

July 1, 2014

Item No. 2

Ordinance No. 2091/14

The following Ordinance was moved by Ms. Adelson  
and seconded by Mr. Eramo :

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: STORAGE CONTAINERS.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 7, Article XIII, Sections 7-240 to 7-244 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended to read as follows:

“ARTICLE XIII. ROLL-OFF CONTAINERS;**STORAGE CONTAINERS**  
OR DUMPSTERS

Sec. 7-240. Legislative intent.

Proliferation in the use of roll-off containers, **storage containers** or dumpsters, by contractors who place them on public streets during construction work on adjacent property to serve as trash containers has become a matter of deep concern to the city council because of the potential hazard, primarily to motorists using public streets and particularly in the darkness of the night. This article is designed to regulate the use of these containers with safeguards clearly in mind for the overall protection of persons, property and the roadbed upon which the container or dumpster rests.

Sec. 7-241. Definitions.

[For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:]

*Commissioner* shall mean the commissioner of the department of buildings and property conservation of the city.

*Lessee-permit holder* shall mean the person renting the roll-off container or dumpster from the owner-lessor and who applies for and obtains the permit hereunder.

*Owner-lessor* shall mean the person owning or leasing to third parties the roll-off container or dumpster.

*Person* shall mean any individual, partnership, firm or corporation.

*Roll-off container* or *dumpster* shall mean the type of container usually associated with a vehicle containing hydraulic or mechanical capabilities to lift a prefabricated container from the ground onto the truck for transport purposes or to lift and dump the material contained therein into the body of said truck, the contents of which container is solid waste consisting of refuse, rubbish and other debris.

***Storage container shall mean a portable compartment in which goods and furnishings are placed, that can be loaded from one mode of transport to another, primarily for temporary storage purposes. Hazardous materials may not be placed in said containers.***

*Street or highway* shall mean a thoroughfare within the public domain not less than twenty (20) feet in width, curb to curb.

Sec. 7-242. Permit required.

It shall be unlawful and a violation of this article for any person to place a roll-off container **or a storage container** upon any public street within the city without first obtaining a permit therefor in accordance with the requirements prescribed by this article.

Sec. 7-243. Application for permit.

The commissioner may issue a permit for the use of a roll-off container **or a storage container** as a temporary street obstruction prior to the placement thereof, upon written application by either the owner-lessor or lessee-permit holder, provided that:

- (a) The street upon which the roll-off container shall rest meets the minimum width requirement of twenty (20) feet, curb to curb.
- (b) The roll-off container or dumpster can be effectively placed parallel to the curb so that no part of the container shall extend into the street more than eight (8) feet six (6) inches from the adjacent curb.
- (c) The roll-off container shall have thereon a permanent installation of not less than sixteen (16) square feet of diagonal reflectorized stripping material at each end of the container facing opposing traffic; and the roll-off container shall also have permanently stenciled or printed thereon, in English letters at least two (2) inches in height, the name, address and telephone number of the owner-lessor.
- (d) Each application shall be accompanied by a certificate of insurance either from the owner-lessor or the lessee-permit holder, indicating public liability coverage insuring the city as a named insured in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including wrongful death to any person, and subject to the same limit for each person, in an amount not less than three hundred thousand dollars (\$300,000.00) on account of each occurrence; and a certificate of insurance either from the owner-lessor or the lessee-permit holder indicating property damage insuring the city as a named insured in an amount not less than fifty thousand dollars (\$50,000.00) on account of any occurrence, and in an aggregate amount not less than one hundred thousand dollars (\$100,000.00).
- (e) A filing fee in the amount of seventy-five dollars (\$75.00) shall accompany each application for a permit hereunder.

(f) The commissioner shall have the authority to deny the issuance of a permit hereunder if, in his judgment and discretion, he determines that the placement of a roll-off container **or storage container** at any street location shall constitute a public nuisance and hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.

(g) A permit issued **for a roll-off container or a dumpster** under this article shall expire six (6) weeks from the date of its issuance, and may be extended for an additional thirty (30) days upon written application therefor and compliance with all of the requirements of this section.

Sec. 7-244. Regulations.

(a) Both the owner-lessor and the lessee-permit holder shall be fully liable and responsible for compliance with all of the requirements and regulations of this article.

(b) No roll-off container or dumpster shall be permitted to remain on any street or highway in the city at any time between 5:00 p.m. on Friday and 8:00 a.m. on Monday; and if Friday or Monday shall be a holiday, the aforesaid prohibited time period shall start twenty-four (24) hours sooner or be extended for an additional twenty-four (24) hours, to include the day of the holiday.

**(b) (a) No storage container shall be permitted to remain on any street or highway in the city for a time period of more than one hundred eighty (180) days.**

(c) Both the owner-lessor and the lessee-permit holder shall be liable and responsible for the repair of any street, sidewalk and/or curb damaged by the placement, movement, use or removal of any roll-off container or dumpster.

(d) Such container or dumpster shall at all times be so placed or positioned that it shall be parallel to the curb, and so that no part of the container shall extend in to the street more than eight (8) feet six (6) inches from the adjacent curb, and so that it shall not obstruct any part of the sidewalk or the sidewalk areas adjacent to the street.

(e) The contents of each such container shall be emptied and disposed of before the contents reaches the container's water line.

(f) No garbage or kitchen waste shall be deposited in any such roll-off container or dumpster.

(g) The permit described in section 7-243 of this article shall be conspicuously posted on the site of the work for which the container is being used, at the location for which the permit was issued.

Sec. 2. This Ordinance shall take effect immediately.