

The Borough of Swissvale
7560 Roslyn Street
Swissvale, PA 15218

Dumpster Provision Notice

1. User must obtain permit before placement and give copy of permit to hauling company.
2. Permit is valid for 30 days and may be renewed if such renewal is in compliance with all Borough Ordinances. (Renewable for \$25.00)
3. Dumpster must bear reflectories or illuminated marking to warn pedestrians and motorists.
4. Dumpster must be emptied within three (3) calendar days after filling to capacity.
5. The name and company responsible for the placement and removal of the dumpster must be displayed on same, as well as the dumpster tag.
6. At no time will a dumpster/container be placed onto any running lane of the roadway restricting flow of traffic.
7. If a chute is required, you must provide an insurance certificate.
8. Applicant must assume any and all liability for dumpster. The Borough is not responsible for the dumpster.
9. Permit may be revoked for: 1) Failure to comply with Ordinances, or Dumpster Provision Notice. 2.) Emission of foul or noxious odors from the dumpster. 3.) Presence of vehicular, pedestrian, fire, health or safety hazard.
10. Liability Insurance must be obtained and maintained by the Permittee in the amount of at least five hundred thousand dollars (\$500,000.00) as stated in the Ordinance.

It is the duty of the Swissvale Police Department to enforce the provisions of Ordinance #08-03 and all the provisions stated in this notice. Whosoever violates any of the provisions of this Ordinance/Notice shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00).

BOROUGH OF SWISSVALE
ORDINANCE NO. 08-03

AN ORDINANCE OF THE BOROUGH OF SWISSVALE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REGULATING AND ESTABLISHING A PERMIT FEE FOR THE USE OF DUMPSTERS AND PORTABLE STORAGE CONTAINERS WITHIN THE BOROUGH OF SWISSVALE AND ADDING PART 6 ("DUMPSTERS") TO CHAPTER 10 ("HEALTH AND SAFETY") OF THE SWISSVALE BOROUGH CODE

WHEREAS, dumpsters and portable storage containers are a necessary part of the residential and business community of the Borough of Swissvale; and

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

WHEREAS, dumpsters and portable storage 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 dumpsters and portable storage containers within the Borough of Swissvale 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.

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

Section 1.

The following shall be added as Part 6 to Chapter 10 of the Swissvale Borough Code:

Part 6

Dumpsters

§10-601 Definitions.

The following words and terms shall have the meaning indicated:

BOROUGH. The Borough of Swissvale.

DUMPSTER. A portable bulk container (i) designed for the collection of large amounts of refuse and designed to be mechanically unloaded into a refuse collection vehicle or (ii)

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.

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

§10-602 Location of Dumpsters.

1. Except upon receipt of a permit as provided in this Part, it shall be unlawful and a violation of this Ordinance for any Person:

- A. to cause, or permit, a Dumpster to be placed on public property;
- B. to cause, or permit, a Dumpster to be placed in the Borough right-of-way;
- C. to cause or permit a Dumpster to be placed in such a location as to block access to a public street; or
- D. to cause or permit a Dumpster to be placed in such a location as to block access to a public sidewalk.

2. Any Person who violates this section of the Ordinance shall be subject to a fine not to exceed \$1,000.00 per occurrence. Each day that a violation of this Part continues shall constitute a separate offense.

§10-603 Permit Required.

1. No person shall place upon, cause to be placed upon or allow to remain upon a Borough street, sidewalk or right of way, a Dumpster without first obtaining a permit from the Borough by filing an application with the Borough in a form to be hereafter prescribed. The application fee for obtaining such a permit shall be Fifty Dollars (\$50.00), which fee may be modified by resolution or motion of the Borough Council.

2. Upon application and payment of the permit fee, the application shall be reviewed by the Borough's Chief of Police or his designee for approval. The Borough shall have the right to deny an application if it is deemed that the placement of the Dumpster is contrary to the health, safety and public welfare of the Borough. The Borough may, at its discretion, propose an alternate placement of the Dumpster.

3. Upon approval of the application, a permit shall be issued. 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 and any other applicable rules adopted by the Borough. Any Person seeking to use a Dumpster for a period greater than thirty (30) days shall re-apply for a new permit upon expiration of the original permit.

4. Any Person who fails to obtain a permit as required by this part shall be subject to a fine not to exceed \$1,000.00 per occurrence. Each day that a violation of this Part continues shall constitute a separate offense.

§10-604 Condition of Dumpsters.

1. Any Person utilizing a Dumpster shall be responsible to insure that the area within ten (10) feet of the Dumpster remains free of all litter and debris.
2. Any Person utilizing a Dumpster shall insure that the Dumpster remains in a neat and clean condition, that it be kept free from rust, that it be kept painted and that the actual Person responsible for collection of the refuse shall be identified on the outside of the Dumpster. All Dumpsters shall bear reflective markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to approaching traffic in both directions of its location. These warnings shall be accomplished by Dumpster markings, cones or barrels and must be approved by the Chief of Police or his designee.
3. The location and utilization of the Dumpster 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.
4. Any Person who violates this section of the Ordinance shall be subject to a fine not to exceed \$1,000.00 per occurrence. Each day that a violation of this Part continues shall constitute a separate offense.

§10-605 Indemnity.

1. The permittee shall execute an indemnity agreement, in a form acceptable to the Borough, promising to indemnify, save harmless and defend the Borough, its Council, officials, agents, servants and employees against and hold them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorneys' fees for or on account of any injury to any person or any damage to 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.
2. Liability insurance shall be obtained and maintained by the permittee in the amount of at least Five Hundred Thousand Dollars (\$500,000) for property damage and personal injury, combined single limit, arising out of or in connection with the placement of a Dumpster, with the Borough of Swissvale being named an Additional Insured under said policy. A certificate evidencing this policy shall be provided to the Borough prior to the issuance of a permit.
3. The permittee shall assume all risk of damage to the Dumpster resulting from the Borough's maintenance of the street, including but not limited to snow plowing and street sweeping, and the Borough shall not be liable for such damage.

Section 2. Severability is intended throughout and within the provisions of this Part. If any section, subsection, sentence, clause, phrase or portion of this Part is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this chapter.

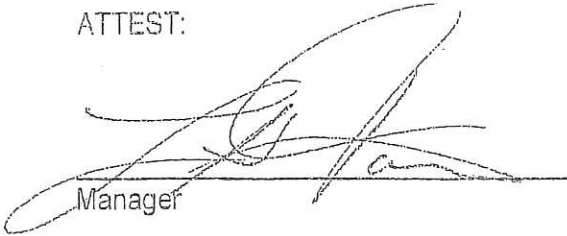
Section 3. All ordinances or resolutions or parts of ordinances and resolutions in conflict with the terms of this Ordinance are repealed and rescinded to the extent that such conflict exists.

Section 4. This Ordinance shall take effect immediately upon adoption by Council.

WITNESS the hands and seals of the President of Council and the Manager of the Borough of Swissvale this 4th day of JUNE, 2008.

ATTEST:

BOROUGH OF SWISSVALE




Manager



President of Council

EXAMINED and APPROVED this 4th day of JUNE, 2008.



Mayor

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