

THE BOROUGH OF ROCKLEDGE, MONTGOMERY COUNTY, PA

ORDINANCE NO. 613

AN ORDINANCE ADDING A NEW SECTION TO CHAPTER 5, PART 2 OF THE BOROUGH CODIFIED ORDINANCES (ADOPTING BOCA NATIONAL PROPERTY MAINTENANCE CODE) REGULATING THE PLACEMENT OF CONSTRUCTION DUMPSTERS ON OR NEAR PROPERTIES; EFFECTIVE UPON ADOPTION

WHEREAS, construction dumpsters are a necessary part of the process of building, demolishing, restoring, or remediating all manner of residential and non-residential properties, and

WHEREAS, it is the intent and desire of Borough Council through this ordinance to allow the placement of dumpsters, but subject to reasonable restrictions and regulations,

NOW THEREFORE, Rockledge Borough Council does hereby ORDAIN as follows:

1. Dumpsters Regulated.

A. Location of Construction Dumpsters.

1. Off street. Generally, dumpsters shall be placed on the property being serviced and not on the street in front of the property. No commercial or construction dumpster shall be located within ten (10) feet of an abutting building. Where compliance with this provision is not possible by virtue of the proximity of the buildings to one another, or where other compelling reasons (example: narrowness of street prevents delivery of dumpster onto property), on street placement is permitted.

2. On street. If permitted and the dumpster is placed on the public street or alley, the dumpster shall

be directly in front of or on the side of the property address utilizing the dumpster.

Additionally, a dumpster placed in the street shall:

1. not be more than eighteen (18") inches from the curb;

2. not obstruct driveways of abutting properties;

3. be protected at both ends by a barricade, which after sunset, shall have a flashing yellow light attached to it; and

4. have a reflector or reflective area of not less than thirty-six (36) square inches at each end.

5. May not be utilized where the remaining usable width of the roadway does not allow for the passage of motor vehicles around it.

B. Time Limit.

1. A dumpster placed on a public street may not remain for longer than 21 days at any one time and, absent an emergency condition, not more than on three separate occasions in one twelve month period.

2. A dumpster placed off street may remain for 30 days, and, absent an emergency condition, not more than on three separate occasions in one twelve month period.
3. When the need for the dumpster is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage) then in such instance the dumpster may remain for the length of time necessary to remove the debris as determined by the Code Enforcement Officer. In such instances, the use of the dumpster is not counted towards the limit of three times per twelve month period.

C. Sanitation.

The following requirements shall be maintained while the dumpster is on or at the site:

1. The area around the dumpster shall be kept free of debris and litter;
2. Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within twenty-four (24) hours; and
3. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.
4. A full dumpster shall be removed from the property within two (2) business days.

D. Usage

A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.

E. Identification.

The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weather proof manner on the dumpster.

F. Permit Required.

A permit shall be required for a dumpster. The permit shall be obtained from the Borough Code Enforcement Officer and the fee shall be set at: \$35.00 for on-street placement and \$10.00 for off-street placement of a dumpster. The permit shall be displayed in a weather proof fashion on the dumpster or residential window.

G. Abatement

Any dumpster not in compliance with this ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster.

H. Violations; penalties.

- a. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Three Hundred (\$300.00) Dollars.
- b. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

This ordinance is effective immediately upon adoption.

SO ORDAINED this __ day of _____, 2009.

James Caffrey, Council President

ATTEST: _____
Grace Metzinger, Secretary

APPROVED: _____
Harold Praediger, Mayor