

ORDINANCE #2013-2

An Ordinance of the Township of West Mahanoy, County of Schuylkill in the Commonwealth of Pennsylvania, Establishing Specific Regulations Regarding “Dumpsters,” “Roll-Off Dumpster,” and/or Temporary Portable Storage Units establishing Penalties for Violations of the Provisions of this Ordinance, Declaring the Various Provisions of this Ordinance to be Severable.

WHEREAS, the Board of Supervisors of West Mahanoy Township, County of Schuylkill, Commonwealth of Pennsylvania, desire to prevent nuisances and to regulate the manner in which refuse, rubbish, and other waste materials are stored and handled, for the betterment of the community and its inhabitants; and

WHEREAS, said Board have determined that the control and regulation of the manner in which dumpsters, roll-off boxes and/or Temporary Portable Storage Units are stored and maintained are methods by which the aforesaid, desired objectives better can be achieved; and,

NOW, THEREFORE, the Board of Supervisors of West Mahanoy Township does hereby ordain as follows:

SECTION 1. DEFINITIONS.

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

- (a) “Cover” means something that is placed over or about another thing; a lid; a top;
- (b) “Dumpster” means a large container for the temporary storage of solid waste materials, debris and/or recyclable materials, that can be emptied into refuse trucks for the removal of the contents. These containers are usually are sized from one (1) cubic yard to less than ten (10) cubic yards.
- (c) “Permittee” means a person that owns, rents, occupies, or controls the property containing or proposed to contain a temporary portable storage unit or roll-off dumpster and who obtains or is required to obtain a permit under this chapter with the Township.

- (d) "Person" Any natural person, firm, partnership, corporation, association or similar entity.
- (e) "Roll-Off Dumpster" means a metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash or construction, renovation or demolition waste and which is transportable such as to be delivered by, rolled off of, and picked up by a carrying vehicle that allows for the disposal and removal of its contents to a dump site. The term does not include dumpsters, which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes. These containers usually range in size from ten (10) cubic feet to forty (40) cubic feet.
- (f) "Temporary Portable Storage Unit (commonly known as Portable on Demand Storage or PODS®)" means any mobile container, storage unit, shed-like container or other portable structure that is not permanently affixed to the land, is designed for temporary short-term storage, is not intended for human habitation, that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building, other than an accessory building or shed complying with all building codes and land use requirements.

SECTION 2. VIOLATION.

- (a) It shall be a violation of this chapter for any person or anyone acting as his agent or on his behalf to place or permit the placement of a temporary portable storage unit (hereinafter "unit") or roll-off dumpster/dumpster (hereinafter "dumpster") on any street or property which that person owns, rents, occupies or controls without complying with the standards of this chapter:

SECTION 3. PERMIT PROCESS.

- (a) No person shall place upon, cause to be placed upon, or permit to remain on a street or property located in the Township a unit or dumpster without first obtaining a permit from the Township. A permit application must be accompanied by a nonrefundable fee of Twenty-Five Dollars (\$25.00), a fee that may be amended from time to time by resolution of the Township Board of Supervisors. A permit application shall contain the following:

- (1) Name of the applicant(s);

- (2) Telephone number of applicant(s);
- (3) Applicant's relationship to the property (owner, renter, occupier, or controller);
- (4) Address of the property;
- (5) Proposed delivery and removal dates of the unit or dumpster;
- (6) Any related building permit numbers;
- (7) The name and telephone number of the company who owns the unit or dumpster.

SECTION 4. PERMIT ISSUANCE.

- (a) The Township shall only issue a permit if the application and proposed unit or dumpster satisfy the requirements of this chapter. The Code Officer or designated Township Police Officer shall approve or reject the permit application within ten (10) working days of the date of application. The effective date of the permit shall be the date it is issued by the Officer. No property located in the Township shall be subject to more than three (3) dumpster and unit permits per year. Unless an extension is granted under Subsection 1 at least 30 days shall elapse between the grant of a subsequent permit. A permit shall be placed in plain view on the property containing the unit or dumpster.

- (1) Permit extension. A permittee may make a written request for the extension of a permit for a unit or dumpster. The appropriate Officer shall be authorized to grant one extension of the permit for a period equal to that of the original permit, upon reaching the conclusion that the permittee is not in violation of this chapter or any other applicable Township ordinance. Any future extensions of any length or condition are subject to the approval of the Township Board of Supervisors, acting in its sole discretion and power. In the event of a fire or natural disaster, the Officer shall be authorized to grant a reasonable extension of not more than 30

days upon written application of an existing permittee.

SECTION 5. DURATION AND NUMBER.

- (a) A unit permit shall be valid for 21 days. A dumpster permit shall be valid for 30 days.
- (b) No more than one unit shall be located on a property at a time. No more than two (2) dumpsters shall be located on a property at a time.

SECTION 6. LOCATION.

- (a) A permit granted under this chapter shall limit placement of a unit or dumpster to a single specified location that is identified in the permit. A unit or dumpster shall be located on a property or a street in accordance with the following criteria:
 - (1) A unit or dumpster shall not be placed closer than ten (10) feet from a property line unless placed on an existing impervious driveway.
 - (2) No unit or dumpster may be placed so as to impede a parking area, loading area, aisle, driveway or cartway.
 - (3) If a unit or dumpster is placed on a street, the permittee shall place the unit upon a wood pad that is approximately three-fourths-inch thick, so as to prevent damage to the road surface.
 - (4) The unit or dumpster shall be placed in the first available location in the following order of priority: rear driveway (furthest point accessible from the street), rear yard, front/side driveway, side yard, front yard, street.
 - (5) No unit or dumpster shall be placed on or over any curb or sidewalk.
 - (6) The placement of a unit or dumpster on a street shall only be permitted if, in the sole judgment of the Township:

- (a) If cannot reasonably or safely be placed on the property off of the public street; and
- (b) It will not impede the safe and uninterrupted flow of vehicular traffic on the street.
- (7) The location of the unit or dumpster shall not impede clear sight lines.
- (8) The placement of the unit or dumpster shall not damage any portion of the public street, including the berm or shoulder.

