

TEMPORARY PORTABLE STORAGE UNITS (PODS) AND
ROLLOFF DUMPSTERS PERMIT APPLICATION
ORDINANCE NO. 2006-08 – See Attached

NAME: _____

SIGNATURE: _____

OWNER RENTER OCCUPIER CONTROLLER

ADDRESS OF PROPERTY: _____

PHONE: _____

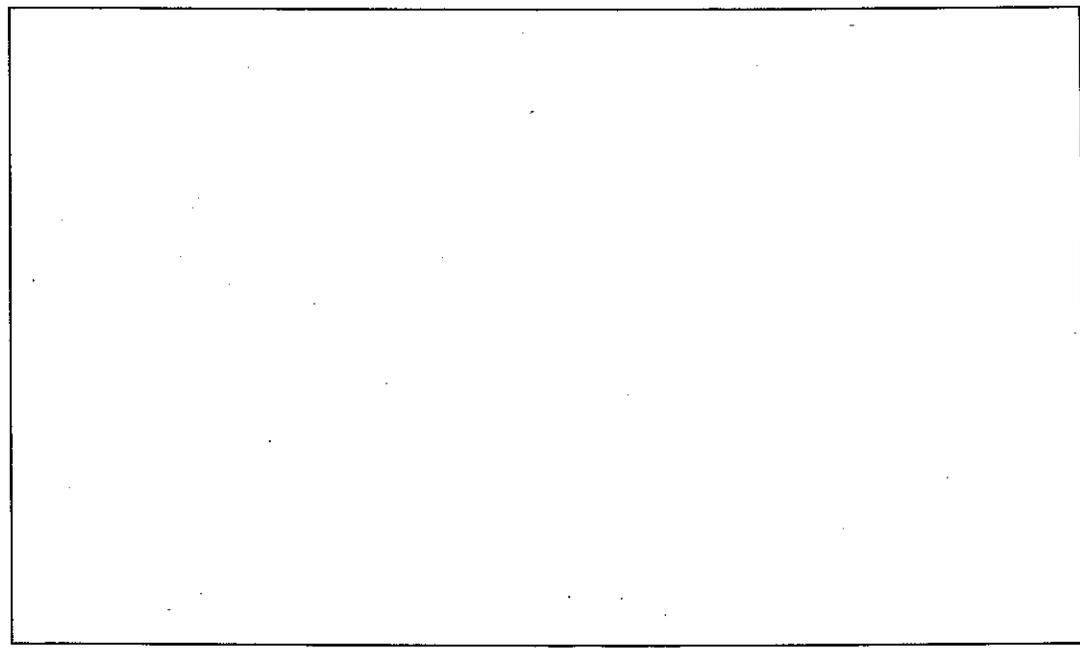
DELIVERY DATE _____ REMOVAL DATE _____

RELATED BUILDING PERMIT NUMBERS: _____

NAME, ADDRESS AND PHONE OF UNIT OR DUMPSTER OWNER:

FEE PAID: th 100. ^{us}

SKETCH OF PROPOSED LOCATION OR PLACEMENT FOR UNIT OR DUMPSTER



Chapter 232

PORTABLE STORAGE UNITS; ROLL-OFF DUMPSTERS

§ 232-1. Definitions and interpretation.

§ 232-3. Violations and penalties.

§ 232-2. Temporary portable storage units and roll-off dumpsters.

[HISTORY: Adopted by the Board of Commissioners of the Township of Spring Garden 11-8-2006 by Ord. No. 06-08 (Ch. 13, Part 11, of the 1994 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 120.

Zoning — See Ch. 310.

§ 232-1. Definitions and interpretation.

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

PERMITTEE — Person that owns, rents, occupies, or controls the property containing or proposed to contain a temporary portable storage unit or roll-off dumpster and who obtains or is required to obtain a permit under this chapter with the Township Zoning Office.

PERSON — Any natural person, firm, partnership, corporation, association or similar entity.

