

BOROUGH OF PINE GROVE

SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 466

**AN ORDINANCE OF THE BOROUGH OF PINE GROVE FURTHER AMENDING
ORDINANCE NO. 465 FOR THE PURPOSE OF REGULATING DUMPSTERS AND
PORTABLE STORAGE DEVICES IN THE BOROUGH.**

SHORT TITLE: DUMPSTER ORDINANCE

WHEREAS, the Council of the Borough of Pine Grove has determined that reasonable regulation of congestion and obstructions on streets and sidewalks in the Borough is necessary to protect the safety of persons or property; that certain streets and sidewalks in the Borough are subject to periodic obstruction by the placement thereon of Dumpsters/ Portable Storage Devices as herein defined; that, to alleviate the problems caused by Dumpsters and Portable Storage Devices and for the safety and protection of the residents of Pine Grove Borough, the Pine Grove Borough Council finds it necessary to impose regulations and penalties for the use of said Dumpsters/Portable Storage Devices.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Pine Grove, Schuylkill County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same, that Ordinance No. 465 adopted 12/09/21 shall be amended as follows:

SECTION I

DEFINITIONS:

DUMPSTER

Any container used for temporarily holding materials or for the deposit of waste materials, 10-40 cubic yards and not residential or commercial refuse containers, commonly located on a temporary basis on a highway, sidewalk, residential or commercial property and transportable to and from the site for purposes of disposal of its contents by means of a carrying vehicle.

LESSEE

A property owner or agent thereof who leases a dumpster.

LESSOR

One who rents a dumpster or dumpsters to another.

OWNER

One who owns a dumpster or dumpsters.

PERMITTEE

A person who obtains or is required to obtain a permit under this article.

PERSON

Any individual, firm, partnership, association, corporation or similar entity.

PORTABLE STORAGE DEVICES/PODS

Any item placed in a street that is not a motor vehicle as defined by the Pennsylvania Vehicle Code, or a temporary dumpster, including, but not limited to, containers commonly known as "portable storage devices" or "PODS".

STREET

A street which is a part of the general road and street system of the Borough.

SIDEWALK

A sidewalk parallel to a street forming a part of the public road or street system of the Borough.

SECTION II**PERMITS:**

No person shall place upon, cause to be placed upon or permit to remain upon a public street, sidewalk, or private property within the Borough a Dumpster and/or Portable Storage Device without first obtaining a permit therefore from the Borough.

A) Public Street or Sidewalk.

For any Dumpster and/or Portable Storage Device placed on a public street or sidewalk, the placement of the Dumpster/Portable Storage Device must be approved by the Chief of Police or his/her designee. The duration of such permit shall be fourteen (14) days and the continued validity of such permit shall be contingent upon full compliance with the regulations set forth below. If the applicant requires additional time, a second permit can be obtained for up to fourteen (14) additional days and a second permit fee paid for any Dumpster and/or Portable Storage Device placed on a public street or sidewalk. No more than two consecutive permits shall be issued

by the Borough for any Dumpster(s) and/or Portable Storage Device(s) placed upon a public street or sidewalk without permission of the Mayor or Borough Council. After the expiration of the second permit, the Dumpster and/or Portable Storage Device must be removed from the Borough within twenty-four (24) hours.

B) Private Property.

For any Dumpster and/or Portable Storage Device placed on private property, the duration of such permit shall be thirty (30) days. If the applicant requires additional time, a second permit can be obtained for up to thirty (30) additional days and a second permit fee paid for any Dumpster and/or Portable Storage Device placed on private property. No more than two consecutive permits shall be issued by the Borough for any Dumpster(s) and/or Portable Storage Device(s) placed upon private property without permission of the Mayor or Borough Council.

C) Permit Fees and Deposit Charges.

The price or cost for a Dumpster and/or Portable Storage Device permit, including any deposit charges, shall be in an amount as established from time to time by resolution of Borough Council. Upon expiration of a second permit, permits may be renewed for thirty-day increments at the discretion of the Mayor or Borough Council if, in their opinion, the work has not been completed or abandoned, or if it is deemed to be in the best interests of the public. The cost of a renewed Dumpster and/or Portable Storage Device permit shall be equal to the cost of the initial permit.

