

## Chapter 217

### PROPERTY MAINTENANCE

- § 217-1. Purpose and policy.
- § 217-2. Application of provisions.
- § 217-3. Duties and responsibilities of owners and operators.
- § 217-4. Enforcement officer.
- § 217-5. Inspections.
- § 217-6. Refusal of entry.
- § 217-7. Notice of violation; hearing; abatement.
- § 217-8. Violations and penalties.
- § 217-9. Variation and modification of provisions.
- § 217-10. Buildings unfit for human habitation.
- § 217-11. Effect on other regulations.
- § 217-12. Definitions and word usage.

[HISTORY: Adopted by the Mayor and Council of the Borough of Dunellen 4-3-1978. Amendments noted where applicable.]

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 114.  
Unfit buildings — See Ch. 125.  
Fire prevention — See Ch. 159.  
Littering — See Ch. 186.

**§ 217-1. Purpose and policy.**

- A. It is hereby found and declared that there exist in the Borough of Dunellen structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance or further, that such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises and infestation, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the Borough of Dunellen, New Jersey. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained.
- B. The purpose of this chapter is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use. This chapter is hereby declared to be remedial, preventive and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

**§ 217-2. Application of provisions.**

- A. Every residential and nonresidential building, and the premises on which it is situated in the Borough, used or

intended to be used for dwelling, commercial, business or industrial occupancy shall comply with provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this chapter.

- B. In any cases where the provisions of this chapter impose a higher standard than that set forth in any other ordinances of the Borough or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other ordinances of the Borough or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

**§ 217-3. Duties and responsibilities of owners and operators.**

- A. Maintenance of exterior of premises and structures. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:
- (1) Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.
  - (2) Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating

conditions or storm damage, constitute a hazard to persons in the vicinity thereof.

- (3) Every owner, occupant or operator shall be responsible for the elimination of infestation in and on the premises subject to his control.
  - (4) Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed.
  - (5) Porches, landings, balconies, stairs and fire escapes shall be maintained to minimize the hazards of falling, and the same shall be kept structurally sound, in good repair and free from defects.
- B. Appearance of exterior of premises and structures. The exterior of the premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration of the neighborhood with the accompanying diminution of property values, including the following:
- (1) There shall not be stored or used equipment and materials relating to business, commercial or industrial uses unless permitted under the Zoning Ordinance for the premises.
  - (2) Lawns, hedges and bushes shall be kept trimmed and kept from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the neighborhood.

- (3) All permanent signs and billboards exposed to public view permitted by reason of other regulations or as lawful nonconforming uses shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
  - (4) The exterior of every structure or accessory structure not inherently resistant to decay, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain appearance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.
- C. Structural soundness. Every dwelling, structure and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health and fire hazards. Exterior walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects.
- D. General sanitation and safety. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards.

**§ 217-4. Enforcement officer. [Amended 3-30-1988]**

The Code Enforcement Officer shall be appointed by the Mayor and Council of the Borough of Dunellen. It shall not be a requirement that the Code Enforcement Officer be a resident of the Borough of Dunellen.

**§ 217-5. Inspections.**

All buildings and premises subject to this chapter are subject to inspections from time to time by the Code Enforcement Officer of the Borough. At the time of such inspections, all rooms in the building and all parts of the premises must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate inspections.

**§ 217-6. Refusal of entry. [Amended 5-1-1978]**

Should the owner or occupant of a dwelling unit refuse to give the Code Enforcement Officer access to any such dwelling or dwelling unit or premises, at a reasonable time, for the purpose of making an inspection, then the Code Enforcement Officer shall, upon affidavit, apply to the Municipal Judge of the Borough of Dunellen or any County Court Judge of Middlesex County for a search warrant setting forth the facts regarding the circumstances that provide probable causes for believing that a nuisance or violation of the chapter exists in the dwelling, dwelling unit or premises.