ROLL-OFF DUMPSTER — A metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash or construction, renovation or demolition waste and which is transportable such as to be delivered by, rolled off of, and picked up by a carrying vehicle that allows for the disposal and removal of its contents to a dump site. The term does not include dumpsters which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes.

TEMPORARY PORTABLE STORAGE UNIT (commonly known as **PORTABLE ON DEMAND STORAGE** or **PODS®**) — Any mobile container, storage unit, shed-like container or other portable structure that is not permanently affixed to the land, is designed for temporary short-term storage, is not intended for human habitation, that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building, other than an accessory building or shed complying with all building codes and land use requirements.

§ 232-2. Temporary portable storage units and roll-off dumpsters.

It shall be a violation of this chapter for any person or anyone acting as his agent or on his behalf to place or permit the placement of a temporary portable storage unit (hereinafter "unit") or roll-off dumpster (hereinafter "dumpster") on any street or property which that person owns, rents, occupies or controls without complying with the standards of this chapter:

- A. Permit process. No person shall place upon, cause to be placed upon, or permit to remain on a street or property located in the Township a unit or dumpster without first obtaining a permit from the Zoning Officer. A permit application must be accompanied by a nonrefundable fee of \$100, a fee that may be amended from time to time by resolution of the Township Board of Commissioners. A permit application shall contain the following:
- (1) Name of the applicant(s);
 - (2) Telephone number of applicant(s);
 - (3) Applicant's relationship to the property (owner, renter, occupier, or controller);
 - (4) Address of the property;
 - (5) Proposed delivery and removal dates of the unit or dumpster;
 - (6) Any related building permit numbers;
 - (7) A sketch of the proposed location or placement for the unit or dumpster; and
 - (8) The name, address and telephone number of the company who owns the unit or dumpster.
- B. Permit issuance. The Zoning Officer shall only issue a permit if the application and proposed unit or dumpster satisfy the requirements of this chapter. The Zoning Officer shall approve or reject the permit application within five working days of the date of application. The effective date of the permit shall be the date it is issued by the Zoning Officer. No property located in the Township shall be subject to more than three dumpster and unit permits per year. Unless an extension is granted under Subsection C, at least 30 days shall elapse between the grant of a subsequent permit. A permit shall be placed in plain view on the property containing the unit or dumpster.
- C. Permit extension. A permittee may make a written request for the extension of a permit for a unit or dumpster. The Zoning Officer shall be authorized to grant one extension of the permit for a period equal to that of the original permit, upon reaching the conclusion that the permittee is not in violation of this chapter or any other applicable Township ordinance. Any future extensions of any length or condition are subject to the approval of the Township Board of Commissioners, acting in its sole discretion and power. In the event of a fire or natural disaster, the Zoning Officer shall be authorized to grant a reasonable extension of not more than 30 days upon written application of an existing permittee.
- D. Duration. A unit permit shall be valid for 21 days. A dumpster permit shall be valid for 30 days.
- E. Number. No more than one unit shall be located on a property at a time. No more than two dumpsters shall be located on a property at a time.
- F. Location. A permit granted under this chapter shall limit placement of a unit or dumpster to a single specified location that is identified in the permit. A unit or dumpster shall be located on a property or a street in accordance with the following criteria:

