

ORDINANCE NO. 452 - 2018

AN ORDINANCE OF THE BOROUGH OF SHOEMAKERSVILLE, BERKS COUNTY, PENNSYLVANIA ADOPTING AND ENACTING RULES AND REGULATIONS FOR THE PLACEMENT OF DUMPSTERS WITHIN THE BOROUGH OF SHOEMAKERSVILLE AND TO ALLOW FOR THE PLACEMENT OF PORTABLE ON DEMAND STORAGE UNITS WITHIN THE BOROUGH OF SHOEMAKERSVILLE SUBJECT TO THE LIMITATIONS STATED HEREIN

WHEREAS, the Borough of Shoemakersville is duly organized Borough, incorporated pursuant to the laws of the Commonwealth of Pennsylvania; and

WHEREAS, Dumpsters are a necessary part of the process of building, demolishing, restoring, or remediating all manner of residential properties; and

WHEREAS, the Borough has seen the proliferation of portable on demand storage units as a convenient means of temporarily storing belongings as a part of the process of moving or concurrent with a home renovation or natural disaster; and

WHEREAS, it is the intent and desire of the Borough Council through this ordinance to allow the placement of Dumpsters, and to permit the use of portable on-demand storage units, but subject to reasonable limitations as set forth herein,

BE IT ORDAINED AND ENACTED by the Council of the Borough of Shoemakersville, Berks County, Pennsylvania, and it is hereby ordained and enacted by the same as follows:

SECTION 1. TITLE AND BACKGROUND. The short title of this Ordinance shall be "The Dumpster and Portable On-Demand Storage Unit (PODS) Placement Ordinance", and the same may be cited in that manner, and the Background of this Ordinance is as set forth above in the WHEREAS clauses, which are incorporated herein by reference.

SECTION 1. Definitions.

A. **PORTABLE ON-DEMAND STORAGE UNITS** or PODS – Portable containers that are placed on or in front of a property for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike trailers typically attached to semi-trucks for transport, portable storage units must be no larger than 8' X 8' X 16'.

B. **DUMPSTER** - a unit designed for the deposit of waste materials at a building, commonly located on a temporary basis on a highway abutting the site and the transportable to and from the site for the purposes of disposal of its contents by means of a carrying vehicle.

C. **HIGHWAY**-Any public street, avenue, alley or other thoroughfare within the Borough of Shoemakersville

D. PERMITTEE - A person who obtains or is required to obtain a permit under this Article.

E. PERSON- Any natural person, firm, partnership, corporation, association or similar entity.
Permit Required

Section 2. Placement and Use Regulations

- A. A Dumpster or POD placed upon a highway shall not extend into the travel lane.
- B. A Dumpster or POD placed upon a highway shall bear reflective markings in sufficient positions and with sufficient capacity to provide reasonable warning to approaching nighttime traffic of its location.
- C. No highway shall be closed for the purpose of location or utilization of a Dumpster or POD.
- D. Location and utilization of a Dumpster or POD upon a highway shall not be such as to constitute a safety hazard to person or property.
- E. Where a Dumpster or POD is placed upon a portion of a highway within a parking meter zone, the Borough Code Enforcement Officer or Public Works Supervisor must approve the location.
- F. Location and utilization of a Dumpster or POD upon a highway shall be in compliance with all other federal, state and local statutes, rules and regulations applicable thereto.
- G. Each of the Dumpster or POD rollers or wheels (if any) must be placed upon a wood pad at least $\frac{3}{4}$ of an inch in thickness so as not to damage the highway surface.
- H. The Permittee shall provide a copy of the waste hauler's certificate of insurance listing the Borough an additional insured, as well as proof of their own liability insurance (homeowner's insurance) in a minimum amount of \$300,000.00.
- I. The Permittee shall execute an indemnity agreement, in a form reasonably acceptable to the Borough of Shoemakersville, promising to indemnify, save harmless and defend the Borough, its officials, agents, servants, and employees and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorney's fees for or on account of any injury or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of the Dumpster or POD on the highway.
- J. Only one (1) Dumpster or POD per property will be permitted on any highway of the Borough of Shoemakersville
- K. Dumpster or POD shall be clearly marked with the owner's name, address and telephone number.
- L. If a chute or similar object is constructed to be used with a Dumpster or POD, it must be deemed structurally sound by the Borough Code Enforcement Officer or Public Works Supervisor and an insurance liability certificate in the same amounts as in Item H. above shall be provided.

Section 3. Time Limit.

- A. A Dumpster or POD may remain on a property for 30 days, with up to two (2) 30-day extensions pursuant to the permitting provision below. Absent an emergency condition, in no event shall a Dumpster or POD remain on a property in excess of 90 days in one twelve month period.

B. When the need for the Dumpster or POD is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage) then in such instance the Dumpster or POD may remain for the length of time necessary to remove the debris as determined by the Code Enforcement Officer. In such instances, the use of the Dumpster or POD is not counted towards the limit of three times per twelve month period.

C. Use during natural disaster.

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the Permittee, one or more Dumpsters or PODS may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for the principal structure(s) or twelve months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

Section 4. Sanitation. The following requirements shall be maintained while the Dumpster or POD is

on or at the site:

- A. The area around the Dumpster or POD shall be kept free of debris and litter;
- B. Any Dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within twenty-four (24) hours; and
- C. Any Dumpster or POD producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.
- D. A full Dumpster shall be removed from the property within two (2) days.

Section 5. Usage

A Dumpster shall only be used to contain and remove debris and material generated at the location where the Dumpster is placed.

Section 6. Identification.

The name and telephone number of the owner of the Dumpster or POD and/or the company that is responsible for the Dumpster or POD shall be displayed in a weather proof manner on the Dumpster or POD.

Section 7. Abatement.

Any Dumpster or portable on-demand storage unit not in compliance with this ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the Dumpster and/or portable on-demand storage unit as the case may be.

Section 8. Violations; penalties.

A. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Three Hundred Dollars (\$300.00) plus Fifty Dollars (\$50) per

day the violation continues.

B. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

C. Revocation of Permit

Without limitation as to utilization of any other remedy or action available to the Borough, at law or in equity, civil or criminal, noncompliance with any of the regulations set forth in this Article shall be grounds for revocation by the Borough Code Enforcement Officer or the Borough Public Works Supervisor of the permit issued pursuant to this Article as shall any material false statement or omission made in connection with the application for the permit.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective five (5) days from the date of enactment/at the earliest date permitted by law.

DULY ENACTED AND ORDAINED this 4th day of December, 2018.

BOROUGH OF SHOEMAKERSVILLE

BY: Chris M. Kline

Chris M. Kline, President of Borough Council

ATTEST: Melissa Wagner

Melissa Wagner, Borough Secretary

APPROVED this 4th day of December, 2018.

Dustin Remp
Dustin Remp, Mayor