**§ 217-7. Notice of violation; hearing; abatement.**

- A. Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Code Enforcement Officer shall be served on the person or persons responsible for the correction thereof.
- B. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct same, a reasonable period of time not to exceed 30 days to correct or abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Code Enforcement Officer 10 days after service unless a hearing is requested pursuant to Subsection D.
- C. Service of notice. Notice may be served personally or by prepaid telegram or by mail, with postage prepaid,

addressed to the last known address of the person to be served. In the case of an occupant, notice may be posted upon the door of his dwelling unit or rooming unit. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Code Enforcement Officer shall file and provide notice to any owner, operator or occupant of any violation at any address other than the last known address provided hereunder if such other address is filed with the Code Enforcement Officer personally or by certified mail addressed to the Code Enforcement Officer. Service upon an owner, operator or occupant may be also attained by service of any notice upon a member of the family of the owner, operator or occupant. Date of service of the notice shall be determined where service is by mail as of the day following the day of mailing for notice to addresses within the Borough and as of the fourth day of mailing for notice to addresses outside the Borough. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day.

- D. Notice to become order. Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon and serves a written request within the ten-day period in person or by mail on the Code Enforcement Officer. Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Code Enforcement Officer, upon receipt of the request, shall, within 30 days therefrom and upon five days' notice to the party aggrieved, set the matter down for hearing.
- E. Determination at hearing. At any hearing provided hereunder, the Code Enforcement Officer shall be vested

with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by him and to enforce any such subpoena or secure any order for the enforcement of any such subpoena as provided by law. Determination shall be made within 10 days from the completion of the hearing. The Code Enforcement Officer shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

- F. Extensions for corrections or abatement. The Code Enforcement Officer may extend the time for correction or abatement of the violations for an additional period of time not to exceed 30 days, except where major capital improvements or renovations are involved, in which instance the time completion may be extended for a period not to exceed 90 days beyond the expiration date of the original notice.
- G. Summary abatement in emergency. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Code Enforcement Officer may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three days, and upon failure to do so, the Code Enforcement Officer shall abate the condition immediately thereafter.
- H. Cost of abatement to be a lien. Where abatement of any nuisance as defined herein, correction of a defect in the premises or bringing the premises into compliance with the requirements of any municipal ordinance or state law applicable thereto requires expending Borough moneys thereof. The Code Enforcement Officer shall present a



report of work proposed to be done to accomplish the foregoing to the Mayor and Council with an estimate of the cost thereof along with a summary of the proceedings undertaken by the Code Enforcement Officer to secure compliance, including notices served upon the owners, operators, lessors or agents as the case may be, hearings and orders of the Code Enforcement Officer with reference thereto. The Mayor and Council may thereupon by resolution authorize the abatement of the nuisance, correction of the defect or work necessary to place the premises in proper condition and compliance with ordinances of the Borough and laws of the state. The Code Enforcement Officer may thereafter proceed to have the work performed in accordance with the said resolution at Borough expense, not to exceed the amount specified in the resolution, and shall upon completion thereof submit a report of the moneys expended and costs to the Mayor and Council. After review of the same, the Mayor and Council may approve the said premises and costs, whereupon the same shall become a lien against the said premises, collectible as provided by law. A copy of the resolution approving the said expenses and costs shall be certified by the Mayor and Council and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof.

- I. Extension for dispossession actions. Where there exists a violation of occupancy standards hereunder and the owner or operator, upon receipt of a notice of a violation, if unable to eliminate the violation by peaceable means with the period of time specified in said notice, shall commence within such period legal action to dispossess, evict, or eject the occupants who cause the violation, no further action hereunder shall then be taken against the owner or operator so long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith.
- J. Effect of notice. For the purposes of enforcement of this chapter, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of

violations set forth therein until said violations are abated in conformity with this chapter and the other applicable ordinances of the Borough of Dunellen.

