

BOROUGH OF GLEN ROCK

ORDINANCE NO. 1909

AN ORDINANCE AMENDING CHAPTER 101, FEES, AND CHAPTER 150, PARKING, OF THE CODE OF THE BOROUGH OF GLEN ROCK TO ESTABLISH A PERMIT FOR THE USE AND OCCUPANCY OF MUNICIPAL PARKING LOTS FOR THE USE AND STORAGE OF REFUSE CONTAINERS AND FIXING A FEE THEREFOR

WHEREAS, the Borough of Glen Rock ("Borough") is the owner of certain real property located along Glen Avenue, commonly known as the Glen Avenue South Municipal Parking Lot, and shown and designated as Block 115, Lot 14 on the Tax Map of the Borough of Glen Rock; and

WHEREAS, the Borough maintains two enclosures for refuse containers, commonly referred to as "dumpsters," having room for seven (7) refuse containers, located within the southwest corner of said parking lot; and

WHEREAS, the Borough has heretofore permitted businesses in the vicinity to use such enclosures for the purpose of storing refuse containers for the use of their businesses; and

WHEREAS, the Borough wishes to establish a temporary license for the use of such enclosures for the storage of refuse containers, adopt rules and regulations for the use thereof and fix a fee for such use;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Glen Rock, Bergen County, New Jersey, as follows:

SECTION 1. Sec. 150-12 of Article III, Parking Lots, Restricted Parking, of Chapter 150, Parking, of the Code of the Borough of Glen Rock is hereby amended to read in full as follows:

"Sec. 15-12. Permits for Refuse Containers in Municipal Parking Lots

- A. There is hereby reserved a portion of the Glen Avenue South Municipal Parking Lot (Block 115, Lot 14), located within the southwest corner thereof, for the use and storage of refuse containers, commonly known as "dumpsters," by businesses which are issued a permit therefor in accordance with the term of this section.
- B. Permits shall be issued to businesses within the vicinity of the Glen Avenue South Municipal Parking Lot up to the spaces permitted, subject to payment of the permit fee required hereunder, execution of a Use and Occupancy Agreement and compliance with the regulations contained herein.
- C. Businesses issued a permit hereunder shall:
  - (1) execute a Use and Occupancy Agreement, of a form provided by the Borough, including an agreement to indemnify and hold harmless the

- Borough of Glen Rock, its officers, employees or agents from any and all damages or liability, including reasonable attorneys' fees and costs of suit, arising by reason of the permittee's use and occupancy of the premises and the use or storage of refuse containers,
- (2) furnish certificates of insurance issued by insurance companies licensed to do business within the State of New Jersey and acceptable to the Borough, naming the Borough of Glen Rock, its officers, agents and employees, as additional insureds, in such amounts as may be required by the Borough, and
  - (3) deposit with the Borough an escrow in such amount as determined by the Borough, to repair any damage done to the premises by reason of the permittee's use and occupancy of the premises and to pay any unpaid and past due permit fees.
- D. The term of the use and occupancy agreement shall be for one year running from January 1 to December 31 of each year, provided that the initial term shall run from July 27, 2023, to December 31, 2023.
- E. The annual permit fee shall be as set forth in Section 101-26 of Chapter 101, Fees, of the Code of the Borough of Glen Rock.
- F. The issuance of permits and the use and occupancy of municipal parking lots for the use and storage of refuse containers shall be subject to the following rules and regulations:
- (1) The permittee shall be responsible to obtain a refuse container at its own cost and expense and to arrange for the emptying and proper disposal of the contents thereof on at least a weekly basis or more often as is necessary to avoid the overflow of refuse upon the premises or the creation of odors or the attraction of vermin or other pests.
  - (2) All refuse shall be securely stored within the refuse containers, which shall be equipped with a closeable lid.
  - (3) No permittee shall place or discard refuse into any refuse container other than the refuse container for which a permit has been issued to the permittee.
  - (4) The permittee shall be responsible for any damage caused to the premises or to the enclosure located thereon by reason of the use and storage of its refuse container. Such responsibility shall extend to the acts or omissions of the waste hauler selected by the permittee to dispose of the permittee's waste or refuse.
  - (5) Permittees shall not suffer nor permit any hazardous substances to be placed or discarded within the refuse containers or upon the premises.
- G. The Borough of Glen Rock may revoke or terminate a permit or Use and Occupancy Agreement, with or without cause, upon thirty (30) days written notice. If the Borough elects to revoke or terminate the permit or use and occupancy agreement without cause, the Borough shall refund to the permittee the unused prorated portion of the permit fee. If the permit or use and occupancy agreement is revoked and terminated for the failure of the permittee to abide by the terms of the Use and Occupancy Agreement or violation of the rules and regulations, the permittee shall not be entitled to any refund of the permit fee.
- H. The Borough may use the escrow deposit to pay for any damage caused by the permittee or caused by the permittee's failure to abide by the terms of the Use

and Occupancy Agreement or violation of the rules and regulations or to pay any unpaid and past due permit fees.

- I. The Borough shall arrange for the sweeping of the premises on a bi-weekly basis and arrange for the power washing of the premises four (4) times per year.

SECTION 2. Chapter 101, Fees of the Code of the Borough of Glen Rock, is hereby amended to add thereto Section 101-26 to read as follows:

“Sec. 101-26. Permit Fees for the Use and Occupancy of Municipal Parking Lots for the Use and Storage of Refuse Containers

- A. There shall be an annual permit fee of \$1,800.00 per permitted refuse container for the period of January 1 to December 31 of each permit year, provided however, that the initial term for a permit issued following the effective date of this ordinance but on or before December 31, 2023, shall run from July 27, 2023, to December 31, 2023, and the permit fee therefor shall be fixed at \$900.
- B. There shall be an escrow deposit for damages in the amount of \$1,000.00. Should the escrow be used to pay for any damages sustained by the Borough and fall below the sum of \$500.00, the permittee shall restore said escrow to \$1,000.00. The escrow shall be carried over from year to year during which the permittee is issued a permit. Upon termination of the permit, the balance of the escrow shall be refunded to the permittee after deducting any damages or any unpaid and past due permit fees.”

SECTION 3. Severability.

If any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstances, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, modify or repeal the remainder of this ordinance.

SECTION 4. Inconsistency.

All ordinance or parts thereof, inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date.

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

\_\_\_\_\_  
Christine Morieko, Mayor

ATTEST:

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Jacqueline Scalia, Borough Clerk

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_