

**ORDINANCE NO. 3874-10**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, MORE PARTICULARLY CHAPTER 333, STREETS AND SIDEWALKS WITH THE ADDITION OF NEW ARTICLE VI, PERSONAL PROPERTY AND ARTICLE VII, ROLL-OFF DUMPSTERS AND ROLL-OFF CONTAINERS.**

**SUMMARY**

An Ordinance amending Code Chapter 333, Streets and Sidewalks with the addition of new Article VI, Personal Property and new Article VII, Roll-off Dumpsters and Roll-off Containers.

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, is hereby as follows:

**SECTION I**

Chapter 333, Streets and Sidewalks is hereby amended with the addition of the following new Articles:

It shall be unlawful to place large items of personal property, excluding motor vehicles, and including but not limited to portable or permanent basketball hoops, hockey goals and skateboard ramps on the public streets and rights-of-way of the Township. It shall also be unlawful for said items to be situated in such a manner as to require those utilizing said items to do so from the improved portion of the street.

Large items of personal property, excluding vehicles, and including but not limited to portable or permanent basketball hoops, hockey goals and skateboard ramps which are found on public streets and rights-of-way and which items do not have identification as to ownership of those items, shall be considered abandoned and subject to removal by the Police Department and/or the Department of Public Works.

**§333-60. Personal Property on Public Streets and Rights-of-Way with Identification of Ownership.**

Large items of personal property, excluding vehicles, and including but not limited to portable or permanent basketball hoops, hockey goals and skateboard ramps which identify their owner are also not allowed on the public streets and rights-of-way of the Township but the Township shall give 72 hours notice to said owner prior to removing the object as abandoned. The Township shall also be entitled to move said personal property onto the property of the indicated owner.

**§333-61. Confiscated Abandoned Personal Property.**

Abandoned personal property confiscated by the Township pursuant to this ordinance may be redeemed by the rightful owner upon payment of a fee of \$100.00, said fee calculated to cover the Township's cost in removing and storing the item. Any citizen who desires may request a hearing before a designee of the Township Manager to contest whether the item of personal property was properly removed as abandoned property. Said hearing shall be held within twenty-one (21) days of the request for a hearing.

**§333-62. Enforcement.**

All members of the Township Police Department, the Township Department of Public Works and the Zoning Inspector are authorized to file complaints for violations of this article.

**§333-63. Penalties.**

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be subject to the penalties as provided in Chapter 1, Article II, General

Penalty, at the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

**§333-64. Roll-off Dumpsters and Roll-off Containers Prohibited on Public Streets and Rights-of-Way without Permit.**

No person shall park or leave unattended any waste or refuse container, commonly known as a roll-off dumpsters or roll-off container, on the public streets and rights-of-way of the Township, except that a person may request a permit to park or leave unattended a roll-off dumpster or roll-off container on a public street or right-of-way when a hardship can be demonstrated.

**§333-65. Permit Required.**

- A. Any person requesting a permit to park or leave unattended any roll-off dumpsters or roll-off container on the public streets and rights-of-way of the Township shall submit a written request on the proscribed form to the Township Clerk at least 30 days in advance. The request shall include a drawing of the proposed location that the roll-off dumpster or roll-off container will be placed, its dimensions and the width of the street.
- B. Upon receipt of a written request, the Township Clerk shall forward it to the Chief of Police. The Chief of Police or his designee shall investigate the request and make recommendations as necessary to the Township Clerk.
- C. If approved, permission to place a roll-off dumpsters or roll-off container on the public streets and rights-of-way of the Township shall be for no more than 30 days, but may be renewed by the Township Clerk for one additional 30 day period upon application therefor. The fee for said permit shall be \$50.00 for each 30 day period.

**§333-66. Reflective Markers Required.**

To warn the operators of vehicles of the presence of a traffic hazard requiring the exercise of unusual care, any roll-off dumpsters or roll-off container parked on or along any public street or right-of-way shall be equipped with and 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 dumpsters 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.

**§333-67. Enforcement.**

All members of the Township Police Department, the Township Department of Public Works and the Zoning Inspector are authorized to file complaints for violations of this article.

**§333-68. Penalties.**

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be subject to the penalties as provided in Chapter 1, Article II, General Penalty, at the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

**SECTION II**

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court jurisdiction, such validity of unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION III**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION IV**

This ordinance shall take effect immediately upon adoption and publication according to law.

**ORDINANCE NO. 3874-10**

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, NJ.

Introduced:	March 9, 2010
Public Hearing:	April 13, 2010
Adopted:	April 13, 2010
Notice of Final Adoption:	April 20, 2010
Effective Date:	May 3, 2010

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Ann Marie McCarthy, Township Clerk