**§ 217-8. Violations and penalties.**

A violation of any section or subsection of this chapter shall be punishable by a fine not to exceed \$500 for each violation committed hereunder. Each violation of a section or subsection of this chapter shall constitute a separate and distinct violation independent of any other section or subsection. Each day's failure to comply with any such section or subsection shall constitute a separate violation.

**§ 217-9. Variation and modification of provisions.**

- A. The Code Enforcement Officer shall have the power to withhold strict enforcement of the requirements of this chapter upon written application therefor by an owner, operator or occupant, after making a determination that any variation or modification of structure or use approved by the Code Enforcement Officer will not in any material way alter the standards of this chapter and cannot detrimentally affect the health or safety of occupants or owners of adjacent premises or of the neighborhood, and that strict enforcement would constitute an undue and unnecessary hardship on the owner, operator or occupant because it would compel expenditures on the premises which would be substantially disproportionate to any benefit to health, safety or welfare that might be derived therefrom and that the owner, operator or occupant is without any practical or feasible means to comply with the strict provisions of this chapter.
- B. Right to hearing. Upon denial of any such application, the owner, operator or occupant may request a hearing which shall be held in accordance with provisions of § 217-7E.

**§ 217-10. Buildings unfit for human habitation.<sup>1</sup>**

- A. **Finding of unfitness.** The Code Enforcement Officer shall make an inspection of any building believed to be unfit for human habitation or use and shall make a preliminary finding in accordance with the standards provided herein whether or not the premises are unfit for human habitation or use, and if so, he shall thereupon serve a notice upon the owner, operator and occupant advising all such parties of the results of his inspection and the basis for his determination and setting a date for a hearing not less than 10 nor more than 30 days from the date of service of the last notice to be served.
- B. **Basis for findings.** In making a determination of whether a building is unfit for human habitation or use, the Code Enforcement Officer shall determine whether, by reason of violations of this chapter existing in the building or on the premises, continued occupancy of the building will endanger and jeopardize the health and safety of the occupants or persons in the vicinity of the premises, and to that end he may consider, among other factors:
- (1) **Structural:** whether the premises are so structurally defective that there is a risk of collapse or of loose materials falling and injuring persons in and around the building.
  - (2) **Maintenance, infestation or defects:** whether, by reason of infestation or defective condition of plumbing or the lack of maintenance of halls, floors, walls or other parts of the premises, conditions exist which are conducive to the contracting and spreading of diseases.
  - (3) **Facilities and egress:** whether, by reason of electrical wiring, conduits or equipment, heating or cooking facilities or lack of proper means of egress, there is a

---

1. **Editor's Note: See Ch. 125, Buildings, Unfit.**

danger of fire or, in the case of fire, inadequate means of egress.

- (4) Posting of premises: ordering that the building or any part thereof be vacated within a specified period not to exceed 30 days, be boarded up and signs or notices that occupancy is prohibited be posted prominently at all times at all the entrances of the building and that the order continue in effect until the conditions are abated and the order revoked as provided herein. The order may prohibit occupants from paying, and the owner and operator from receiving, rent or other compensation for use and occupancy while it remains in effect.
  - (5) Demolition: that, by reason of the complete state of disrepair and the disproportionate investment required to restore the building to habitable condition and the danger that the premises constitute, even while vacant, a threat to the health and safety of persons on or near the premises, the improvement of the building is impracticable and continuance of the building vacant constitutes a danger to the health, safety and well-being of the neighborhood, whereupon the building is to be ordered, vacated and demolished within a period of time not to exceed 60 days. If application for a demolition permit is not made within 30 days from the date of the notice ordering vacation and demolition, the Code Enforcement Officer will proceed with demolition or cause the building to be demolished. The cost of such demolition shall be charged against the property affected in accordance with § 217-7H.
- C. Compliance with order and reinspection. Where premises are ordered vacated, all doors to the exterior shall be secured and all first-story or basement and cellar windows barred or boarded and all other windows protected against breakage. Where an order is issued it shall be served on all

persons affected thereby pursuant to § 217-7C. When the conditions of the violation complained of are corrected, the owner or occupant affected thereby may request a reinspection. Based on the reinspection, the Code Enforcement Officer shall issue a further order which shall either revoke the previous order and permit occupancy or state such further conditions or time limits during which additional repairs or improvements are to be made before occupancy is again permitted or order vacation and demolition. Upon compliance with the conditions contained in any order, the Code Enforcement Officer shall permit the signs on the premises to be removed and the premises made available again for occupancy.

