

ORDINANCE NUMBER 2023-03

AN ORDINANCE OF THE BOROUGH OF MILLERSTOWN, PERRY COUNTY, PENNSYLVANIA REGULATING THE USE AND PLACEMENT OF DUMPSTERS AND PORTABLE STORAGE CONTAINERS AND PROVIDING FOR A PERMIT REQUIREMENT AND A PERMIT PROCEDURE.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Millerstown, Perry County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the Authority of the same as follows:

SECTION 1: DEFINITIONS

For the purposes of this chapter, the following terms shall have the meaning ascribed to them herein:

BULKY WASTE

Stoves, refrigerators, water tanks, washing machines, appliances, furnaces, plumbing equipment (e.g., toilets, sinks, tubs), furniture and other waste materials.

CONSTRUCTION DEBRIS

Conventional building materials waste resulting from building construction, remodeling, repair and/or demolition operations, such as lumber, drywall and flooring.

DUMPSTER

A device or container one cubic yard or larger used or intended for the storage of bulky waste, construction debris, refuse, and like materials.

HAZARDOUS MATERIAL

Material which is hazardous, volatile, highly inflammable, radioactive, or otherwise dangerous, including asbestos fibers, infectious waste, all petroleum-based distillates, liquids, gases and suspensions, alcohol-based liquids, and any other material which, under any federal, state, or Borough law must be disposed of in any manner other than by being placed in a sanitary landfill.

ORGANIC WASTE

Waste (animal, vegetable and/or other matter) that results from the use or consumption of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, discarded cans and other food containers

and all putrescible or decomposable waste animal or vegetable matter which is likely to attract flies, rodents or other pest), manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

PERMIT

A permit issued by the Code Official or a designated representative authorizing the temporary placement of a dumpster or portable storage container in or upon a street or public grounds or upon private property.

PORTABLE STORAGE CONTAINERS (HEREINAFTER SOMETIMES REFERRED TO A "PSC")

Enclosures used for storing items on a temporary basis. A PSC shall not include a container customarily used for household waste and debris. A PSC shall not include a dumpster.

REFUSE

Any and all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, discarded mattresses, discarded clothing, shoes and boots, waste pulp and other products such as are used for packaging or wrapping ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not otherwise included in the definitions herein.

SECTION 2: TEMPORARY PLACEMENT OF DUMPSTERS OR PSCs WITHIN PUBLIC RIGHTS-OF-WAY OR UPON PRIVATE PROPERTY

It shall be illegal for any person to place one or more dumpsters or PSCs in or upon any street or public grounds or upon private property without first having obtained a permit.

SECTION 3: DUMPSTER PERMIT APPLICATION

- A. Every person seeking to place one or more dumpsters or PSCs in or upon a street or public grounds or upon private property shall apply to the Code Official or a designated representative for a permit. No permit shall be issued for placement of one or more dumpsters or PSCs on a street or public grounds unless placement on private property is not reasonable feasible.

- B. There shall be no fee for the first fifteen (15) days of the duration of any permit. A fee of ten dollars (\$10.00) shall be charged for any extension of the first permit. (Extensions are limited to fifteen (15) days.)
- C. Every applicant for a permit to place one or more dumpsters or PSCs upon a street or public grounds shall be responsible for repairing any damage caused by the applicant's use of the street or public grounds for such purpose.
- D. Application for a permit must be submitted to the Code Official or a designated representative at least seven (7) days prior to the proposed placement.
- E. Each permit holder shall allow access to private property by the Code Official during reasonable hours of the day to verify compliance with the applicable provisions of this chapter.
- F. By applying for a permit, each applicant agrees to allow access to private property to the extent necessary to verify compliance with the provisions of this chapter.

SECTION 4: DURATION OF PERMITS

- A. Permits issued for placement on streets and/or public grounds shall be limited in duration to fifteen (15) business days.
- B. The duration of permits may be extended for good cause shown at the discretion of the Code Official or a designated representative up to a maximum of thirty (30) total days for placement on streets and/or public grounds or private property within each twelve (12) month period measured from the issuance of the first permit.

