

ORDINANCE #340
BOROUGH OF MINERSVILLE
Schuylkill County, Pennsylvania

REPEALING ORDINANCE #250 AND ESTABLISHING REGULATIONS CONCERNING THE USE OF DUMPSTERS AND STORAGE CONTAINERS WITHIN THE BOROUGH OF MINERSVILLE; EXCEPTIONS TO THE REGULATION; THE REQUIREMENT OF A CONTAINER PERMIT; AND THE PENALTIES FOR THE VIOLATION OF THE ORDINANCE

WHEREAS, the Council of the Borough of Minersville has determined the dumpster and storage containers used primarily to receive construction waste and debris, or the storage of household goods, building materials, or wares and which are placed on borough streets cause damage to the streets if not properly placed and constitute a hazard to vehicular traffic if not equipped with safety markings.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Minersville, and it is hereby enacted and ordained under the authority of the same:

Section 1. DEFINITIONS

The following words, terms and phrases when used in this Ordinance shall be defined as follows, unless context clearly indicates otherwise:

BOROUGH - shall mean the Borough of Minersville.

CONTAINER(S) - shall mean dumpster(s) or storage container(s)

COUNCIL - shall mean the Council of the Borough of Minersville.

DEBRIS – any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents

DUMPSTER - a container used for, but not limited to, receiving garbage, debris or waste that is designed and intended to be lifted by forks or other device mounted on a vehicle and the contents emptied into that part of the vehicle designed to received same.

GARBAGE – includes all accumulations of fruit or vegetable matter, that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit, or vegetable, containers originally used for food stuff and other household garbage.

PERSON – Any person, partnership, firm, association, corporation, or municipal authority or any other group acting as a single unit.

PRIVATE PROPERTY - means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

PROPERTY OWNER - Any Person having a legal interest in the property; is recorded in the official records of the state, county, or municipality as holding title to the property; or the guardian of

the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property to a court of competent jurisdiction.

PUBLIC OFFICER - any police officer, authorized inspector, or public official designated by the Borough Council to enforce the Borough ordinances.

PUBLIC STREET - means any road, square, court, alley, passage or riding path over which the public have a right of way.

PUBLIC RIGHT-OF-WAY - the total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

STORAGE CONTAINER - designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

WASTE - any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials.

Section 2: CONTAINER PLACEMENT APPLICATION

Any person requesting to place a container on Borough streets must first submit a "Dumpster/Storage Container Permit Application" form to be approved by a Public Officer.

Section 3: PERMIT REQUIRED FEE

No person(s) shall place a container within the Borough of Minersville without first obtaining a permit and paying the fee established. The initial fee shall be \$25.00 (twenty-five dollars) per container, and may be increased from time to time by resolution of the Council, which shall be for use in the Borough.

The permit for public streets shall be for a four (4) business day duration. If the applicant requires additional time, a second permit may be obtained for up to four (4) additional business days and a second permit fee paid. No more than three (3) permits shall be issued by the Borough for the container(s) placed upon Borough streets. After the expiration of the third permit, the container(s) shall be removed within twenty-four (24) hours. After a third permit expiration, no additional permits will be issued for that location within a twelve (12) month duration.

The permit for private property shall be for twenty (20) business days duration. If the applicant requires additional time, a second permit may be obtained for up to twenty (20) additional business days and a second permit fee paid. No more than three (3) permits shall be issued by the Borough for the container(s) placed upon private property. After the expiration of the third permit, the container(s) shall be removed within twenty-four (24) hours. After a third permit expiration, no additional permits will be issued for that location within a twelve (12) month duration.

If the use of "No Parking" sign(s) is needed, a ten (\$10.00) dollar security deposit per "No Parking" sign is required. Upon the return of the "No Parking" sign(s) within five (5) days, the security deposit will be returned. Should the "No Parking" sign(s) not be returned within five (5) days, the sign(s) will be removed by the Borough and no refund will be issued.

Section 4: REQUIREMENTS FOR CONTAINERS

The following requirements shall apply to any container(s) placed upon streets or private property in the Borough.

1. A minimum of eight (8) inch reflective material shall be placed upon all four (4) sides of the container(s), each side containing a minimum of four (4) reflectors, to make the container(s) visible at night.
2. 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.
3. Size of the container(s) will be determined by the property owner.
4. Once a container(s) is full, the container(s) shall be emptied and/or removed within twenty-four (24) hours.
5. Each container(s) shall contain in stencil or other visible form, three (3) inches in height, the company name, address and telephone number.
6. No container(s) shall be placed in violation of any traffic rules or regulations enacted by the Borough and/or Commonwealth of Pennsylvania Department of Transportation, including, but not limited to minimum distances from intersections, driveways, etc.
7. No container(s) shall be placed or removed between the hours of 11:00 p.m. to 7 a.m.
8. Responsibility for obtaining the necessary permit under this Ordinance shall rest with the property owner.
9. A full or partially full container must be tarped daily.

Section 5: FINES AND PENALTIES

Any person who violates any provisions of this Ordinance, upon conviction thereof, shall pay a fine as set forth herein for each offense be ordered to pay a fine of not more than One Thousand (\$1,000.00) Dollars plus costs, and in default of payment of said fine and costs, to a term of imprisonment no more than ninety (90) days, or both.

Section 6: SEVERABILITY CLAUSE.


Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 7: Effective Date.

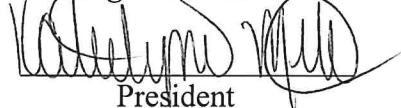
This Ordinance shall take effect immediately upon its final adoption by the Council of the Borough of Minersville.

ENACTED AND ORDAINED by the Borough of Minersville this 14th day of September, 2021.

Attest:


Secretary

Borough of Minersville


President


Mayor