

ORDINANCE NO. 3

AN ORDINANCE OF THE BOROUGH OF CAMP HILL, CUMBERLAND COUNTY, PENNSYLVANIA, REGULATING THE PLACEMENT OF DUMPSTERS AND OTHER RUBBISH CONTAINERS AND STORAGE DEVICES IN THE BOROUGH OF CAMP HILL.

WHEREAS, Section 1202(5) of the Borough Code authorizes the Borough Council of the Borough Camp Hill (“Council”) to enact ordinances and make regulations necessary for the health, safety, and general welfare of the Borough of Camp Hill (“Borough”); and

WHEREAS, Council recognizes that the unregulated placement of dumpsters and other rubbish containers and storage devices can have a detrimental impact on the health, safety, and general welfare of the Borough; and

WHEREAS, Council recognizes that dumpsters, rubbish containers and storage devices are a necessary part of the residential and business community of the Borough; however, if left unregulated, dumpsters, rubbish containers and storage devices can create problems which can have a detrimental impact on the health, safety, and welfare of the community; and

WHEREAS, Council has determined that the regulation of dumpsters and other rubbish containers and storage devices within the Borough will promote the health, safety, and general welfare of the community by preventing hazards associated with these devices and by eliminating a nuisance creating the appearance of inefficiency or economic blight.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Camp Hill, Cumberland County, in lawful session duly assembled, as follows:

SECTION 1 – Definitions

The following terms shall have the meanings as indicated below for the purposes of this ordinance:

BOROUGH: The Borough of Camp Hill, Cumberland County, Pennsylvania.

DUMPSTER: Any uncovered, wheeled or otherwise movable receptacle utilized for the storage and/or collection of refuse, debris, rubbish, or other solid waste materials.

GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HAZARDOUS WASTE: Any garbage, rubbish, or a combination thereof which, because of its quantity, concentration, or its physical or infectious characteristics, may:

- 1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or total population; or

- 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

PERMIT: A permit issued by the Borough authorizing the temporary placement of a dumpster, rubbish container, or street storage.

PERMITTEE: A person or legal entity that 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.

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 work-related trailers.

RUBBISH: Combustible and noncombustible waste materials, except garbage; including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, woods, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STREET: Any public street, highway, lane, court, cul-de-sac, avenue, alley or other thoroughfare located in the Borough.

STREET STORAGE: Any item placed in a street for a period in excess of forty-eight (48) consecutive hours that is not a motor vehicle as defined by the Pennsylvania Vehicle Code or a dumpster, including, but not limited to, containers commonly known as portable storage devices.

RUBBISH CONTAINER: Any receptacle, container, motor vehicle, or trailer with a storage capacity of ninety-five (95) gallons or more used for the purpose of collecting and storing garbage or rubbish. This includes, but is not limited to, trailers, dump trucks, flatbed trucks or trailers, and pickup style trucks.

SECTION 2 – Permit Required

No person, other than the agents or employees of the Borough shall place, maintain, or use a temporary dumpster, rubbish container, or street storage, without first obtaining a permit from the Borough by filing an application with the Codes Enforcement Officer or Police Department in the prescribed form. The application fee for obtaining such a permit is established at Twenty-Five (\$25.00) Dollars. If the dumpster, rubbish container, or street storage is or will be located on a street, the placement of the dumpster must be approved by the Police Department or its designee.

- A. The permit application is complete when all of the required information is provided on the permit application and the applicable fee is paid.

- B. The permit must be issued prior to the placement of the dumpster or rubbish container by the permittee.
- C. All permits issued under this Ordinance shall be valid for a period of four (4) weeks from the date the permit is issued. If it becomes necessary to amend the date of placement of the dumpster, rubbish container, or street storage, the permittee shall notify the Borough and the four (4) week period will begin with the actual placement of the dumpster, rubbish container, or street storage.
- D. Upon expiration of permit, permittee may apply for one (1) extension which may be granted if the enforcement official deems the extension necessary and reasonable. The applicant must apply for an extension at least five (5) business days before the expiration of the original permit. Any extension request for a permit, if granted, shall be limited to an increment of no more than a two (2) week period.
- E. Permits issued pursuant to this Ordinance shall be nontransferable. Permits may be used only by the permittee to whom originally issued for dumpster, rubbish container, or street storage at the location for which originally issued as stated on the permit application.

SECTION 3 – Placement and Use Regulations

- A. No dumpster, rubbish container, or street storage shall be placed so as to obstruct any portion of a public pedestrian sidewalk or walkway located in the Borough.
- B. The placement of a dumpster, rubbish container, or street storage shall not extend into the travel lane of traffic.
- C. A dumpster, rubbish container, or street storage located on a public street shall bear reflective markings in sufficient positions and with sufficient capacity to provide reasonable warnings to approaching nighttime traffic.
- D. The permittee shall use Pennsylvania Department of Transportation approved traffic cones to control and/or warn traffic approaching a dumpster, rubbish container, or street storage:
 - 1) Three cones shall be placed at the rear street side of the dumpster.
 - 2) Three cones shall be placed at the front side of the dumpster.
- E. The location and utilization of a dumpster, rubbish container, or street storage shall not be in a manner which constitutes a safety hazard to persons or property.
- F. The location and utilization of a dumpster, rubbish container, or street storage upon a public street shall be in compliance with all federal, state, and local laws, rules and

regulations, including but not limited to any highway occupancy or other permit required Pennsylvania Department of Transportation.

