

Ordinance 2010-04

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AMENDING CHAPTER 28 “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING PORTABLE TOILETS

WHEREAS, the Zoning Officer has made certain recommendations to revisions to Chapter 28 of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Planning Board has reviewed and concurs with these recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

Section 1. Chapter 28 “Zoning” is hereby amended by adding the following:

A. Subsection 28-2-2 “Definitions” is amended to add the following definition:

“Portable Toilet” shall mean a toilet facility that is fixed on a movable stand; self-supporting without being firmly embedded in the ground; supported by other objects; mounted on wheels or movable vehicles, or made easily movable in some other manner.

B. Subsection 28-10-15 is added as follows:

Subsection 28-10-15 Portable Toilets.

a. PROHIBITED LOCATIONS:

1. It shall be unlawful and specifically in violation of this article for an owner, agent, contractor in charge of a construction or demolition site, both jointly and severally, to permit a portable toilet facility to be located in an area in violation of the minimum setback requirements for the zone in which the property is located.

2. Subject to the exceptions listed below, portable toilets shall be permitted to be located only on property where construction activity or demolition is taking place.

b. PERMITTED LOCATION:

Where practicable, the portable toilet shall be located on property so as to minimize visibility to a street or adjacent properties.

c. REMOVAL:

It shall be unlawful and specifically in violation of this article for any owner, agent, contractor in charge of a construction or demolition site, both jointly and severally, to permit any portable toilet facility to remain on the property site after completion of any construction or demolition project, or for a period of three (3) months, whichever shall first occur, unless extended, in writing, by the Zoning Officer.

d. EXCEPTIONS:

1. This article is not intended to restrict the use of portable toilet facilities on public property within the Borough if utilized in connection with a Borough-sponsored event.

2. Any portable toilet facilities utilized to accommodate the general public at a Borough event or utilized by a private resident for a private event, or utilized because a resident’s toilet facilities are deemed inoperable, shall be

removed from the property within seventy-two (72) hours of the conclusion of the event or a resident's facilities are restored to working order.

e. PERMITS:

1. A Zoning Permit shall be obtained from the Zoning Office prior to the placement of portable toilet facilities on any property located in the Borough.

f. ENFORCEMENT AND PENALTIES:

1. This Ordinance may be enforced by the Zoning Officer, Housing Inspector or Police Department of the Borough of Hightstown.

2. Any person found to be in violation of this Ordinance shall be subject to the penalty provided in Chapter 1, Section 5 of the *Revised General Ordinances of the Borough of Hightstown*.

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Introduction:: February 16, 2010

Adoption: March 1, 2010

DEBRA L. SOPRONYI,
MUNICIPAL CLERK

ROBERT F. PATTEN,
MAYOR