ORDINANCE NO. #09:13-23
BOROUGH OF BELLMAWR

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF BELLMAWR, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO ESTABLISH CHAPTER 437, TITLED "TOILETS, OUTSIDE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELLMAWR

WHEREAS, the New Jersey Legislature has, pursuant to pursuant to N.J.S.A. 26:3-1 et seq. and N.J.S.A. 40:48-2, granted municipal governments power to permit the regulation and reception or storage of human excrement; and

WHEREAS, the Mayor and Council of the Borough of Bellmawr ("Borough" and/or "Bellmawr") has determined it is necessary to enact and enforce rules and regulations and issue permits for outside toilets

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bellmawr, in the County of Camden and State of New Jersey hereby creates Chapter 437 entitled "Toilets, Outside," of the Code of the Borough of Bellmawr, to read as follows:

SECTION 1:

§ 437-1 - Purpose.

A. The statues pertaining to the general municipal police power permit the regulation of reception or storage of human excrement. The Mayor and Council of the Borough of Bellmawr has determined it is necessary to enact and enforce rules and regulations and issue permits for outside toilets to promote the public health, safety and welfare of said Borough.

B. This chapter is enacted pursuant to N.J.S.A. 40:48-2.

§ 437-2 – Permit required.

It shall be unlawful for any person to use, construct, maintain, empty or clean any toilet of the type commonly known as "outside toilets" within the Borough, without first obtaining a permit from the Borough Code Official.

§ 437-3 – Definitions.

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

OUTSIDE TOILET

Outside lavatory, portable toilet, outhouse, or other similar device used for the reception or storage of human excrement, whether temporary or permanent in nature, except that chemical or portable toilets located on boats or recreational vehicles are specifically excluded from this definition.

§ 437-4 – Application for permit; contents.

A. Application requirement. Any individual, corporation, partnership, organization or other institution commonly recognized by law as a unit must complete an application obtained from the Code Official of the Borough before any permit shall be issued for the temporary use of an outdoor toilet. The original application shall be filed with the Code Official for review and

determination, and a copy is to be filed with the Borough Clerk.

B. Contents of application. The application for the permit shall contain the following information:

(1) Name and description of the applicant.

(2) Address (legal and local).

(3) Brief description of the basis for the request, proposed location, requested time of use, method of delivery, maintenance and cleanup, and party responsible for same.

(4) Street address, or if there is none, the lot and block number a shown on the Tax Map, where the outside toilet is to be located.

(5) Any other appropriate information which the Code Official may require by resolution.

§ 437-5 – Permit fee.

Where any individual, corporation, partnership, organization or other institution commonly recognized by law files an original permit application with the Code Official, with a copy to the Borough Clerk, said application shall be accompanied by a permit fee of $10, which shall be applied toward the administrative costs of enforcing this chapter. The Code Official may, in his or her discretion, waive permit fees for nonprofit, charitable, or other public-service-related entities or events.

§ 437-6 – Issuance of permit.

Upon receiving a completed application and permit fee, the Code Official shall immediately institute whatever reasonable investigation is necessary concerning the application in question. If satisfied, based upon that investigation, the Code Official may issue a temporary permit for the use of an outside toilet only for one of the following purposes:

A. Carnivals, fairs, and other similar public events; or

B. Construction sites; or

C. Where good cause is shown by the applicant to justify the issuance of a temporary permit.

§ 437-7 – Duration of permit.

No permit issued pursuant to this chapter shall be for more than a period of 20 days. The Code Official may, in his or her discretion, extend the period of permit effectiveness or allow permit renewals without additional fees for good cause shown.

§ 437-8 – Revocation of permit.

Where any permit holder fails to maintain the outside toilet in a healthy and sanitary manner so as to constitute a nuisance, or violates any of the provisions of this chapter, or any other ordinances of the Borough or State of New Jersey, in connection therewith, the permit may be revoked by the Code Official after reasonable notice and hearing.

§ 437-9 – Exceptions.

The provisions of this chapter shall not apply to the following:

A. Agricultural uses, being defined as farms, fields, bogs and farm labor camps, which are regulated by the State Department of Agriculture.

B. Retail commercial take-out businesses which have had, on a seasonal basis, portable toilets located on their property for the last two years.

C. County, state or other public agencies for the purposes of road work, emergency purposes, or as required under state law to be provided on such work site.

SECTION 2:

All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3:

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4:

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: September 12, 2023
Adopted: September 28, 2023

BOROUGH OF BELLMAWR

Charles J. Sauter, III

Charles J. Sauter, III, Mayor

ATTEST:

Francine M. Wright, RMC

Francine M. Wright, RMC, Borough Clerk

CERTIFICATION

I, Francine M. Wright, Clerk of the Borough of Bellmawr, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Mayor and Borough Council at their meeting of September 28, 2023, in the Municipal Building, 21 East Browning Road, Bellmawr, New Jersey.

Francine M. Wright, RMC

Francine M. Wright, RMC, Borough Clerk