

**BOROUGH OF WHITAKER
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 OF 2021

**AN ORDINANCE OF THE BOROUGH OF WHITAKER,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA, PROVIDING FOR THE
ESTABLISHMENT OF REQUIREMENTS FOR THE
PERMITTING AND PLACEMENT OF ALL TEMPORARY
WASTE DUMPSTERS AND STORAGE CONTAINERS
WITHIN THE BOROUGH OF WHITAKER AND FURTHER
PROVIDING FOR PENALTIES FOR VIOLATION.**

WHEREAS, the Borough of Whitaker desires to establish regulations for the permitting and placement of waste dumpster and storage containers on the streets of the

Borough of Whitaker;

WHEREAS, the Borough of Whitaker desires to impose an annual fee of \$30.00 (thirty-dollar fee) for permitting of temporary waste dumpsters and storage containers.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY COUNCIL OF
THE BOROUGH OF WHITAKER**, at a regularly scheduled meeting, it is hereby enacted by the authority of the same to read as follows:

Section 1. Definitions. As used in this Article, the following terms shall have the meaning indicated, except where the context specifically indicates otherwise:

- a. **COMPACTION CONTAINER** - Any receptacle designed or utilized for the purpose of crushing, compressing, storage and/or collection of refuse, trash, debris, or other solid waste materials.
- b. **CONTAINER** - any type of receptacle that meets the definition of "portable outdoor storage facility" of this chapter.
- c. **TEMPORARY DUMPSTERS** - Any uncovered, wheeled or otherwise movable receptacle utilized for the storage and/or collection of refuse, trash, debris, or other solid waste materials on a temporary basis that will not be used as a primary means of waste disposal, and includes but is not limited to "Bagsters."

- d. MUNICIPALITY or THE BOROUGH – The Borough of Whitaker
- e. OPEN-TOP CONTAINER - Any uncovered receptacle (such as a dumpster) used or employed for the storage and/or collection of refuse, trash, debris, or other solid waste materials.
- f. PERMIT- A permit issued by the Borough authorizing the temporary placement of a dumpster, portable storage facility or container in or upon a public street, public grounds, or private property.
- g. PERSON - Any individual, partnership, association, corporation, or governmental entity, with the exception of the county, Authority, or designated contractor.
- h. PORTABLE OUTDOOR STORAGE FACILITY (POD) - A portable device or container of 20 cubic yards or more in size and intended for the storage of personal property. This does not include recreational or work-related trailers.
- i. SOLID WASTE - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid or semisolid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of "municipal solid waste" as set forth in the Pennsylvania Solid Waste Management Act of 1980 (See 35 P.S. § 6018.101 et seq.) and which the county, the Delaware County Solid Waste Authority or any contractor, by its ordinance or regulations, is willing to accept at the plant; but excluding any liquid waste or sludge, all wastes which are defined by existing or future federal or state law or regulations as hazardous waste or industrial residual waste, any waste which may be marketable and which is intentionally segregated for purposes of recycling and materials specifically excluded under applicable county ordinances.

Section 2. **Applicability and Enforceability.** This chapter shall be applicable to and shall be enforced upon the use of any container as defined in Section 1 of this Ordinance, which is located upon or within a public street or right-of-way, public grounds, or private property. Furthermore, this chapter shall not be applicable to or enforced upon any business within the Borough of Whitaker which uses any container as defined in Section 1 as a regular part of business or as part of any regularly scheduled rubbish collection.

Section 3. **Permit Requirement.** Any person, firm or corporation desiring to use any item defined in Section 1 of this Ordinance, upon a public street, public grounds and/or private property within the Borough of Whitaker shall apply for a permit as required by this chapter by submitting an application form prepared and furnished by the Borough. At a minimum, the application shall set forth: the name of the owner and operator of the container, the name of the property owner or owners who will be utilizing the container, the location and size of the container, the dates the container will be located on the specific site and generally the type of refuse, trash, debris, solid waste material or personal property that will be stored in the container.

Section 4. Permit Fee; time limit.