- G. The dumpster, rubbish container, or street storage shall be kept at least twenty (20) feet away from any crosswalk and from any intersection and must be placed so it does not block the view of any motorist pulling into a roadway.
- H. The dumpster, rubbish container, or street storage shall be marked with the name, address, and telephone number of its owner and a copy of the current effective permit shall be visibly attached to it.
- I. A tarpaulin or other suitable weather-resistant cover shall be placed over the dumpster or rubbish container at all times when the dumpster or container is in use. Additionally, the dumpster, rubbish container, or street storage shall, if Borough officials deem it necessary, be provided with adequate restraints to prevent inadvertent movement.
- J. The dumpster, rubbish container, or street storage shall be maintained in a manner to assure that the contents of the dumpster may not be invaded or removed by animals, vermin, vandals, scavengers or trespassers and in a manner that prevents residents of buildings contiguous to, or adjacent to, the dumpster from being annoyed by noxious odors, noise, airborne pollutants, or other characteristics of the dumpster or rubbish container.
- K. Dumpsters or rubbish containers filled to capacity must be removed within twenty-four (24) hours. The dumpster shall be deemed to be filled to capacity when its contents extend above the top edge of any wall of the dumpster or beyond the edges of any door, hatch or other opening in the roof or any wall of the dumpster. No overflow of any material shall be permitted from the dumpster or rubbish container, nor shall any accumulation next to the dumpster, rubbish container, or street storage be permitted.
- L. Hazardous waste shall not be stored in a dumpster, rubbish container, or street storage.
- M. The permittee shall execute an indemnity agreement promising to indemnify, save harmless, and defend the Borough, its officials, agents, servants, and employees against and hold it and them harmless from all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and attorney's 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 dumpster, rubbish container, or street storage on a public street.
- N. The permittee shall assume all risk of damage, and the Borough shall not be liable for any damage to the dumpster or rubbish container when the Borough is plowing snow,

maintaining the street or other facilities within the street or performing other public functions.

- O. Only one (1) dumpster, rubbish container, or street storage per property will be permitted on any street in the Borough.
- P. The permittee shall be responsible for all damages to Borough streets which may occur as a result of the placement or use of the dumpster, rubbish container, or street storage on a public street. In the event the Borough is required to repair the street following removal of the dumpster, rubbish container, or street storage by the permittee, the permittee will be responsible for the Borough's costs repair and cleanup costs.
- Q. After the dumpster or street storage has been removed, the permittee placing the dumpster or causing its placement in the Borough shall clean and restore the dumpster location to the fullest extent reasonably possible to the condition of that location and its surrounding area as existed prior to placement of the dumpster. If the dumpster location area is not cleaned and restored within twenty-four (24) hours of removal, then Borough officials shall cause the area to be cleaned and restored and shall recover the total cost of cleaning and restoration plus a 10% surcharge on the total amount, from the permittee.
- R. In the event of a fire, Snow Emergency, or other emergency, the Code Officer, Fire Chief, EMA Coordinator for Emergency Management, Public Works Director, Police Department, or Borough Manager has the right to order the removal of the dumpster, rubbish container, or street storage at the permittee's expense.

SECTION 4 – Revocation of Permit

Any material false statement or omission made in connection with the application for a permit shall be grounds for revocation of the permit by the Codes Enforcement Officer, the Police Department, or their designee.

The Borough reserves the right to revoke any permit issued for a dumpster or rubbish container if any conditions of approval are not met or maintained by the permittee. Upon notice of revocation, the permittee shall remove the dumpster, rubbish container, or street storage within twenty-four (24) hours of receiving notice unless the Codes Enforcement Officer, the Police Department, or their designee determines that, because of health and safety concerns, immediate removal of the offending dumpster, rubbish container, or street storage is required.

SECTION 5 – Removal of Dumpsters of Street Storage

All dumpsters, rubbish containers, or street storage placed upon a street in the Borough without a permit or upon expiration of a permit shall be removed immediately upon notice issued by the Borough or the Police Department. The Borough may at the expense of the townner or lessee of

the property or the permittee remove or cause the removal of a dumpster, rubbish container, or street storage.

SECTION 6 – Violations and 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 Fifty (\$50.00) Dollars and not more than One Thousand (\$1,000.00) 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.

SECTION 7 – Severability

If any provision of this ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions which shall continue in full force and effect.

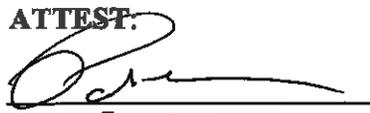
SECTION 8 – Repealer

Any ordinance or part of any ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent necessary to resolve such conflict.

SECTION 9 – Effective Date

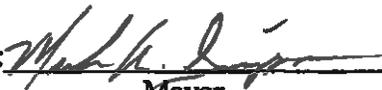
This ordinance shall be in full force and effect immediately upon its enactment.

ORDAINED AND ENACTED this 12 day of April, 2017.

ATTEST:

Secretary

BOROUGH OF CAMP HILL:
By: 
President

APPROVED this 12 day of April, 2017

By: 
Mayor