

BOROUGH OF MOUNT OLIVER

ORDINANCE NO. 972

AN ORDINANCE OF THE BOROUGH OF MOUNT OLIVER AMENDING THE MOUNT OLIVER BOROUGH CODE OF ORDINANCES BY ESTABLISHING REGULATIONS AND REQUIRING PERMITS FOR THE PLACEMENT AND USE OF BULK STORAGE CONTAINERS AND DUMPSTERS WITHIN THE BOROUGH

- I. The Borough Council of the Borough of Mount Oliver hereby ordains that a new Chapter be added to the Mount Oliver Code of Ordinances, to read as follows:

Bulk Storage Container and Dumpster Permits

§1. Permit Required. From and after the effective date of this Part, it shall be unlawful for any person, firm or corporation to place or maintain a bulk storage container or dumpster, as defined herein, within the Borough without having first procured a permit therefore as provided in this Part.

§2. Definitions.

BULK STORAGE CONTAINER – A portable device or container intended for the temporary storage of personal property or construction materials, including but not limited to containers commonly known as POD's.

DUMPSTER – Any uncovered, wheeled or otherwise movable receptacle utilized for the storage and/or collection of refuse, trash, debris or other solid waste materials in connection with construction, remodeling or restoration, including but not limited to "roll off boxes" and smaller dumpster bags known as "bagsters", but not to include standard garbage or trash containers used in the course of routine periodic trash collection year round.

§3. Bulk Storage Containers.

- A. No bulk storage container may be placed or maintained by any private party in or on any Borough property street or right-of-way except in compliance with the provisions of this Chapter and pursuant to a permit issued by the Borough Public Works Director. No bulk storage container may be placed or maintained on any private property within the Borough except in compliance with provisions of this Chapter and pursuant to a permit issued by the Borough Code Enforcement Officer.
- B. Any container to be placed on a street or right-of-way shall be placed on the street in a legal parking space, not designated for use

as a handicap parking space, as designated by the Borough Public Works Director and shall be equipped with appropriate reflectors or other safety markings so that the container shall not constitute a hazard to traffic. The Borough Public Works Director in the exercise of his or her discretion may direct that additional safety markings be added, and may direct that the location of such markings be supplemented or altered if it is determined that such actions are necessary for the protection of the motoring public. The Borough Public Works Director may also determine that a different location is required in order for the protection of the motoring public, and may require a wood pad at least $\frac{3}{4}$ of an inch in thickness or other material deemed appropriate by the Public Works Director be placed under the bulk storage container, so as to not damage the public right of way.

- C. A bulk storage container permit may be issued for a period not to exceed 14 consecutive days, subject to extensions as provided herein.
 - 1. A 10 day extension of the time limit in this Section may be obtained by written request, stating the cause for the extension. A request for extension shall be granted if there is any evidence that the applicant is diligently pursuing completion of the activity for which the container is required.
 - 2. Up to three extensions may be granted pursuant to this Section. Each request for an extension shall be accompanied by a fee of \$25.00, which fee may be adjusted from time to time by Resolution of the Borough Council.
 - 3. Bulk storage containers placed in the Borough street or right-of-way shall be removed within 24 hours of completion of the project for which they have been obtained.
- D. A bulk storage container shall be no larger than 12 feet wide, 16 feet long and 8 feet high.
- E. Any bulk storage container placed on private property shall be placed on a suitable base to assure stability.
- F. No bulk storage container may be used to store solid waste or construction debris.

- G. The owner of the property and the contract arranging for use of the bulk storage container on a Borough street or right-of-way shall be jointly responsible for any public property, street, curb, gutter or other public infrastructure damage.
- H. During the winter snow season, defined for the purpose of this Ordinance is a period November 1 to the next following April 1, the Director of Public Works may at his or her discretion grant or deny a permit for a location of a bulk storage container upon a Borough street or right-of-way. If a permit is granted, the Director of Public Works may attach appropriate conditions to require immediate removal should the necessities of winter maintenance so require.