- a. Permit Fee: When an initial application is filed for a waste dumpster or storage pod, a permit fee in the amount of Thirty (\$30.00) Dollars shall be paid to the Borough.
- b. Duration of Temporary Permit:
 - (i) A permit for any item defined in Section 1 shall be for an initial term of not more than thirty (30) days. Provided the applicant is in compliance with all provisions of this Article and all other applicable Borough regulations, a renewal permit may be approved and used for an additional thirty (30) day period upon application and payment of an additional permit fee. Upon the expiration of the initial permit period or any renewal thereof, the item shall be promptly removed; and

Section 5. Placement and Usage of Temporary Dumpster or Storage Pod.

- a. Prior to the issuance of any permit for any item defined in Section 1, its location and usage shall be viewed and approved by the Borough of Whitaker;
- b. The following requirements shall apply to any item defined in Section 1, whether permanent or temporary, placed upon public streets or pedestrian ways within the Borough or private property within the Borough:
 - (1) Reflectors or reflective tape, a minimum of six (6) inches in diameter, shall be placed upon all four (4) sides of the container or dumpster, each side containing a minimum of four (4) reflectors, in such a manner as to make the container or dumpster visible at night;
 - (2) No container or dumpster shall be placed nearer than fifteen (15) feet to any fire hydrant within the cart way or other are intended for fire-fighting equipment;
 - (3) The name, address and telephone number of the container or dumpster owner/operator shall be conspicuously placed on at least two (2) sides of the container or dumpster;
 - (4) No container or dumpster shall be placed within the cart way of any street extending a distance of more than ten (10) feet from the curb line or edge of cart way;

- (5) The location of any container or dumpster upon any public street shall not interfere with any required clear sight distance across an intersection or otherwise endanger the safe and convenient movement of vehicular and pedestrian traffic;
- (6) The location of any container or dumpster upon any public street shall not obstruct any pedestrian way of the travel lane of any public street;
- (7) No container or dumpster shall be loaded in such a manner as to cause its contents to spill onto any street, sidewalk or other area intended for pedestrian travel;
- (8) No container or dumpster shall contain any hazardous waste unless pursuant to a permit for such waste is issued by the appropriate governmental agency;
- (9) No materials contained in the container or dumpster shall emit any noxious or offensive odor or otherwise create any hazard or risk to public health;
- (10) No container or dumpster shall be placed in such a manner as to interfere with the operation or maintenance of any public utility;
- (11) The permit shall be conspicuously placed in a location that permits it to be identified from a public street; and

Section 6. Insurance. Each application for a permit authorized under this Chapter shall be accompanied by a Policy or Certificate of Insurance including the Applicant and the Borough named insured's and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of such dumpster and/or construction container. Such Policy or Certificate shall contain limits of at least \$100,000/\$300,000 for bodily injury and \$50,000 for property damage and shall provide at least thirty (30) day notice of cancellation to be afforded to the Borough Secretary for the Borough of Whitaker. If any dumpster or storage pod is placed solely on private property, a Certificate of Liability Insurance will not be required.

Section 7. Emergency Removal. In the event of an emergency, any container may be removed by the Borough of Whitaker.

Section 8. Revocation of Permit. Violation of any terms or conditions of this Chapter by the Applicant, his agents, employees, or any container hired by the Applicant shall be reason for immediate revocation of the Permit. The container shall be removed from the public or private property immediately upon revocation. Such action shall be in addition to the penalties provided for in Section 8.

Section 9. Violation and Penalties. For each violation of this Article, any person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each offense, together with the costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Article and each section of this Article that is violated shall be considered a separate violation.

Section 10. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed.

Section 11. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough of Whitaker that this section or part thereof not been included herein.

Section 12. Effective Date. This Ordinance shall become effective on the date of adoption.

ORDAINED AND ENACTED into an Ordinance of the Borough of Whitaker this _____ day of _____, 2021, by the Council for the Borough of Whitaker.

ATTEST:

BOROUGH OF WHITAKER

By: _____

By: _____

Examined and approved this _____ day of _____, 2021

By: _____