SECTION 7. SIZE.

- (a) A unit or dumpster shall not exceed eight feet six inches in height, 10 feet in width, or 20 feet in length.

SECTION 8. CONTENTS.

- (a) The contents of a unit or dumpster shall comply with the following criteria:
 - (1) No unit or dumpster shall contain any illegal or hazardous material, solid waste, or recyclable materials;
 - (2) A dumpster must be emptied within three (3) days of being filled to capacity;
 - (3) A unit shall be removed from the property or street within 48 hours of being filled to capacity or filled to a point that no further personal property is to be added to the unit;
 - (4) No unit shall contain construction, renovation, or demolition debris;
 - (5) No unit or dumpster shall cause any foul, noxious or offensive odor to be emitted; and
 - (6) At any reasonable time, a Township Officer or his or her designated agent may inspect the contents of a

unit or dumpster to ensure compliance with this chapter.

SECTION 8. COVER.

- (a) No person shall place or cause to be placed any dumpster in any exterior location, public or private, without the same being equipped with a cover; said cover to remain closed and secured at all times except when waste materials are being loaded into the container.

SECTION 9. RESPONSIBILITY.

- (a) It shall remain the permittee's obligation to ensure that a unit or dumpster is secured such that it does not endanger the safety of persons or property in the vicinity. The permittee shall maintain the unit or dumpster in good condition, free from deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, holes and breaks and leaks at all times. Permittee is responsible to ensure the presence of reflective materials or illuminating marks on a minimum of four sides of the unit or dumpster so that it is visible at night. The dumpster or unit shall be marked with the name and telephone number of its owner. In addition to compliance with this chapter, permittee shall comply with all other federal, state or local statutes, rules and regulations applicable thereto.

SECTION 10. REVOCATION AND REMOVAL.

- (a) Revocation and removal. All units or dumpsters shall be removed upon expiration of the permit. Any approved permit can be revoked by reason of the permittee's false statement or omission. A Township Code Officer or Police Officer can revoke any permit and/or, without notice, immediately remove the unit or dumpster if the permittee violates this chapter; if the dumpster becomes a safety hazard; or if the unit or dumpster is not removed from the property prior to the expiration of the permit. The cost of removal by the Township shall be assessed against the property on which the unit or dumpster is located.

SECTION 11. VIOLATIONS AND PENALTIES.

- (a) Any person, firm or corporation who shall violate any

provisions of this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

SECTION 12. SEVERABILITY.

- (a) Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid, for any reason, such unconstitutionality or invalidity shall not affect the other provisions or applications of this Ordinance that can be given effect without the unconstitutional or invalid provisions or applications; and, to this end, the provisions and applications of this Ordinance are declared to be severable.

SECTION 13. EFFECTIVE DATE.

- (a) This Ordinance shall become effective immediately upon enactment by the board of Supervisors of West Mahanoy Township.

ORDAINED AND ENACTED THIS 16 DAY OF APRIL, 2013

ATTEST:

M. J. B. N. N. N. N.
Secretary

Chris Malocu
Chris Malocu

MaryAnn Wishnefsky
MaryAnn Wishnefsky

Paul Martin
Paul Martin

West Mahanoy Township

190 Pennsylvania Avenue Shenandoah Heights PA 17976

Application for: Waste Dumpster/POD Placement Permit

Pursuant to Township Ordinance # 2013-2
By Making Application, Applicant & Property Owner
Agree to Meet All Ordinance Requirements:

Date of Application: _____ FEE: \$25.00 PER UNIT

Method of Payment: _____ Cash _____ Check # _____

Dumpster/POD Placement Address: _____

Placement: Street _____ Yard _____ Driveway _____

Dumpster/POD Company Name: _____ Telephone: _____

Purpose for Dumpster/POD: _____

Name of Property Owner: _____

Street Address of Property Owner: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

Applicant Relationship to the Property: Owner _____ Renter _____ Occupier _____ Controller _____

Proposed Delivery Date: _____ Proposed Removal Date: _____

Signature: _____

I UNDERSTAND THAT any false or misleading information provided or false declaration made on or in furtherance of this application may result in my being prosecuted in a court of law.

(FOR OFFICE USE ONLY)

_____ Permit approved effective _____ PERMIT # _____

_____ Permit revoked for noncompliance of conditions.

_____ Permit disapproved for the following reasons: _____

West Mahanoy Township Official: _____ Date: _____

Rental Permit Basics

- Permit applications are available at the Township office.
- Permits require a bi-annual renewal (2 years)
- Permit application will be submitted at change of tenant or property owner
- Upon application submission code officer shall inspect the property within 10 working days
- Upon satisfactory report permit shall be issued within 10 working days
- Permit shall be visible within the property

Rental Permit Fees

- ~~\$15~~²⁰ per residential rental unit for up to 3 units on the property
- \$15 each additional unit
- 1 re-inspection at no charge, possible \$15 fee for following inspections

hotels and motels are excluded from this ordinance