ORDINANCE 2022-11
BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on March 21, 2022. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on April 4, 2022, at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk’s office for members of the general public who have requested the same.

Dunellen Borough Code Chapter 217-3 is amended as follows:

Ch. 217-3. Duties and responsibilities of owners and operators.

Section E. Refuse and Recycling Container Storage.

(1) Refuse container storage.
   (a) Garbage and other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided for each dwelling unit.
   (b) In dwellings of two-family size or larger, the landlord shall be responsible to provide separate approved refuse containers for each dwelling.

(2) Roll-off containers.
   (a) Temporary roll-off containers. The temporary placement of roll-off containers is permitted when required; however, they can only remain on site while active construction, renovation or cleanup is ongoing. They must be removed within one week of completion of the project or the cessation of the project for other reasons. Anytime a container becomes full, regardless of whether or not the project is completed, it must be removed within one week.
   (b) Permanent roll-off and commercial type wheeled refuse containers. Permanent roll-off and commercial type wheeled refuse containers of the type that must be mechanically lifted and emptied by a refuse contractor are permitted but must be enclosed in a six-foot-high solid fence with closable solid gates. The fence shall be chain link with slats installed that prevent an exterior view of the container or of the wooden stockade variety. The gates must remain closed except when the container is being emptied. Every attempt must be made to have these containers not visible from the street. The fences and gates must be maintained in good order.
Section F. Rubbish, Garbage, Trash and Debris.

1. Accumulation of rubbish, garbage, trash and debris. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage, trash and debris.

2. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

3. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. Such containers must be stored in a neat manner on the side near the rear of the structure or in the rear of the property. No containers may be stored on the front side of the property.

4. Appliances, furniture, mattresses, and discarded items. Appliances, furniture and other discarded items may not be stored outside or at the curb.

5. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in approved garbage disposal facility or approved garbage containers. Approved garbage containers may be placed at the curb for pickup no earlier than 5:00 p.m. the evening before schedule pickup. Garbage containers must be removed from the curb/front of property no later than 8:00 p.m. the evening of trash pickup.

6. Garbage facilities. The owner of every dwelling shall supply an approved leak-proof, covered, outside garbage container.

7. Containers. The operator of every establishment that produces garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

8. Filing of summons and/or complaint. The Code Enforcement Officer may file a summons and/or complaint in the municipal court or cause the issuance of the same, whether or not a notice of violation or order shall have been served.

9. Removal of rubbish, garbage, trash and debris by Borough. Upon failure of the owner or agent having charge of a property to comply with this Section 217-3(F) after five days of the issuance of a summons, the Borough will have the right to remove rubbish, garbage, trash and debris from property as detailed in the following procedure:

In the event that the owner or agent having charge of the property in question has failed or refused to abate or remedy the violation set forth in the summons after the fifth day from date of issue, the Director of Code Enforcement is directed to arrange for abatement of the condition complained of and shall keep a record of all costs and expenses incurred in connection with the removal or abatement and shall certify it to the Mayor and Council, who shall examine the certificate and, if found correct, cause the cost of removal or abatement to be charged against the land benefited. The amount charged shall become a lien upon the land benefited and shall be added to and become part of the taxes next
assessed upon that land, and shall bear interest to be collected and enforced in the same manner as taxes. The remedy provided by this subsection shall be in addition to any penalty which may be imposed for a violation of this section.

Section G. Duty to clean and maintain sidewalks, driveways, walkways and entrance stairways.

(1) It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep abutting sidewalks, areaways, backyards, courts and alleys free from litter.

(2) Sidewalks, driveways, walkways and entrance stairways shall be maintained in a safe condition, such as will not constitute a hazard to persons using the premises.

Section H. Violations and penalties.

Every person convicted of a violation of this article shall be subjected to a fine of not more than $500.00 or imprisonment for a term of not more than 15 days or both.