SECTION III

PLACEMENT AND USE REGULATIONS FOR DUMPSTERS/PORTABLE STORAGE DEVICES:

1. A Dumpster/Portable Storage Device shall be of a size measuring between ten (10) and forty (40) cubic yards.
2. Each of the container rollers or wheels (if any) must be placed upon a wood pad at least $\frac{3}{4}$ of inch in thickness so as not to damage the road surfaces in the Borough.
3. All Dumpster/Portable Storage Devices shall be well painted, be in a good state of repair, and shall be clean and free of offensive odors.

4. The Dumpster/Portable Storage Device owner and/or lessor shall place and maintain on the outside of each Dumpster/Portable Storage Device flashing devices, or reflectors, or reflective tape of sufficient size and location to warn vehicular and pedestrian traffic of the location of such Dumpster/Portable Storage Device.

5. The Dumpster/Portable Storage Device owner and/or lessor shall place and maintain on the outside of each Dumpster/Portable Storage Device in legible letters not less than one inch in height, its name or logo, telephone number, and the current Borough permit number.

6. There shall be no Dumpster or Portable Storage Device placement on Pennsylvania State Routes 125 and 443 within the Borough.

HOLD HARMLESS:

Prior to the issuance of any permit or other authority to put, place, or erect a Dumpster/Portable Storage Device upon a street or sidewalk in the Borough, the Dumpster/Portable Storage Device owner and/or lessor shall execute a hold harmless agreement in such form as the Borough shall provide, guaranteeing to defend, protect, and compensate the Borough as the result of any cause of action which may be brought or perfected against the Borough in connection therewith, or shall deposit with the Secretary of the Borough a certificate of insurance covering such owner and/or lessor of the waste dumpster.

LIABILITY INSURANCE:

Liability insurance shall be maintained by the permittee. The permittee must show, to receive a permit, proof of liability insurance by producing a valid certificate of liability insurance and must have the Borough as an additional insured on said policy for said purpose.

IDENMIFICATION:

The permittee shall execute an indemnity agreement, in a form reasonably acceptable to the Borough, promising to indemnify, save harmless and defend the Borough, its official, agents, servants, and employees and each of them against and hold them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses including court costs and reasonable attorney 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/Portable Storage Device.

SECTION IV

VIOLATIONS AND PENALTIES:

Any person who shall violate any of the provisions of this Article shall, upon condition thereof, be sentenced to pay a fine not more than one thousand (\$1,000.00) dollars and costs of prosecution for each and every offense and, in default of payments of such fine and costs to imprisonment for no more than thirty (30) days, provided that each day's violation of any of the provisions of this Article shall constitute a separate offense. Without limitation as to utilization of any other remedy or action available to the Borough, at law or in equity, civil or criminal, non compliance with any of the regulations set forth in this Ordinance shall be ground for revocation by Pine Grove Borough, Pine Grove Borough Police Department or their designee of the permit issues pursuant to this Article and shall any material false statement or admission made in connection with the application of the permit.

SECTION V

EXEMPTIONS:

Any person or entity, on an as needed basis, may petition the Borough Council to be exempt from the requirements of this Ordinance. To qualify for such exemption, the person or entity shall make a written request to Borough Council by filing the same with the Borough Secretary and shall state, with specificity, that person or entities reason for requesting such relief. If the Borough Council does not grant such relief, the person or entity shall comply with this Ordinance. The Borough Council may attach any reasonable safeguards or conditions upon any request for exemption relief.

SECTION VI

REPEALER:

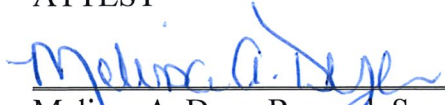
Any Ordinance or parts of Ordinance inconsistent with the provisions of this

Ordinance shall be and the same is hereby repealed.

DULY ENACTED AND ORDAINED this 11th day of August, 2022 by the Borough Council of the Borough of Pine Grove, Schuylkill County, Pennsylvania, in lawful session duly assembled.

ATTEST

BOROUGH OF PINE GROVE




Melissa A. Dyer, Borough Secretary



Tom Fickinger, Council President

APPROVED THIS 11th DAY OF August, 2022



William Shiffer, Mayor