

BOROUGH OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF STRASBURG, LANCASTER COUNTY, PENNSYLVANIA, REGULATING THE PLACEMENT OF WASTE DUMPSTERS AND THE STORAGE OF OTHER ITEMS WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC STREET IN THE BOROUGH.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. Definitions. The following definitions shall apply in the interpretation, administration, and enforcement of this Ordinance:

PERMITEE - A person who obtains or is required to obtain a permit under this Ordinance.

PERSON - Any natural person, firm, partnership, corporation, association, limited liability company, estate, trust or other legally recognized entity.

STREET - Any public street, highway, road, lane, court, cul-de-sac, avenue, alley or other thoroughfare within the Borough of Strasburg.

STREET STORAGE – Any item placed in a street for a period in excess of 24 consecutive hours that is not a motor vehicle as defined by the Pennsylvania Vehicle Code or a waste dumpster.

WASTE DUMPSTER - A unit designed for the deposit of waste materials at or near a building or other structure, commonly located on a temporary basis on a street abutting the site and transportable to and from the site for purposes of disposal of its contents by means of a carrying vehicle.

Section 2. Permit Required. No person shall place upon, cause to be placed upon or permit to remain upon a street a waste dumpster or street storage without first obtaining a permit therefor from the Strasburg Borough Office and paying the applicable permit fee. The duration of such permit shall be thirty (30) days, and the continued validity of such permit shall be contingent upon full compliance with the regulations and requirements set forth in this Ordinance. If the waste dumpster or street storage is or will be located on the roadway or within the cartway, the placement of the waste dumpster or street storage must be approved by the Chief of Police or his or her

designee. Street storage for periods less than seven (7) days in any cycle of 365 days must meet all requirements of this Ordinance except obtaining a permit.

Section 3. Permit Fee. The permit fee for waste dumpsters or street storage shall be established by resolution or motion of Borough Council. Two 30-day extensions of a permit may be granted without additional fees. Permit renewal may be denied for inactivity.

Section 4. Placement and Use Regulations.

A. The placement of a waste dumpster or street storage upon a street shall not extend into the travel lane of traffic.

B. A waste dumpster or street storage placed upon a street shall bear reflective markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to approaching traffic in both directions of its location. These warnings must be accomplished by dumpster markings, cones or barrels with flashers and must be approved by the Chief of Police or his or her designee.

C. No street shall be closed for the purpose of location or utilization of a waste dumpster or street storage without Pennsylvania Department of Transportation, if applicable, and Borough Council temporary road closure authorization.

D. The location and utilization of a waste dumpster or street storage upon a street shall not be in a manner which constitutes a safety hazard to persons or property.

E. The location and utilization of a waste dumpster or street storage upon a street shall be in compliance with all federal, state and local laws, rules and regulations applicable thereto, including but not limited to any highway occupancy or other permit required by the Pennsylvania Department of Transportation, in addition to the requirements of this Ordinance.

F. Liability insurance shall be obtained and maintained by the permittee in the amount of at least five hundred thousand dollars (\$500,000) for property damage and personal injury, combined single limit, arising out of or in connection with the placement or utilization of a waste dumpster or street storage on any street, with the Borough of Strasburg being named as an additional insured on said policy for such purpose.

G. The permittee shall execute an indemnity agreement, in a form acceptable to the Borough of Strasburg, 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 attorneys' fees for or on account of any injury to any person 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 a waste dumpster or street storage on any street.

H. Only one (1) waste dumpster per property will be permitted on any street in the Borough of Strasburg.

I. If a chute or similar device or object is to be used with a waste dumpster, it must be deemed structurally sound by the Borough or its designee, and liability insurance in the same amount and form as set forth in Paragraph F above shall be provided.

J. The permittee shall assume all risk of damage, and the Borough shall not be liable for any damage, to the waste dumpster or street storage when the Borough is plowing snow, maintaining the street or other facilities within the street or performing other public functions.

Section 5. Revocation of Permit. Without limitation as to the utilization of any other legal or equitable remedy or action available to the Borough, civil or criminal, noncompliance with any of the requirements or provisions set forth in this Ordinance or any material false statement or omission made in connection with the application for a permit shall be grounds for revocation by the Borough Manager, the Strasburg Borough Chief of Police or their designee of the permit issued pursuant to this Ordinance.

Section 6. Removal of Waste Dumpsters or Street Storage. The Borough may at the expense of the owner or lessee of the property or the permittee cause the removal of a waste dumpster or street storage.

Section 7. Penalties. Any person who or which violates or fails to comply with any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than Two Hundred (\$200.00) Dollars and not more than Six Hundred (\$600.00) Dollars plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Ordinance. Each provision of this Ordinance which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or Federal law. In default of payment of any fine, such person shall be liable to imprisonment for not more than thirty (30) days.

Section 8. Equitable Relief. In addition to or in lieu of the penalties provided in Section 7 hereof, any violations of the provisions of this Ordinance may be abated or enforced by proceedings seeking equitable relief against the violator.

Section 9. Severability. If any section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction or other tribunal, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase or word hereof irrespective of the fact that any one or more of

the sections, subsections, paragraphs, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 10. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 11. Effective Date. This Ordinance shall take effect and be in force immediately after enactment as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 2006, by the Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
LANCASTER COUNTY, PENNSYLVANIA

By: _____
(Vice) President
Borough Council

Attest: _____
(Assistant) Secretary

[BOROUGH SEAL]

Examined and approved as an Ordinance this _____ day of _____, 2006.

Mayor

**BOROUGH OF STRASBURG
DUMPSTER/STREET STORAGE PERMIT
INDEMNITY AGREEMENT**

I, We _____, intending to be legally bound, promise 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 attorneys' fees for or on account of any injury to any person or any damage to any property (including the waste dumpster or street storage), which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of a waste dumpster and/or street storage on a street within the Borough.

Property Location _____

Location of Dumpster and/or Street Storage _____

I/We, the undersigned applicant (s), am/are the owner(s) of the above described property and verify that the statements set forth in this application are true and correct. I/We understand that false statements herein are made subject to the penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities. I permit and hereby authorize employees or agents of the Borough to verify such information on the site and in the field.

Signature of Applicant(s)

Date

Signature of Applicant(s)

Date

**BOROUGH OF STRASBURG
APPLICATION FOR DUMPSTER/STREET STORAGE PERMIT**

Location of Property _____

Exact location where dumpster/street storage will be placed _____

Size of dumpster/street storage _____

Company providing dumpster _____

Address: _____

Phone #: _____

Attach a certificate of liability insurance in accordance with the Borough Ordinance naming the Borough of Strasburg as an additional insured.

Will a chute or similar device or object be constructed or utilized? _____

If so, a certificate of insurance covering the use of the chute or similar device or object and naming the Borough as an additional insured must be provided. If a chute or similar object or device is to be erected, constructed or utilized, it must be approved by the Building or Code Official and listed on the Insurance Certificate.

Signature of Applicant _____ **Phone #** _____

Borough Use Only

Approved by Police Department _____ Fee Paid _____

Application complete _____

Permit Number _____

Approved By _____

Date _____