§4. Dumpsters.

- A. No dumpster may be placed or maintained by any private party in or on any Borough property street or right-of-way except in compliance with the provisions of this Chapter and pursuant to a permit issued by the Borough Public Works Director. No dumpster may be placed or maintained on any private property within the Borough except in compliance with provisions of this Chapter and pursuant to a permit issued by the Borough Code Enforcement Officer.
- B. Any container to be placed on a street or right-of-way shall be placed on the street in a legal parking space, not designated for use as a handicap parking space, as designated by the Borough Public Works Director and shall be equipped with appropriate reflectors or other safety markings so that the container shall not constitute a hazard to traffic. The Borough Public Works Director in the exercise of his or her discretion may direct that additional safety markings be added, and may direct that the location of such markings be supplemented or altered if it is determined that such actions are necessary for the protection of the motoring public. The Borough Public Works Director may also determine that a different dumpster location is required in order for the protection of the motoring public, and may require a wood pad at least $\frac{3}{4}$ of an inch in thickness or other material deemed appropriate by the Public Works Director be placed under the dumpster, so as to not damage the public right of way..
- C. The owner of the property associated with the use of the dumpster or the contractor arranging for use of the dumpster shall provide the Borough with satisfactory proof of liability insurance covering any claims or losses for property damage or personal injury

resulting from or occasion by the placement of the dumpster, in an amount of not less than \$100,000. Said insurance shall name the Borough as an additional insured.

- D. A dumpster permit may be issued for a period not to exceed 14 consecutive days, subject to extensions as provided herein.
 - 1. A 10 day extension of the time limit in this Section may be obtained by written request to the Borough official who granted the permit, stating the cause for the extension. A request for extension shall be granted if there is any evidence that the applicant is diligently pursuing completion of the activity for which the container is required.
 - 2. Up to three extensions may be granted pursuant to this Section. Each request for an extension shall be accompanied by a fee of \$25.00, which fee may be adjusted from time to time by Resolution of the Borough Council.
 - 3. All dumpsters must be removed within 48 hours of being full. For the purpose of this Ordinance, "full" is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides.
 - 4. Dumpsters placed in the Borough street or right-of-way shall be removed within 24 hours of completion of the project for which they have been obtained.
- E. The owner of the property and the contract arranging for use of the dumpster on a Borough street or right-of-way shall be jointly responsible for any public property, street, curb, gutter or other public infrastructure damage.
- F. During the winter snow season, defined for the purpose of this Ordinance is a period November 1 to the next following April 1, the Director of Public Works may at his or her discretion grant or deny a permit for a location of a dumpster upon a Borough street or right-of-way. If a permit is granted, the Director of Public Works may attach appropriate conditions to require immediate removal should the necessities of winter maintenance so require.

§5. Permit Application and Procedure.

- A. Applications for a permit for a bulk storage container or dumpster shall be filed initially with the Borough Code Enforcement Officer.

All applications for a bulk storage container or dumpster located on a Borough street shall be referred to the Public Works Director for review and action. All applications for bulk storage containers or dumpsters located on private property shall be referred to the Borough Code Enforcement Officer for review and action.

1. The application shall require, among other things, the full name, address and other contact information for the owner of the property for which the container or dumpster is being supplied, as well as the full name, address and other contact information for the person or entity supplying the container or dumpster.
 2. The application shall be accompanied by a permit fee of \$50.00 or such other amount as may be adopted by Resolution of the Borough Council.
- B. Any permit issued for the placement of a bulk storage container or dumpster shall be valid for a period of 10 days and a sticker or notice or copy of such permit shall be permanently displayed on the property associated with the use of the container or dumpster, indicating the commencement and expiration date of the permit.

§6. Exceptions: Variances for Further Extension of Time.

