

THE BOROUGH OF ROARING SPRING

BLAIR COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-3

AN ORDINANCE OF THE BOROUGH OF ROARING SPRING, BLAIR COUNTY, PENNSYLVANIA, REGULATING THE PLACEMENT OF WASTE DUMPSTERS UPON ANY PUBLIC STREET IN THE BOROUGH; ESTABLISHING A PERMIT SYSTEM; ESTABLISHING REGULATION OF WASTE DUMPSTERS; AND ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Borough Council of the Borough of Roaring Spring is authorized to enact Ordinances as may be necessary for the maintenance of the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough and its residents;

WHEREAS, the Borough Council of the Borough of Roaring Spring (hereinafter "Borough Council") has determined that it is in the best interests of the Borough that the placement of waste dumpsters within the right-of-way of any public street in the Borough be regulated;

WHEREAS, Borough Council recognizes that waste dumpsters are a necessary part of the residential and business community of the Borough. However, if left unregulated, waste dumpsters can create problems which can have a detrimental impact on the health, safety, and welfare of the community;

WHEREAS, Borough Council recognizes that waste dumpsters can hinder pedestrian and vehicular traffic flow and create dangerous conditions by obstructing sidewalks;

WHEREAS, Borough Council has determined that the regulation of waste dumpsters within the Borough will promote the health, safety, and welfare of the community by preventing hazards associated with these devices, by facilitating pedestrian and vehicular traffic flow and by eliminating a nuisance that creates the appearance of inefficiency and economic blight.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Roaring Spring, in lawful session duly assembled, and it is hereby ORDAINED AND ENACTED as follows:

**SECTION 1.** This ordinance shall be known and may be cited as the "Roaring Spring Waste Dumpster Ordinance".

**SECTION 2.** The following definitions shall apply in the interpretation, administration, and enforcement of this Part:

**WASTE 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.

**STREET**- Any public street, avenue, alley, highway or other thoroughfare within the Borough of Roaring Spring Borough, Blair County, Pennsylvania.

**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.

**SECTION 3.** No person shall place a waste dumpster upon, cause to be placed upon or permit to remain on a Street without first obtaining a permit therefore from the Borough. The duration of such permit shall be ten (10) days and continued validity of such permit shall be contingent upon full compliance with the terms of this Ordinance as set forth herein. If a Permittee requires additional time, a second permit may be obtained for up to seven (7) additional days. No more than two permits shall be issued by the Borough for a waste dumpster placed upon a Borough Street. After the expiration of the second permit, the waste dumpster shall be removed from the Borough.

**SECTION 4.** The administrative fee for a permit or any extension granted pursuant to this Ordinance shall be in an amount as established from time to time by Resolution of Borough Council.

**SECTION 5.** A waste dumpster not be placed upon a street, avenue, highway or thoroughfare of the Borough, unless it is impossible or impractical to place the waste dumpster in an alley. If an alley does not abut the property where the waste is being removed, the Borough may approve the placement of the waste dumpster upon a street, avenue, highway or thoroughfare.

In all circumstances the following shall apply:

1. No waste dumpster shall not extend into the travel lane of a Street.
2. A waste dumpster shall bear reflective markings in sufficient positions and with sufficient capacity to provide reasonable warning to approaching nighttime traffic of its location.

3. No Street shall be closed for the purpose of location or utilization of a waste dumpster.
4. No sidewalk shall be obstructed by placement of a waste dumpster.
5. Location and utilization of a waste dumpster upon a Street shall not be such as to constitute a safety hazard to persons or property.
6. Where a waste dumpster is placed upon a portion of a Street within a parking meter zone, the Roaring Spring Borough Police Department shall approve the location.
7. Location and utilization of a waste dumpster upon a Street shall be in compliance with all other federal, state and local statutes, rules and regulations applicable thereto.
8. Each of the waste 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 Street surface.
9. Comprehensive Liability insurance shall be obtained and maintained by the Permittee in the amount of at least one hundred thousand dollars (\$100,000) for property damage and personal injury, combined single limit, arising out of or in connection with the placement or utilization of a waste dumpster on any Street in the Borough, with the Borough being named as an additional insured on said policy for such purpose. If any waste dumpster is placed solely on private property, a certificate of liability insurance will not be required at the discretion of the Borough.
10. 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 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 Street.
11. Only one (1) waste dumpster per property shall be permitted on any Street of the Borough.
12. Waste dumpsters shall be clearly marked with the owner's name, address and telephone number.
13. If a chute or similar object is constructed to be used with a waste dumpster, it must be deemed structurally sound by the Borough.


**SECTION 6.** 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 of any permit issued pursuant to this Ordinance, as shall any material false statement or omission made in connection with the application for the permit.

**SECTION 7.** Any person who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) and costs of

prosecution for each and every offense. Each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

ADOPTED this 11 day of <sup>June</sup> ~~May~~, 2018.

BOROUGH OF ROARING SPRING

By 

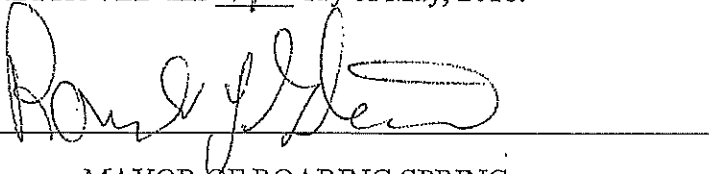
Council President

ATTEST:



BOROUGH SECRETARY

APPROVED this 11 day of <sup>June</sup> ~~May~~, 2018.



MAYOR OF ROARING SPRING