

**BOROUGH OF AVALON**

**Commonwealth of Pennsylvania**

Ordinance No. 1336

AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY, COMMONWEALTH OF 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.

WHEREAS, the Council of the Borough of Avalon seeks to protect the health and safety of its residents by regulating Waste Dumpsters and Street Storage units and;

NOW THEREFORE, IT IS ORDAINED and ENACTED by the Council of the Borough of Avalon, Allegheny County as follows:

I. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

**GARBAGE-** All putrescible (or decayable) wastes; except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals; and all such substances accumulated on or removed from all public and private establishments and properties, including residences, but excluding recognizable industrial by-products, discarded wood and lumber, grass clippings, weeds and leaves.

**PERSON**—Any individual, firm, partnership, company, corporation, association, society or group.

**REFUSE**—Includes rubbish, garbage and trash, as these terms are defined herein.

**RUBBISH**—General dry material produced routinely by household, commercial, or industrial establishments, such as paper, cans, bottles, and other containers and ashes.

**STREET**—Any public street, road, way, alley, parking area or other area designated for public pedestrian or vehicular traffic, passage or parking.

**STREET STORAGE**—Any storage unit 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. This includes, but is not limited to, portable storage containers.

TRASH—Includes bushes, branches, Christmas trees, lawn rakings and similar waste materials, bulky objects, such as discarded household appliances or equipment or furniture, and building demolition and construction wastes.

WASTE DUMPSTER—Any dumpster, trailer, box container or any other receptacle of any kind used for the storage of refuse.

APPLICANT—any individual, firm, partnership, company, corporation, association, society or group who applies for a Permit pursuant to this Ordinance.

## II. Permit Required; Fees.

A. No person shall place or cause to be placed any Waste Dumpster or Street Storage on any Avalon Borough street unless and until said person has obtained a Permit, issued by the Avalon Chief of Police and signed by the Borough Manager. 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.

B. All persons applying for a Permit shall pay a non-refundable twenty-five dollar (\$25.00) fee. Additionally, all persons applying for a Permit shall pay to the Borough an advance deposit in the amount of fifty dollars (\$50.00). The deposit shall be refunded within thirty (30) days after the termination of the Permit, provided that no violation of the Ordinance has occurred. Permit and deposit fees may be adjusted from time to time by Resolution of Borough Council.

C. All persons applying for a Permit shall advise the Avalon Borough Chief of Police of the following information in writing:

1. Specifications of Waste Dumpster or Street Storage, including size and capacity;
2. Type and Amount of Refuse to be stored;
3. Intended Waste Dumpster or Street Storage placement;
4. Length of Time the Waste Dumpster or Street Storage will remain in said location;
5. Name, address and telephone number of the person available twenty-four (24) hours per day to receive communication from Avalon Borough Officials concerning the Waste Dumpster or Street Storage and the activities related thereto.

After the expiration of a legally issued Permit, Applicant may seek an extension of the Permit upon written good cause shown to Borough Council. If a permit extension is

denied, Applicant may appeal the decision in writing within ten (10) days from receipt of the denial. The Applicant must pay \$600 non-refundable appeal fee to complete the written request for appeal. Upon written appeal and payment of the applicable appeal fee, a public hearing shall be scheduled and held pursuant to the Local Agency Law before Borough Council. Appeal fees may be adjusted from time to time by Resolution of Borough Council.

### III. Placement, Maintenance and Use Regulations.

A. 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.

B. The placement of a Waste Dumpster or Street Storage upon a street shall not extend into the travel lane of traffic, and must be placed at least twenty (20) feet from all road intersections.

C. Any Waste Dumpster or Street Storage placed upon a street shall bear reflective markings with sufficient reflective capacity to provide reasonable warning to approaching traffic from a distance of at least one hundred (100) feet.

D. Any Waste Dumpster or Street Storage placed upon a street shall bear the name and telephone number of the Person who owns the unit. If such Waste Dumpster or Street Storage is not so marked, the applicant must supply said information to the Chief of Police as a condition for securing and maintaining a valid permit.

