

BOROUGH OF CHURCHILL

ORDINANCE NO. 726

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE USE OF PORTABLE STORAGE CONTAINERS, TEMPORARY DUMPSTERS, AND OTHER REFUSE CONTAINERS WITHIN THE BOROUGH AND ADDING ARTICLE IV ("BULK CONTAINERS") TO CHAPTER 252 ("SOLID WASTE") OF THE CHURCHILL BOROUGH CODE

WHEREAS, portable storage containers, temporary dumpsters and other refuse containers and (collectively, "bulk containers") are a necessary part of maintenance, construction and/or moving/relocation activities within the Borough of Churchill; and

WHEREAS, if left unregulated, bulk containers can create problems which can have a detrimental impact on the health, safety, and welfare of the community; and

WHEREAS, bulk containers can hinder pedestrian and vehicular traffic flow and create dangerous conditions by obstructing sidewalks and streets and can create an appearance of disorder and economic blight; and

WHEREAS, the regulation of bulk containers within the Borough of Churchill will promote the health, safety, and welfare of the community by preventing hazards associated with these devices, by facilitating pedestrian and vehicular traffic flow and by eliminating a nuisance that creates the appearance of inefficiency and economic blight.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Churchill, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

Section 1.

The following shall be added as Article IV to Chapter 252 of the Churchill Borough Code:

Article IV

Bulk Containers

§ 252-21. Definitions.

As used in this Article, the following words and terms shall have the meaning indicated:

BOROUGH. The Borough of Churchill.

BULK CONTAINERS. A portable container (i) designed to assist with moving and/or storage of household or commercial goods and materials, including but not limited to portable on-demand storage devices ("PODS") and similar containers, (ii) designed for the collection of large amounts of garbage and/or refuse, including but not limited to dumpsters and bagsters, or (iii) designed for the collection of yard waste and debris. Containers, including dumpsters, used by commercial and multi-family properties for regular storage of refuse and garbage in connection with normal business activities shall not be considered Bulk Containers under this Article.

PERSON. Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignor, or any other legal entity.

§ 252-22. Use and Location of Bulk Containers.

- A. Bulk Containers shall be used only in connection with maintenance, construction and/or moving/relocation activities taking place on the property upon which the Bulk Container is placed. It shall be unlawful and a violation of this Ordinance for any Person:
- (1) to cause or permit a Bulk Container to be placed on public property, including but not limited to roads or streets within the Borough;
 - (2) to cause or permit a Bulk Container to be placed in the Borough right-of-way;
 - (3) to cause or permit a Bulk Container to be placed in such a location as to block visibility or access to a public street;
 - (4) to cause or permit a Bulk Container to be placed in such a location as to block access to a public sidewalk; or
 - (5) to cause or permit a Bulk Container to be placed less than six (6) feet from a curb of a street.
- B. Bulk Containers shall not have any electrical wiring, lighting or heating elements.
- C. No advertising shall be permitted on a Bulk Container except for the identity of the supplier of the Bulk Container.

§ 252-23. Registration and Permit Required.

- A. For any use of a Bulk Container in excess of thirty (30) days, a permit must be obtained from the Borough by filing an application which shall identify the purpose, placement and proposed location of the Bulk Container.
- B. A permit application filed under this Section shall be reviewed by the Borough Manager or his designee for approval. The Borough shall have the right to deny an application if it is deemed that the placement of the Bulk Container is contrary to the health, safety and public welfare of the Borough. The Borough may, at its discretion, reject the application or propose an alternate location for placement of the Bulk Container.
- C. The maximum duration of a permit issued under this Section shall be sixty (60) days, and the continued validity of such permit shall be contingent upon full compliance with the regulations and requirements set forth in this Article and any other applicable rules adopted by the Borough. Any Person seeking to use a Bulk Container for a period greater than sixty (60) days shall re-apply for a new permit upon expiration of the original permit. Applications to use a Bulk Container beyond the initial sixty (60) day period shall be granted only where the applicant can show that such additional time is necessary to complete a maintenance or construction activity for which the original permit was issued. Bulk Containers shall not be permitted on a property in excess of one hundred fifty (150) days within any twelve (12)-month period unless a building permit has been issued for the property and the Bulk Container use is incidental to and necessary for the building project.

§ 252-24. Condition of Bulk Containers.

- A. Any Person utilizing a Bulk Container shall be responsible to insure that the area in and around the Bulk Container remains free of all litter and debris.
- B. Any Person utilizing a Bulk Container shall insure that the Bulk Container remains in a neat and clean condition and is at all times secure and safe.

- C. The location and utilization of the Bulk Container shall be in compliance with all federal, state and local laws, rules and regulations applicable thereto.

§ 252-25. Violations and penalties.

Any Person who violates this Article shall be subject to a fine not to exceed \$600.00 per occurrence. Each day that a violation of this Article continues shall constitute a separate offense.

Section 2.

If any of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 3.

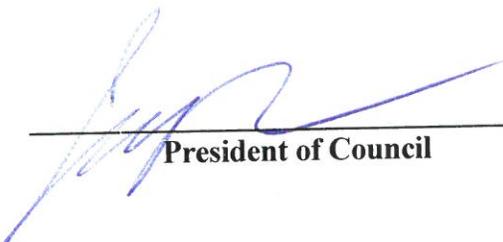
All prior ordinances of the Borough of Churchill which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4.

This Ordinance shall become effective upon adoption.

ORDAINED AND ENACTED into law this 9th day of March, 2015.

BOROUGH OF CHURCHILL



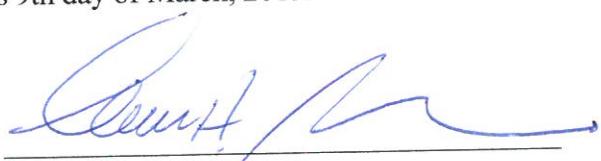
President of Council

ATTEST:



Secretary

EXAMINED AND APPROVED this 9th day of March, 2015.



Mayor