- D. Failure to comply with order. Where the owner, operator or occupant fails to comply with an order hereunder, fails to perform in accordance with any written commitment as provided herein, removes any notice posted pursuant hereto or removes any lock or bar installed pursuant hereto without the permission of the Code Enforcement Officer, he shall be deemed in violation of this chapter and subject to the penalties provided herein. In addition thereto, the Code Enforcement Officer may take such steps as may be necessary to compel vacation and boarding up of any premises and may post signs prohibiting occupancy. Upon failure to comply with any such order, the premises shall constitute a public nuisance and the Code Enforcement Officer may take such further action under the criminal and civil laws of this state through any court of competent jurisdiction as may be necessary to remove or abate the nuisance.

**§ 217-11. Effect on other regulations.**

Nothing in this chapter shall be construed to abrogate or impair the powers of any department of the Borough of Dunellen to enforce any provisions of its charter or its ordinances or regulations or to prevent or punish violation thereof.

**§ 217-12. Definitions and word usage.**

- A. The following terms wherever used herein or referred to in this chapter shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

**ACCESSORY STRUCTURE** — A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

**BUILDING** — A combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purpose.

**EXTERMINATION** — The control and extermination of insects, rodents and vermin by eliminating their harborage places, by removing or making inaccessible material that may serve as their food, by poisoning, spraying, fumigating, trapping or by other approved means of pest elimination.

**FIRE HAZARD** —

- (1) Any device or condition likely to cause fire and which is so situated as to endanger either persons or property.
- (2) The creation, maintenance or continuance of any physical condition by reason of which there exists a use, accumulation or storage for use of combustible or explosive material sufficient in amount or so located or in such a manner as to put in jeopardy, in event of ignition, either persons or property.
- (3) The obstruction to or of fire escapes, ladders which may be used as escapes, stairways, aisles, exits, windows, passageways or halls likely in the event of fire to interfere with the operation of the Fire Department or of the safety and ready egress of occupants.

- (4) The violation of any rule now or hereafter promulgated by the Fire Department of the Borough of Dunellen.

**GARBAGE** — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")

**INFESTATION** — The presence of insects, rodents, vermin or other pest on the premises which constitute a health hazard.

**NUISANCE** —

- (1) Any public nuisance known at public law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or in the ordinances of the Borough of Dunellen.
- (2) Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes but is not limited to abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to health of persons on or near premises where the conditions exist.

**OCCUPANT** — Any person living in, sleeping in or having actual possession of a dwelling unit or rooming unit or any person using or having actual possession of any nonresidential premises.

**OPERATOR** — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual

possession thereof, or shall have charge, care or control of any dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver or guardian of the state or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

**PUBLIC VIEW** — Any premises or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public or any member thereof from a sidewalk, street, alleyway, licensed open-air parking lot or from any adjoining or neighboring premises.

**REFUSE** — All putrescible and nonputrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. (See also "garbage" and "rubbish.")

**RUBBISH** — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also "garbage" and "refuse.")

**STRUCTURE** — Anything constructed, assembled or erected, the use of which requires location on the ground or underground or attachment to something having location on or in the ground and shall include fences, walls, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. This includes any structure equipped with a roof, whether permanent or temporary, such as porches, awnings, canopies, swimming pools, summer houses, arbors, balconies and similar elements, fences and signs but does not include patios at grade. The word "structure"



shall not apply to utility services entirely below the ground.

