

**ORDINANCE# 2417-13-0506**  
**CREATING CHAPTER 74.01 IN THE BOROUGH CODE ENTITLED DUMPSTERS;**  
**Permits, Insurance & Fees**

Chapter 74.01. DUMPSTERS; Permit, Insurance & Fees

§ 74.01-1. Compliance required.

No person, as herein defined, shall place or permit to be placed in any public area, as herein defined, in the Borough of Somerville a construction dumpster or similar container commonly used for the collection of building materials, refuse, rubbish, garbage except in compliance with the provisions of this chapter.

§ 74.01-2. Definitions.

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

**DUMPSTER**

A container or debris-transfer body commonly used for the placing or collection of debris and building materials during construction or renovation.

**ENFORCEMENT AGENCY**

The Somerville Borough Police Department

**LICENSING OFFICE**

The Department of Community Development shall issue the permit with the appropriate internal approvals from the Police Department

**PERSON**

Includes any person, firm, partnership, association, corporation, company, organization or entity of any type.

**PUBLIC AREA**

Includes any street, sidewalk, highway, public lane, alley, Municipal parking lot or other public place in the Borough.

§ 74.01-3. Permit required.

No person shall place or utilize a dumpster or permit a dumpster to be placed or utilized in a public area in the Borough of Somerville without first having obtained a permit therefor.

§ 74.01-4. Application for permit; fees; term; regulations.

- A. Any person seeking to place, permit to be placed or utilize a dumpster in a public area in the Borough of Somerville shall do so only after having obtained a permit from the Borough of Somerville. In order to obtain a permit, an application for a permit on a form to be furnished by the Department of Community Development shall be filed and the appropriate fee shall be paid.
- B. The application shall require that the applicant specify the exact proposed location of the dumpster, the size and capacity thereof, the length of time that said use is required and the contemplated use of the dumpster.
- C. The fee for obtaining a permit to place a dumpster in a public area shall be \$50.00. The permit shall be issued for a term not to exceed 10 calendar days and may be renewed for 10 calendar days upon the written request of the applicant without the filing of a new application but upon payment of an additional fee of \$50.00. If after the initial 10 days, the applicant needs to maintain the dumpster at the location, but does not need it for an additional 10 calendar days the daily fee shall be \$10 daily for dumpsters between 1 – 20 yards and \$15 daily for dumpsters from 21 – 30 yards, and shall be paid at the time of application based on the applicant's estimate of the number of days for which the permit shall be required.
- D. If the dumpster is located in front of parking meters the fee shall be \$100.00. The permit shall be issued for a term not to exceed 10 calendar days and may be renewed for 10 calendar days upon the written request of the applicant without the filing of a new application but upon payment of an additional fee of \$100.00. If after the initial 10 days, the applicant needs to maintain the dumpster at the location, but does not need it for an additional 10 calendar days the daily fee shall be \$20 daily, for dumpsters between 1 – 20 yards and \$25 daily for dumpsters from 21 – 30 yards, shall be paid at the time of application based on the applicant's estimate of the number of days for which the permit shall be required.
- E. No dumpster in excess of 30 cubic yards shall be permitted in the public areas of the Borough of Somerville. The permit shall be issued for a specific period of time based on the estimate of the applicant at the time the application is filed.
- F. At the time the application is filed, each applicant shall furnish the Borough of Somerville with a certificate of insurance with sufficient limits established by the Borough, which shall name the Borough of Somerville as an additional insured and which shall not be cancelled during the permit period.
- G. Each applicant for a permit to place a dumpster in a public area shall furnish the Borough of Somerville with sufficient surety to be determined by the

Borough to guarantee against damage to the streets, curbs and sidewalks or other improvements in the public right-of-way.

- H. No dumpster shall be placed in a public area more than 24 hours prior to commencement of construction/work and shall not remain therein more than 24 hours subsequent to construction being completed without approval from the Department of Community Development.
- I. No permit shall be issued if the Police Department determines that the issuance of a permit will constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- J. A permit may be revoked at any time during its term if the placement or use of a dumpster constitutes a hazard to the health, safety or welfare of the citizens of the Borough of Somerville or for any other reason constitutes a nuisance.
- K. The Department of Community Development may exempt applicants from all but the safety requirement of this chapter any persons contracting with the Borough of Somerville.

§ 74.01-5. Location, placement and condition.

- A. No dumpster shall be placed in a public area in a residential zone unless it is determined by the Department of Police that there is not sufficient room on the private property of the person utilizing the dumpster to place the dumpster and therefore, the dumpster is required to be placed in a public area. No dumpster placed on private property, otherwise unregulated by this chapter, shall impede the flow of pedestrian or vehicular traffic or safety site lines.
- B. Dumpsters may be placed in public areas only upon the determination by the Department of Community Development or Department of Police that there is no safe or practical place where the dumpster may be placed other than in the public area.
- C. All dumpsters placed in public areas are required to comply with the following conditions:
  - (1) Planking or other wood sheeting of sufficient size is required to be placed under the wheels or road contact areas to protect the roadway from damage. If the dumpster has wheels, they must be chucked to prevent movement.
  - (2) The dumpster must be clearly visible in dark hours. The applicant must ensure appropriate reflective taping, flashing, warning, amber, barricade-mounted reflectors or any other device that would ensure that the dumpster is visible in the evening hours.

(3) No dumpster shall be permitted in a public area in which the placement interferes with the free and safe flow of traffic or which otherwise stands in a hazardous location.

(4) Dumpsters shall not be permitted to be placed in a public area on certain designated holidays, sale days and special event days that occur from time to time during the year.

D. Upon removal of the dumpster, the public area shall be swept clean of all loose debris and restored to its former condition in accord with the standards of the Department of Community Development.

E. All dumpsters shall at all times be kept in good repair and shall be structurally sound and leakproof and shall be in good condition and shall be constructed to stand firmly upright.

§ 74.1-6. Violations and penalties.

Each day that a dumpster is placed or utilized is in violation of the terms of this chapter shall constitute a separate offense. Each offense hereunder shall be punishable by a minimum fine of \$100 per day for each day of violation.

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Kevin Sluka, Municipal Clerk



Brian G. Gallagher Mayor