

ORDINANCE 2023-16

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 170, "STREETS AND SIDEWALKS" ARTICLE IX, "PLACEMENT OF DUMPSTERS ON PUBLIC RIGHTS-OF-WAY, SIDEWALKS OR STREETS" SECTION 35, "APPLICATION FOR PERMIT; FEES; TERM; REGULATIONS," OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH.

WHEREAS, on July 22, 2009, the Borough of Kenilworth Municipal Council adopted Ordinance 2019-13, which instituted regulations of the Placement of Dumpsters on Public Rights-of-Way, Sidewalks and Streets; and

WHEREAS, the Borough of Kenilworth Municipal Council finds that it is in the best interests of the Borough and its citizenry to amend and modify such sections of its Fees as set forth in the Borough Code so that they are more consistent with the updated fees; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Kenilworth in the County of Union, New Jersey as follows:

SECTION 1. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 170, "Streets and Sidewalks," Article IX, "Placement of Dumpsters on Public Rights-of-Way, Sidewalks or Streets," Section 35, "Application for permit; fees; term; regulation," shall be amended as follows.

Note: Additions are shown in bold and underlined and deletions are shown as ~~strikethrough~~.

§ 170-35 Application for permit; fees; term; regulation.

B. The fee for obtaining a permit to place a dumpster in a public area shall be the sum of \$75~~125~~ for a thirty (30) day period or \$225 for a sixty (60) day period. Initial permits shall be issued on either 30-day or 60-day basis. The permit shall be valid for a period of 30 days and may be renewed for an additional thirty-day period for an additional charge of \$75.

(1) If an extension beyond the initial permit period is required, extensions shall be granted in thirty (30) day increments and an additional fee of \$125 for the 30-day extension is required.

(2) Requests for extensions for permits beyond a total of sixty (60) days require a written request to the Zoning Officer. The Zoning Officer will review all requests and reserves the right to approve or deny such request. Approved requests require an additional fee to cover the extended period at the rate designated in section B above.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

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Linda Karlovitch, Mayor

INTRODUCTION					COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X			JOSEPH FINISTRELLA						X
X		X			WILLIAM MAURO			X			
	X	X			SCOTT PENTZ		X	X			
		X			FRED PUGLIESE			X			
		X			SAVINO SCORESE			X			
		X			JOHN ZIMMERMAN	X		X			
Introduced: July 12, 2023					I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: August 16, 2023											
					 Angela Lazza ri , Borough Clerk						