

**BOROUGH OF KINNELON  
ORDINANCE NO. 23-2025**

**AN ORDINANCE TO AMEND CHAPTER 162 OF THE BOROUGH CODE TITLED  
"REFUSE CONTAINERS AND DUMPSTERS"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Kinnelon, County of Morris and State of New Jersey, as follows:

**Section 1.** Pursuant to N.J.S.A.40:48-1, 40:49-2 and 40A:9-165, the Mayor and Council of the Borough of Kinnelon hereby amend the Borough Code by repealing Chapter 162 titled "Refuse Containers and Dumpsters " and replacing it with the following:

§ 162-1 Purpose.

§ 162-2 Definitions and word usage.

§ 162-3 Covering of containers and prevention of leaks and spills required.

§ 162-4 Exceptions to restrictions.

§ 162-5 Enforcement.

§ 162-6 Violations and penalties.

§ 162-1 Purpose.

The purpose of this chapter is to regulate the placement of roll-off containers/dumpsters on Borough streets for reasons of public safety, establish a time limit for the use of roll-off containers/dumpsters on private property, as well as to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharging of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Kinnelon and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 162-2 Definitions and word usage.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by Borough of Kinnelon or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

OWNER

The person having ownership of the roll-off container or dumpster and either using the roll-off container or dumpster for his or her own purposes for leasing of the same.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

### REFUSE CONTAINER

Any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

### ROLL-OFF CONTAINER OR DUMPSTER

The type of container or dumpster usually associated with a vehicle containing hydraulic or mechanical capabilities to lift a prefabricated container from the ground onto the truck for transport purposes or to lift and dump the material contained therein into the body of said truck. The contents of which container is solid waste consisting of refuse, rubbish and other debris. For the purposes of this subsection, these roll-off containers and dumpsters are not owned nor serviced by the Borough of Kinnelon.

### STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

### WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

### § 162-3 Covering of containers and prevention of leaks and spills required.

A. Any person who controls; whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster, when it contains debris, is covered at times when it is not being actively loaded or unloaded as well as during inclement weather and shall prevent refuse from spilling out or overflowing.

B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Kinnelon.

C. Permit required.

(1) No person shall place or allow a roll-off container/dumpster to be placed upon any street within the Borough of Kinnelon without first obtaining a permit therefor in accordance with the requirements of this chapter. A temporary roll-off container/dumpster may be placed on private property without a permit if the duration of placement does not exceed fourteen (14) days. Any such roll-off container/dumpster must be placed on an impervious surface.

D. Application for permit; fee; refusal of permit.

(1) Applications for a permit under this section shall be made to the Borough Clerk's office.

(2) The Borough Clerk or his or her designee shall issue a permit for the use of a roll-off container/dumpster as a temporary street obstruction prior to the placement thereof, upon satisfactory written application by either the owner or the user/permit holder, as follows:

(a) Each application shall be accompanied by a certificate of insurance, in an amount not less than \$200,000 for injuries, including accidental death for any one person, and subject to the same limit for each person in an amount not less than \$500,000 on account of each occurrence.

(b) Prior to the issuance of such a permit, the Borough Clerk shall consult with the Kinnelon Chief of Police to determine that the proposed placement of the roll-off container/dumpster does not constitute a traffic and/or safety hazard.

(c) The street upon which the roll-off container/dumpster shall rest shall be at least 30 feet wide from curb to curb.

(d) The roll-off container/dumpster can be effectively placed parallel to the curb with the street side of the container not more than eight feet, six inches from the adjacent curb.

(e) The roll-off container/dumpster shall be equipped with 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.



(f) The roll-off container/dumpster shall not obstruct any part of a sidewalk or the sidewalk areas adjacent to the street.

(g) Each application for a permit hereunder shall be accompanied by a non-refundable filing fee of \$50.

(h) The Borough Clerk's Office may refuse the issuance of a permit hereunder if it is determined by the Chief of Police or his or her designee that the proposed placement of a roll-off container/dumpster is likely to constitute a public nuisance or hazard because of contour, narrow width, traffic or other conditions.

#### E. Duration and posting of permit.

(1) Each permit shall be of 60 days' duration and shall require a written application to extend the duration of the permit for an additional 30 days. Renewals shall be processed without requiring payment of an additional fee.

(2) The permit shall be conspicuously posted on the job site or container at all times.

(3) The Borough Clerk may revoke a permit if in his or her judgment a roll-off container/dumpster constitutes a public nuisance or hazard and require its immediate removal from the roadway or municipal property. In the event the permit holder fails to do so, the Borough may remove the roll-off container/dumpster. In such instance, the permit holder shall be responsible for all costs incurred by the Borough in doing so.

#### F. Miscellaneous provisions.

- (1) The user/permit holder shall be responsible for the repair of any street, sidewalk or curb damage caused by the placement, movement or removal of the roll-off container/dumpster, and shall place wood planks, boards or some other suitable protective barrier beneath the wheels and/or feet of the roll-off container/dumpster to ensure that there is a cushion between the roll-off container/dumpster and the roadway upon which it sits.
- (2) In the event that a roll-off container/dumpster is situated in the roadway the user/permit holder shall immediately remove it from the roadway at any time whenever snow has fallen and the accumulation is such that the snow covers the roadway. If the user/permit holder fails to do so, the Borough may remove the roll-off container/dumpster itself or cause a fine to be levied against the user/permit holder. In such instance, the permit holder shall be responsible for all costs incurred by the City in doing so and shall also be subject to the penalties for a violation of this article as provided herein.
- (3) Under no circumstance shall the placement of a roll-off container/dumpster be permitted on public street within the Borough of Kinnelon which is owned and managed by the County of Morris.

#### § 162-4 Exceptions to restrictions.

The following are exceptions to the restrictions set forth in § 162-3:

- A. Permitted temporary demolition containers placed on private property and on location for no more than 14 days. If the container is needed for a longer period the person in control of the container will notify the Borough and apply for a permit for said container; the cost of which will be consistent with that charged for a container placed on a public street. Any container that appears to be abandoned will be subject to removal by the Borough at the expense of the property owner on which the container is located
- B. Litter receptacles (other than dumpsters or other bulk containers);
- C. Individual homeowner trash and recycling containers;
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; and
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

#### § 162-5 Enforcement.

This chapter shall be enforced by the Police Department and/or Zoning Officer of the Borough of Kinnelon.

§ 162-6 Violations and penalties.

Any person violating this chapter shall be subject, upon conviction, to one or more of the following at the discretion of the court: a fine not to exceed \$1,000 or imprisonment in the County Jail for a term not to exceed 90 days or community service not to exceed 90 days.

**Section 2. Repealer.**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

**Section 3. Severability**

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Kinnelon declares that it would have passed the ordinance and each section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section 4. Effective Date.**

This ordinance shall take immediate effect upon passage and publication according to law.

Adopted \_\_\_/\_\_\_/\_\_\_ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Chirido						
Mabey						
Frank						
Lewis						
Reckler						
Harriz						

APPROVED:

\_\_\_\_\_  
JAMES FREDA, MAYOR

Attest:

\_\_\_\_\_  
KAREN IUELE  
Borough Clerk