

**BOROUGH OF WEST PITTSTON,
LUZERNE COUNTY, PENNSYLVANIA**

ORDINANCE No.563 OF 2009

**AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING
THE USE OF TRASH DUMPSTERS WITHIN THE BOROUGH OF
WEST PITTSTON EXCEPTIONS TO THE REGULATIONS,
THE REQUIREMENT OF A DUMPSTER PERMIT, AND
PENALTIES FOR VIOLATIONS OF THE ORDINANCE**

SHORT TITLE: DUMPSTERS ON STREETS, DRIVEWAYS, PUBLIC RIGHT OF WAY

WHEREAS, The Counsel of the Borough of West Pittston, has determined that trash Dumpsters used primarily to receive construction debris and which are placed on Borough streets, alleys, driveways, Public right of way and State Highways cause damage to the roadways if not properly placed, constitute a hazard to vehicular traffic if not equipped with reflectors and / or flashing lights, and create safety issues by obstructing sight lines of motorists.

BE IT ENACTED AND ORDAINED, by the Council of the Borough of West Pittston, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

DUMPSTER: a metal storage receptacle pods or similar containers used to temporarily store debris or garbage and which is then emptied on its contents or removed with its contents to a dump site.

PERSON: any natural person, association, partnership, contractor, sub-contractor, firm or corporation.

SECTION II

PERMIT REQUIRED

FEES

1. No persons shall place a dumpster within the Borough of West Pittston without first obtaining from the Borough Code Enforcement Office an application for a permit and paying the permit fee established before the permit is issued and dumpster is placed. A review of the location by the Police may be required. The initial fee will be \$25.00 per dumpster which is placed on borough streets, and may be increased from time to time by resolution of the West Pittston Borough Council, which shall be for the use of the Borough. The permit will be approved or rejected within five (5) working days of application. There shall be no fee for dumpsters placed on private property.

2. The permit shall be for a maximum of thirty (30) days. If the applicant requires additional time, a second permit fee of \$25.00 can be obtained for an additional thirty (30) days. Additional extensions for sixty (60) day periods may be granted after approval by the Code Enforcement Officer, and with an additional fee of \$40.00 per period.

3. At no time shall a dumpster be placed on borough sidewalks, curbs or tree lawns without special written permission from the Code Enforcement Officer.

SECTION III

REQUIREMENTS FOR DUMPSTERS PLACED UPON STREETS

1. The following requirements shall apply to any dumpsters placed upon Streets, Driveways or Highways in the Borough of West Pittston.
 - A. Reflectors shall be placed upon all four (4) sides of the dumpster, each side containing a minimum of four (4) reflectors making the dumpster visible at night.
 - B. Each of the dumpster's rollers on wheels (if any) will be placed upon a wood pad at least 1/4 inch in thickness so as not to damage the road surface or right of way. Dumpsters cannot be dragged so as to damage road surfaces. Persons as described in this Ordinance who damage Borough roads, streets, driveways, right of ways shall be liable for the cost of the said properties. Persons as described in Article I of this ordinance must show proof of liability insurance at the filing for the dumpster permit. Both the user of the dumpster and the owner of the dumpster may be held liable for any damage to borough streets, sidewalks, curbs, tree lawns, trees, etc.
 - C. Dumpsters shall have the company name and the telephone number of the owner clearly printed on each side of the dumpster.
 - D. Dumpsters shall be placed no closer than twenty-five (25) feet from any intersection, and ten (10) feet from any driveway. Dumpsters not exceeding three (3) feet in height may be placed no closer than fifteen (15) feet of any intersection, no further away than twelve (12) inches from any curb and not wider than 102 inches.

PENALTIES

1. Any person as defined in this ordinance who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600.00 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.
2. Each day that a violation of this Ordinance continues, shall constitute a separate offense.

SECTION IV

This Ordinance shall be enforced by the Chief of Police and/or the Code Enforcement Officer.

SECTION V

This Ordinance may be amended by resolution of the Borough Council from time to time as necessary.

DULY ENACTED AND ORDAINED this 5th day of *January*, 2010 by the Borough Council of the Borough of West Pittston, Luzerne County, Pennsylvania, in lawful session duly assembled.