- A. Applications for extensions of time beyond those specified in §§13-1004 and 13-1005 of this Part shall be made to the Borough official who issued the original permits.
1. The application shall contain full identifying information regarding the container or dumpster, the permit number, the time it has been at the site and the reason for its use. The application shall contain a narrative statement of the hardship that will result without additional time and a fixed completion date by which it is proposed that the container or dumpster will be removed.
 2. The application shall be accompanied by a fee of \$25.00 or such other amount as may be set by Resolution of the Borough Council.
- B. Applications shall be reviewed by the Borough official who issued the original permit for a determination to be made as to whether an additional extension shall be granted, and the duration of that extension. In considering such an application, the following factors shall be considered:

1. The length of time the container or dumpster has been in place;
2. The reason for the container or dumpster and the reasonableness of the time allotted under this Part for completion of that purpose in light of all surrounding circumstances;
3. The location of the container or dumpster with respect to blocking or interfering with the efficient parking or passage of traffic;
4. Whether the presence of the container or dumpster has impacted the enjoyment of neighboring property or the public;
5. Whether delay in completing the work or project for which the bulk storage container or dumpster is necessary is beyond the reasonable control of the user of the container or dumpster;
6. The additional time reasonably necessary to complete the work or project; and
7. Such other factors as may be related to the health, safety and welfare of the Borough.

§7. Responsibility. The person contracting for the use of the bulk storage container or dumpster, the supplier of the bulk storage container or dumpster and the owner of the property associated with the use of the bulk storage container or dumpster shall all be responsible for compliance with the provisions of this Part.

§8. Violations and Penalties.

- A. Violations of this Part or any conditions of a permit issued pursuant to this Part shall be subject to a fine of not more than \$1,000, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.
- B. Any bulk storage container or dumpster left on Borough property, streets or rights-of-way, after expiration of a permit shall be subject to removal by the Borough, without further notice. Costs incurred by the Borough in connection with the removal of any

such bulk storage container or dumpster, including legal expenses, may be recovered against the person contracting for the use of the container or dumpster, the owner of the property with which the container or dumpster is associated, or the supplier of the bulk storage container or dumpster by any means available at law, including but not limited to filing a municipal claim pursuant to 43 P.S. § 7101, et seq., for the cost of such work, including interest at 6% per year plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the removal work and the filing of a claim by the Borough.

§9. Appeals. Any person aggrieved by a decision with respect to a permit or permit extension may appeal such decision by filing a written notice of appeal with the Borough Secretary within ten (10) days of the date of the decision being appealed from. The notice of appeal shall include a statement of the grounds for appeal and be accompanied by the payment of a nonrefundable appeal fee in the amount of \$50.00 or such other amount as may be set by Resolution of the Borough Council. A timely appeal will result in the opportunity for a Local Agency Law hearing held by the Borough Council or its designee. The appellant shall further accompany the notice of appeal with a deposit of \$300.00 to cover the cost of a court reporter at such hearing and the cost of any advertisement of same. The appellant shall reimburse the Borough for the amount by which court reporter and advertising costs exceed \$300.00, and shall be entitled to a refund on any part of the deposit not needed to cover actual court reporter and advertising costs.

§10. Rules & Regulations. The Borough Council by Resolution may adopt rules, regulations and forms to be used by the Borough and its officials in implementing and enforcing this Ordinance.

- II. If any provision or part of this Ordinance is for any reason held to be legally invalid, such decision shall not affect remaining portions of this Ordinance and they shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared severable.
- III. In the event of any inconsistency between the provisions of this Ordinance and any prior Ordinance, the provisions hereof shall be determined to govern.
- IV. This Ordinance shall take effect upon adoption.

This Ordinance ORDAINED AND ENACTED INTO LAW by the Borough Council of the Borough of Mount Oliver at a duly assembled public meeting this 20th day of August, 2018.

ATTEST:

BOROUGH OF MOUNT OLIVER


Borough Manager

By: 
President, Borough Council