E. All Waste Dumpsters and Street Storage must be maintained in a safe and sanitary manner to assure that the contents may not be invaded or removed by weather, animals or trespassers. Use of the Waste Dumpster or Street Storage must not disturb adjacent properties with noxious odors, noise, airborne pollutants, or other any other such nuisance.

F. All Waste Dumpsters must be removed from Avalon Borough within twenty-four (24) hours of reaching full capacity. A Waste Dumpster is considered filled to capacity when its contents extend to the top edge of any wall of the Waste Dumpster or beyond the edges of any doors, hatch, or other opening in the roof or any wall of the dumpster.

G. After any Waste Dumpster or Street Storage is removed, the Applicant shall reasonably clean and restore the Waste Dumpster or Street Storage location to the condition as it existed prior to the placement of the unit. Such restoration must be completed within twenty-four (24) hours of removal of the Waste Dumpster or Street Storage. If the Waste Dumpster or Street Storage area is not cleaned and restored within twenty-four (24) hours of removal, Avalon Borough Officials shall cause the area to be cleaned and restored. Such reasonable costs and expenditures incurred by the Borough

shall constitute a Municipal Claim and shall be the responsibility of the Applicant, in addition to applicable fines and penalties.

H. The Waste Dumpster or Street Storage owner and/or contractor shall be responsible for any and all damage to streets, sidewalks, curbs, public right-of-ways or other public improvement which results from the placement, service, operation, use or removal of the Waste Dumpster or Street Storage.

I. 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 caused by Borough performed or contracted street plowing, street sweeping, or other public function.

The Borough reserves the right to limit and/or deny a permit or extension of a permit for a Waste Dumpster or Street Storage for good cause such as snow removal, street cleaning, public safety concerns or other municipal purpose. In such a case that the Borough requires the immediate removal of a Waste Dumpster or Street Storage, notice will be provided to the Applicant. Applicant will remove the Waste Dumpster or Street Storage within twenty-four (24) hours. If the Waste Dumpster or Street Storage area is not removed within twenty-four (24) hours of notice, Avalon Borough Officials shall cause the area to be cleaned and restored. Such reasonable costs and expenditures incurred by the Borough shall constitute a Municipal Claim and shall be the responsibility of the Applicant, in addition to applicable fines and penalties.

#### IV. Violations and Penalties

Any person who violates any provision of this Article shall, upon conviction thereof before a District Justice or other tribunal or court, be sentenced to pay a fine of not more than \$1,000.00, plus costs of prosecution. Each day of continuing violation shall constitute a separate offense. Additionally, the Borough may remove the Waste Dumpster or Street Storage at the expense of the Permittee.

#### V. Severability

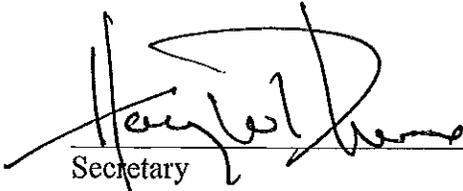
The provisions of this Ordinance shall be severable and, should any provisions hereof be held invalid or unenforceable, the remaining provisions shall remain in full force and effect.

VI. All ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance repealed to the extent of such inconsistency.

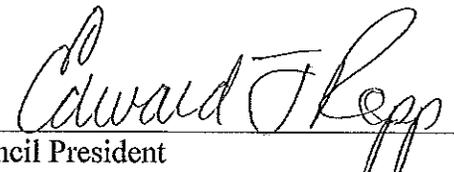
VII. The provisions of this Ordinance shall take effect immediately upon being recorded in the Borough Ordinance Book.

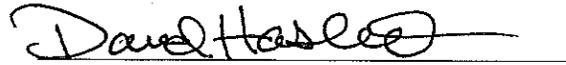
THIS ORDINANCE adopted by the Council of Avalon Borough at a duly assembled public meeting held this 21 day of February, 2012.

ATTEST:

  
Secretary

AVALON BOROUGH

By:   
Council President

  
Mayor