

ORDINANCE NO. 273

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG (“TOWNSHIP”) ESTABLISHING RULES, REGULATIONS AND A PERMITTING PROCESS FOR THE USE AND PLACEMENT OF A DUMPSTER WITHIN THE ROADWAYS AND SIDEWALKS OF THE TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. DEFINITIONS. The following terms shall have the meanings as indicated:

DUMPSTER - a unit, container or portable storage device designed for the deposit and handling of waste, materials, garbage or other matter at a property, commonly located on a temporary basis on a roadway or sidewalk abutting the site and transportable to and from the site for the purposes of disposal of its contents by means of a carrying vehicle.

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

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

ROADWAY - Any public street, road, avenue, alley or other thoroughfare within the Township.

SIDEWALK – a sidewalk parallel to a roadway forming a part of the public road or street system of the Township

Section 2. PERMIT REQUIRED. No person shall put, maintain, erect, place upon, cause to be placed upon or permit to remain on a roadway or sidewalk, a dumpster except that a dumpster incidental to construction, renovation, rehabilitation, moving or demolition work may be permitted provided that a permit is first obtained from the Township Manager. A permit application shall be completed by the requesting person on a form prescribed from time to time by the Township in order to confirm compliance with the rules and regulations of this Ordinance. The duration of such permit shall be thirty (30) days and continued validity of such permit shall be contingent upon full compliance with the regulations set forth in this Ordinance.

Section 3. PERMIT FEE. The fee for a permit for a dumpster under this Ordinance is \$30.00 for the first thirty (30) consecutive days. Permits may be renewed for thirty (30) day increments at the sole discretion of the Township Code Enforcement Officer if, in his 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 Permit shall be equal to the cost of the initial Dumpster Permit. After the expiration of the permit, the dumpster shall be removed from the Township. The fees for this

permit shall be included by reference into the Township Schedule of Fees and may be amended by Resolution of the Board of Supervisors of the Township from time to time.

Section 4. PLACEMENT AND USE REGULATIONS.

- A. The size of a dumpster shall not exceed a 40 cubic yard container.
- B. A dumpster placed upon a roadway or sidewalk shall not: (i) extend into the travel lane, (ii) be located within 40 feet of any intersection, (iii) be located within 15 feet of any fire hydrant or other fire-fighting equipment, and/or (iv) be located in such a manner or location to interfere with the operation or maintenance of a public utility.
- C. A dumpster placed upon a roadway or sidewalk shall be well painted, clean, free of odors and in a good state of repair.
- D. A dumpster placed upon a roadway or sidewalk shall be bear reflective markings in sufficient positions and with sufficient size and capacity to provide reasonable warning to approaching vehicular and pedestrian traffic of its location.
- E. No roadway shall be closed for the purpose of location or utilization of a dumpster.
- F. Location and utilization of a dumpster upon a roadway shall not be such as to constitute a safety hazard to person or property.
- G. Location and utilization of a dumpster upon a roadway or sidewalk shall be in compliance with all other federal, state and local statutes, rules and regulations applicable thereto.
- H. Each of the dumpster 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 roadway or sidewalk surface.
- I. The person seeking the permit shall provide a copy of the waste hauler's certificate of insurance listing the Township an additional insured, as well as proof of their own liability insurance (homeowner's/property insurance).
- J. The person seeking the permit shall execute an application containing an indemnity, in a form reasonably acceptable to the Township, promising to indemnify, save harmless and defend the Township, 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 waste dumpster on the highway.

- K. Only one (1) dumpster per property will be permitted on any roadway or sidewalk of the Township.
- L. A dumpster shall be clearly marked with the waste hauler company's name, address and telephone number.
- M. If a chute or similar object is constructed to be used with a dumpster, it must be deemed structurally sound by the Township Code Enforcement Officer and an insurance liability certificate in the same amounts as in subsection I shall be provided.
- N. A dumpster shall not be utilized for any hazardous waste unless a permit from the appropriate governmental entity is obtained to allow for such hazardous waste.
- O. No materials in the dumpster shall emit any noxious or offensive odor or otherwise create a hazard or risk to the public health or safety.

Section 5. REVOCATION OF PERMIT. Without limitation as to utilization of any other remedy or action available to the Township, at law or in equity, civil or criminal, noncompliance with any of the regulations set forth in this Ordinance shall be grounds for revocation by the Township Manager or the Township Police Department of the permit issued pursuant to this Ordinance as shall any material false statement or omission made in connection with the application for the permit. Upon such revocation, the dumpster shall be immediately removed. If the dumpster is not so removed, the Township shall have the right to either remove the dumpster itself or pay the costs of the owner of the dumpster to have it removed. In such event, the person receiving the permit shall pay/reimburse the Township such costs including any code enforcement, administrative and/or legal costs incurred. If the person fails to make such payment, the Township may assert and impose a municipal lien against the subject property of the person in addition to pursuing any and all other legal remedies available for collection.

Section 6. VIOLATIONS AND PENALTIES. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) and costs of prosecution for each and every offense and, in default of payments of such fine and costs, to imprisonment of not more than thirty (30) days, provided that each day a violation occurs shall be considered a separate and distinct offense hereunder.

Section 7. REPEAL OF ORDINANCES. Any ordinance or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions. Specifically, the rules, regulations and processes contained in this Ordinance shall specifically control, overrule and take precedence over any conflicting provisions contained in Ordinance No. 223 of the Township.

Section 8. SEVERABILITY. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection,

provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of South Heidelberg, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 14 day of December, 2017.

TOWNSHIP OF SOUTH HEIDELBERG



Tom Byrne, Chairman

Attest:

Richard E. Hummel (SEAL)  
Secretary

David A. Schaeffer  
David A. Schaeffer, Supervisor

Richard E. Hummel  
Richard E. Hummel, Supervisor