) Violations; penalties.
  - a. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Five Hundred (\$500.00) Dollars, or imprisonment for a term of not more than ninety (90) days, or both.
  - b. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

**Section III.** REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section IV.** SAVING CLAUSE.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section V.** SEVERABILITY.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.