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- (1) A unit or dumpster shall not be placed closer than 10 feet from a property line unless placed on an existing impervious driveway.
 - (2) No unit or dumpster may be placed so as to impede a parking area, loading area, aisle, driveway or cartway.
 - (3) If a unit or dumpster is placed on a street, the permittee shall place the unit upon a wood pad that is approximately three-fourths-inch thick, so as to prevent damage to the road surface.
 - (4) The unit or dumpster shall be placed in the first available location in the following order of priority: rear driveway (furthest point accessible from the street), rear yard, front/side driveway, side yard, front yard, street.
 - (5) No unit or dumpster shall be placed on or over any curb or sidewalk.
 - (6) The placement of a unit or dumpster on a street shall only be permitted if, in the sole judgment of the Township:
 - (a) If cannot reasonably or safely be placed on the property off of the public street; and
 - (b) It will not impede the safe and uninterrupted flow of vehicular traffic on the street.
 - (7) The location of the unit or dumpster shall not impede clear sight lines.
 - (8) The placement of the unit or dumpster shall not damage any portion of the public street, including the berm or shoulder.
 - (9) No unit or dumpster shall be located in a floodplain.
 - (10) If the Zoning Officer determines that the street is the most appropriate placement, the Spring Garden Township Police Department shall review and approve the street placement prior to the issuance of the permit.
- G. Size. A unit or dumpster shall not exceed eight feet six inches in height, 10 feet in width, or 20 feet in length.
- H. Contents. The contents of a unit or dumpster shall comply with the following criteria:
- (1) No unit or dumpster shall contain any illegal or hazardous material, solid waste, or recyclable materials;
 - (2) A dumpster must be emptied within three days of being filled to capacity;
 - (3) A unit shall be removed from the property or street within 48 hours of being filled to capacity or filled to a point that no further personal property is to be added to the unit;
 - (4) No unit shall contain construction, renovation, or demolition debris;

- (5) No unit or dumpster shall cause any foul, noxious or offensive odor to be emitted; and
 - (6) At any reasonable time, the Zoning Officer or his or her designated agent may inspect the contents of a unit or dumpster to ensure compliance with this chapter.
- I. Construction, renovation, and demolition exception. Notwithstanding the provisions of Subsection D, a dumpster shall be permitted for the period that a valid building permit is issued for any construction, reconstruction, alteration, renovation or demolition of a structure on a property located in the Township, upon compliance with all other provisions of this chapter. A valid building permit shall be submitted with the permit application. The Township shall not issue an occupancy permit until all units or dumpsters are removed from the property.
- J. Responsibility. It shall remain the permittee's obligation to ensure that a unit or dumpster is secured such that it does not endanger the safety of persons or property in the vicinity. The permittee shall maintain the unit or dumpster in good condition, free from deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, holes and breaks at all times. Permittee is responsible to ensure the presence of reflective materials or illuminating marks on a minimum of four sides of the unit or dumpster. In addition to compliance with this chapter, permittee shall comply with all other federal, state or local statutes, rules and regulations applicable thereto.
- K. Revocation and removal. All units or dumpsters shall be removed upon expiration of the permit. Any approved permit can be revoked by reason of the permittee's false statement or omission. The Zoning Officer can revoke any permit and/or, without notice, immediately remove the unit or dumpster if the permittee violates this chapter; if the dumpster becomes a safety hazard; or if the unit or dumpster is not removed from the property prior to the expiration of the permit (or by direction of law enforcement officer for safety reasons under Subsection C). The cost of removal by the Township shall be assessed against the property on which the unit or dumpster is located and filed as a lien by the Township. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes. In addition to the powers granted by this chapter, the Township may take such actions as are authorized by the Township Code upon the determination that a violation of the Township Code has occurred.
- L. Emergency. In the event of high winds, weather conditions, or a natural disaster in which a unit or dumpster may become a physical danger to persons or property, the appropriate Township official or law enforcement officers may require the immediate removal of such unit or dumpster.
- M. Liability and indemnity. A person applying for a permit to place a unit or dumpster on a street shall submit with the application an insurance certificate providing liability insurance in the amount of \$100,000 that is supplied by the company renting the unit or dumpster as well as a signed indemnity agreement. The indemnity agreement shall promise to indemnify, save harmless and defend the Township, its officials, agents, servants and employees of each of them against and hold it and 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 or any damages to any property which may arise or may be alleged to have arisen out of or in connection with the placement or utilization of the unit or dumpster.

- N. Preemption. Notwithstanding any of the provisions of this chapter, if the Commonwealth of Pennsylvania at any time has or places restrictions on roads over which it has jurisdiction that are more restrictive than the requirements of this chapter, then those restrictions shall supersede those of this chapter. If the Commonwealth of Pennsylvania notifies a permittee that he is in violation of a state standard, then such violation shall automatically rescind and void any permits issued under this chapter.

§ 232-3. Violations and penalties.

Any person, firm or corporation who shall violate any provisions of this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