**WEATHERING** — Deterioration, decay or damage caused by exposure to the elements.

- B. **Word usage.** Whenever the words "accessory structure," "building," "dwelling," "dwelling unit," "habitable room," "independent rooming unit," "premises," "room," "rooming unit," or "structure" are used in this chapter, they shall be construed, unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

**BOROUGH OF DUNELLEN  
ORDINANCE 2010-01**

**BE IT ORDAINED** by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 217 of the Revised General Code of the Borough of Dunellen, be amended as follows:

**Chapter 217-3 (E). Duty to Clean and Maintain Sidewalks, Driveways, Walkways and Entrance Stairways.**

- A. 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.
- B. 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.

**Chapter 217-3 (F). Violations and penalties.**

Every person convicted of a violation of this article shall be subjected to a fine of not more than \$100.00 or imprisonment for a term of not more than 15 days or both.

**ORDINANCE 08-14**

**BOROUGH OF DUNELLEN**

**BE IT ORDAINED** by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 217 of the Revised General Code of the Borough of Dunellen, Property Maintenance, be amended as follows:

**Chapter 217-3(B) (5). VEHICLE PARKING LIMITED TO PARKING AREAS AND DRIVEWAYS**

Parking of vehicles on areas other than those that are paved or gravel covered is specifically prohibited in all areas of the Borough. In no case can vehicles be parked on lawns or landscaped areas. If additional parking area is required, it must be paved or gravel covered to match existing parking areas or driveways on the same property.

**ORDINANCE 08-11**

**BOROUGH OF DUNELLEN**

**BE IT ORDAINED** by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 217 of the Revised General Code of the Borough of Dunellen, Property Maintenance, be amended as follows:

**Chapter 217-13. OUTDOOR STORAGE CONTAINERS**

(A). Definition. Outdoor Storage Container.

Outdoor storage containers, also sometimes called PODS (portable on demand storage) or PCPSF's (portable containerized property storage facility) are portable or temporary storage units intended to be utilized upon the exterior of residential premises for the purpose of storing all types of items of personal and household property either for pure storage or to facilitate the moving of persons from household unit to household unit, with the understanding that such items, after a period of time (as defined herein) for loading, will be moved to a commercial storage facility.

(B). Time limit.

Under no circumstances (except in a State of Emergency declared by Federal, State or Municipal authorities) shall any outdoor storage container be located on residential premises for a total of more than 90 days. If more than one outdoor storage container is utilized, the ninety-day period shall commence at the time the first outdoor storage container is physically situated on the real estate. A permit for each such outdoor storage container under this paragraph shall be obtained from the Construction Office before placement. The fee for said permit will be \$50.00 for each storage container per 30 days, or portion thereon.

(C). Placement.

Outdoor storage containers may be placed only on driveways, backyards, or side yards behind the front house line. The final placement of the container(s) is subject to the approval of the Construction Officer.

(D). Other requirements.

The following requirements shall be met by the owner or occupier of the residential premises with respect to outdoor storage containers:

(1) The outdoor storage container situated on residential property shall only be used for the storage of personal property, furniture and household items normally located on or in a residential dwelling or premises.

(2) All outdoor storage containers shall:

(a) Not have a height in excess of seven feet nor a length of more than ten feet nor a width of more than eight feet.

(b) All access doors shall be secured by locks.

(D). Violations and Penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof in the Municipal Court, be punished by a fine not exceeding \$1,000. A separate offense may be deemed committed for each day during or on which a violation occurs or continues.

## **ORDINANCE 07-03**

### **BOROUGH OF DUNELLEN**

The following Dunellen Property Maintenance Section is amended as follows:

#### **217-3, 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 with watertight covers. At least one approved type of garbage receptacle 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 unit
- (c) All refuse and recycling containers must be stored no closer than the front setback of the building and in all cases shall not be visible from the street. On days when garbage pickup or recycling is scheduled the containers may be placed near the street but they must be returned to their regular storage places before dawn of the following day.

##### **(2) Roll Off Containers;**

###### **(a) Temporary Roll Off containers:**

- (1) 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 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.