

BOROUGH OF TREMONT

SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 2007-4

AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING THE USE OF WASTE DUMPSTERS WITHIN THE BOROUGH OF TREMONT, THE REQUIREMENT OF A PERMIT FOR USE OF WASTE DUMPSTERS, EXCEPTIONS TO THE REGULATIONS; AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

SHORT TITLE: DUMPSTER ORDINANCE

WHEREAS, the Council of the Borough of Tremont has determined that waste dumpsters used primarily to receive waste and debris and which are placed in the Borough can cause a nuisance and damage to the Borough if not properly regulated and maintained. To alleviate the problems caused by waste dumpsters and the nuisances they cause the residents of Tremont Borough, the Tremont Borough Council finds it necessary to impose regulations and penalties for the use of said waste dumpsters.

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

SECTION I

DEFINITIONS:

WASTE DUMPSTER – A unit designed for the deposit of waste materials at a building, 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.

HIGHWAY – Any public street, avenue, alley, or other thoroughfare within the Borough of Tremont.

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

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

SIDEWALK – Any walk or raised path for pedestrians along the side of a highway within the Borough of Tremont.

SECTION II

PERMIT REQUIRED

No person shall place upon, cause to be placed upon or permit to remain upon a highway or property within the Borough of Tremont a waste dumpster without first obtaining a permit therefore from the Borough of Tremont. The duration of such permit shall be two (2) weeks 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 two (2) weeks and a second permit fee paid. No more than two permits shall be issued by the Borough for the waste dumpsters placed upon Borough streets without permission of the Mayor or Borough Council. After the expiration of the second permit, the dumpster shall be removed from the Borough within twenty four (24) hours.

If the waste dumpster is placed upon private property of the permittee, the duration of such permit shall be three months. Any extension of time needs approval of the Mayor's office or action of the Tremont Borough Council.

PERMIT FEE

The fee for a permit pursuant to this Article is Fifty (\$50.00) Dollars. An additional fee of Fifty (\$50.00) Dollars is required for very parking meter space taken up by a waste dumpster. Upon removal of the waste dumpster, Twenty Five (\$25.00) Dollars shall be refunded. This fee may be amended by Resolution of Borough Council.

SECTION III

PLACEMENT AND USE REGULATIONS FOR WASTE DUMPSTERS

1. A waste dumpster placed upon a highway shall not extend substantially into the travel lane.
2. A waste dumpster placed upon a highway shall bear reflective markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to appropriate nighttime traffic of its location.
3. No highway shall be closed for the purpose of location or utilization of a waste dumpster.
4. Location and utilization of a waste dumpster upon a highway shall not be such as to constitute a safety hazard to person or property.
5. Where a waste dumpster is placed upon a portion of a highway, the Tremont Borough Police Department must approve the location.
6. Location and utilization of a waste dumpster upon a highway shall be in compliance with all other federal, state and local statutes, rules and regulations applicable thereto.
7. 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 Tremont Borough as an additional insured on said policy for said purpose.
8. The permittee shall execute an indemnity agreement, in a form reasonably acceptable to the Borough of Tremont, 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 waste dumpster.

9. Only one (1) waste dumpster per property will be permitted.
10. The waste dumpster shall be clearly marked with the owner's name, address, and telephone number.
11. If a chute or similar object is constructed to be used with the waste dumpster it must be deemed structurally sound by Tremont Borough or designee in an insurance liability insurance certificate in the same amounts as in Item 7 above shall be provided.
12. The waste dumpsters must be sealed properly to eliminate any noxious, putrid, or stinking odor from emanating from the permanent or temporary waste dumpster.
13. All waste dumpsters must be cleaned on a regular basis with proper cleaning materials as to prevent any health and safety hazards to Tremont Borough or its residents.
14. No waste dumpster shall cause any type of nuisance to the residents of Tremont Borough.
15. No waste dumpster shall be placed on a sidewalk within the Borough.
16. Commercial establishments shall be governed by any and all State and Local Health regulations with no fee required in the course of normal Business operation. In the case of construction or re-construction they shall not be exempt.
17. A minimum of (8) eight inch reflective material shall be placed upon all (4) four sides of the container, each side containing a minimum of (4) four reflectors, to make container visible at night
18. Each of the container 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 road surfaces in the Borough
19. Size of the container will be determined by the contractor or property owner

20. Once a container is full, the container shall be emptied and/or removed within (24) twenty four hours
21. Each container shall contain a stencil or other visible form, (3) three inches in height, the company name, address and telephone number
22. No container shall be placed in violation of any traffic rules or regulations enacted by the Borough of Tremont and/or Commonwealth of Pennsylvania Department of Transportation, including, but not limited to minimum distances from intersections, driveways, etc.
23. No container shall be placed or removed between the hours of 11:00 p.m. and 7:00 a.m.
24. Responsibility for permitting rests with the container owner
25. A full or partially filled container must be tarped
26. No dumpster shall include putrescent, toxic, or hazardous materials

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 of not less than three hundred (\$300.00) nor 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 Article shall be ground for revocation by Tremont Borough, Tremont 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.

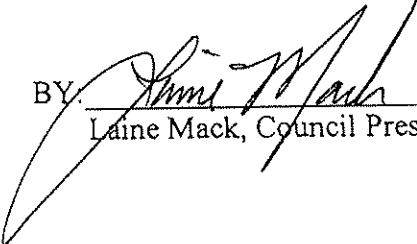
SECTION V

EXEMPTIONS

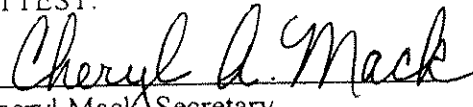
Any person or entity, on an as needed basis, may petition the Tremont Borough Council to be exempt from the requirements of this Ordinance. To qualify for such exemption, the person or entity shall make a written request to Borough Council by filing the same with the Borough Secretary and shall state, 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

DULY ENACTED AND ORDAINED this 08th day of May, 2007 by the Borough Council of the Borough of Tremont, Schuylkill County, Pennsylvania, in lawful session duly assembled.

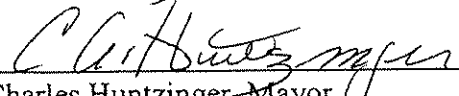
BOROUGH OF TREMONT

BY: 
Lane Mack, Council President

ATTEST:


Cheryl Mack, Secretary

APPROVED THIS 8th DAY OF May, 2007.


Charles Huntzinger, Mayor