SECTION 5: GENERAL RESTRICTIONS AND REQUIREMENTS

- A. No dumpster or PSC shall be transported, emptied or serviced between the hours of 9:00 p.m. and 7:00 a.m. on any day; nor shall any mechanical, hydraulic or electrical loader, compactor, packer or conveyor be utilized during such hours.

- B. No dumpster shall be filled beyond the top of such dumpster. Dumpsters shall be emptied as soon as practicable when full.
- C. No dumpster shall be filled by means of a chute, conveyor, belt, or other device, located in, above, on or across a street, or by dropping or throwing items in, above, on or across a street, unless the permit authorizing placement of such dumpster specifically authorizes such method.
- D. When not in use, all dumpsters shall be covered with a tarpaulin or otherwise secured, as approved by the Code Official or a designated representative, to prevent debris from blowing out of the container. Trash shall be secured to ensure it is properly contained.
- E. Only one (1) dumpster or PSC may be placed on any property at one time unless the Code Official shall determine there is good cause for permitting more than one (1) at a time.
- F. All dumpsters and PSCs shall be in a condition free from rust, peeling paint and other forms of deterioration.
- G. The dumpster and/or PSC must not contain any excessive advertising beyond the identification of the company name and phone number of the company which placed the container on the property.
- H. The use of a PSC shall not be for the storage of any commercial- or business-related items. The use of a PSC must be for temporary relocation of items from or for the premises the permit indicates only. No household items from any locations other than the premises indicated on the permit (the premises on which the PSC is located) can be stored in the PSC. A PSC is not a shed and shall not be used as a shed.
- I. Hazardous materials including flammable and biohazard substances shall not be stored in any PSC.
- J. No trash or debris shall be stored in any PSC.
- K. No dumpster or PSC shall exceed 40 cubic yards in area.

SECTION 6: GENERAL PLACEMENT; VISIBILITY

- A. The Code Official or a designated representative must approve the proposed location of any dumpster or PSC placed in or upon a street or public grounds. Such units shall not be placed in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.
- B. Dumpsters and PSCs placed in or upon a street or public grounds shall be visible at night from all angles of traffic flow. Means to provide nighttime visibility include but are not limited to the use of reflecting tape at least two inches in width, reflectors, cones or other methods approved by the Code Official or a designated representative.

SECTION 7: LOCATION IN RESIDENTIAL DISTRICTS

- A. Dumpsters and PSCs are prohibited from being placed on the streets or the front yard of a property, where it is practicable to locate the dumpster or PSC elsewhere on the property in the opinion of the Code Official.
- B. No dumpster or PSC shall be placed on a side yard of a corner property which fronts a street, where it is practicable to locate the dumpster elsewhere on the property in the opinion of the Code Official.
- C. Dumpsters and PSCs shall not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shutoff valves, and for fire protection.

SECTION 8: EMERGENCY REMOVAL

In the event of an emergency, any dumpster may be removed by the Borough or a designated representative, and/or police or fire

personnel. The Borough shall not be liable for any loss or damage caused by such emergency removal.

SECTION 9: USE RESTRICTIONS

- A. No hazardous material or organic waste shall be placed in a dumpster or PSC.
- B. It shall be the responsibility of the permit holder to maintain the dumpster and/or PSC free of any rodents, vermin or insects.
- C. Any person who violates the restrictions set forth herein shall be personally liable for such actions. This liability is in addition to any criminal sanctions that may be imposed.

SECTION 10: VIOLATIONS AND PENALTIES

Any person who shall violate this article shall be subject to a judgement in the amount not to exceed \$1,000.00, which said penalty and/or fine shall be set by the District Judge. Each day that the order to connect is violated or that the property owner fails to comply with same shall constitute a separate and distinct violation.

SECTION 11: REPEALER

All Ordinances, or parts of Ordinances of the Borough which shall be inconsistent with this Ordinance shall be and the same expressly are, repealed.

SECTION 12: EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED, this 7th day of August,
2023.

ATTEST

MILLERSTOWN BOROUGH COUNCIL

Karen Kneiff
Secretary

Robt J. S. S. S. S.
President of Council

EXAMINED AND APPROVED THIS 7th day of August,
2023.

BY: John R. Kerns
Mayor