

EAST PITTSBURGH BOROUGH
ORDINANCE NO. 915

AN ORDINANCE PROVIDING FOR A MANDATORY PERMIT FOR THE USE OF TRASH COLLECTION CONTAINERS, DUMPSTERS OR REFUSE BAGS IN THE BOROUGH; PROVIDING DEFINITIONS, LIMITATIONS, FEES, PERMITS, CONTAINERS; PENALTIES; EFFECTIVE DATE.

WHEREAS, the Borough of East Pittsburgh has experienced an abuse in connection with the presence of various trash collection and storage containers also known as dumpsters and refuse bags which are placed on public and private property in the Borough; and

WHEREAS, abuses have consisted of allowing the same to become unsightly, permitting litter to accumulate in the area consisting of the contents of such devices, allowing weeds and grass to overgrow and surround such containers; in addition such containers have become nuisances also by unduly interfering with pedestrian and vehicular traffic; and

WHEREAS, the Borough has experienced significant expense and complaints by residents due to these abuses, and it is the purpose of this Ordinance to abate such practices; and

WHEREAS, this Ordinance is deemed to be in the best interests of the residents of the Borough, and is passed pursuant to authority of the Borough Code.

AND NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1: From the effective date of this Ordinance the storage, temporary storage and removal of any materials including but not limited to demolition waste and the use of containers for that purpose may be accomplished only in compliance with the terms of this Ordinance. Construction waste and demolition waste may be stored no longer than thirty [30] days, and only in an enclosed container with a lid or cover as provided herein. The above "Whereas" clauses are incorporated into this Section.

Section 2: Any person or entity desiring to store or dispose of construction and/or demolition waste must first apply to the Building Inspector or Code Enforcement Officer for a permit to put in place a container on public or private property. It is declared to be the intent of this Ordinance that no container in excess of twenty cubic yards may be placed on public or private property except in compliance with this Section. On private property containers of fifteen cubic yards or less may be utilized for a thirty day period without any permit, so long as the same do not constitute or amount to a public nuisance and provided such container is situated on the same building lot where the work is being done. All containers must provide for covers or

lids, must be illuminated by reflectors or lights and may not be filled above the level of the lid or cover.

Section 3: The Building Inspector is hereby authorized to prepare forms for such applications requesting such data as the Building Inspector deems necessary in his discretion, including but not limited to limits of liability of any liability insurance policy requested, a hold harmless provision protecting the Borough, a provision mandating lighting or reflectors on such containers, the placement of containers, warning signs and barricades and whether a cash or security bond to cover damages should be included. A dated application signed by the owner of the land and the applicant, if not the owner, must provide at least the following information:

- i] Name and address of the applicant and the owner of the subject real estate; the address where the work is to be done;
- ii] The dimensions and capacity of the container to be used, a description of the work to be done to the subject real estate and the length of time anticipated to complete the project;
- iii] The site where the applicant wishes to place the container, the duration of time when it will be in place and what materials will be stored in the container.

Section 4: Based on the application and all the circumstances, the Building Inspector may issue a permit in accordance with this Section. The Building Inspector may place such further restrictions on the permit as he sees fit to assure compliance with the standards of this Section. Permits shall be valid for no longer than thirty days; a permit may be renewed by filing an application with the Building Inspector. A fee is hereby set in the amount of \$ 25.00 for each permit and each renewal, payable upon presentation of the application. Borough Council may change this fee from time to time at its sole discretion by simple Resolution of Council.

Section 5 The Building Inspector in his discretion may issue a permit, refuse to issue a permit, refuse to renew a permit, move to rescind a permit by taking into consideration the following circumstances, and any other factors or conditions he deems to be relevant:

- i] If the container due to its size or proposed location has or likely will unduly interfere with pedestrian or vehicular traffic or parking;
- ii] If the applicant's activity of proposed activity produces or likely will produce or contain hazardous or noxious conditions [smoke, dust, odors];
- iii] If the applicant has not reasonably prosecuted the project;
- iv] The circumstances surrounding the applicant's need for a container, and the availability of alternate means of storing and disposing of construction and demolition waste.

Section 6: Any person aggrieved by the decision of the Building Inspector may appeal to the Zoning Hearing Board by filing such appeal in the office of the Borough Secretary and paying an appeal fee as proscribed for appeals to the Zoning Hearing Board within thirty [30] days of the decision of the Building Inspector.

Section 7: Any person or entity found to be in violation of this Ordinance shall be subject to a civil fine in the amount of \$600.00 for each day such a container remains without a permit as set forth herein.

Section 8: If any portion of this Ordinance is illegal or unconstitutional, then it is deemed to be the intent of East Pittsburgh Borough Council that the balance of this Ordinance would have been enacted irrespective of said invalid portion.

This Ordinance shall take effect immediately.

ORDAINED into law this 17 day of January, 2017.

ATTEST:

EAST PITTSBURGH BOROUGH

By Eileen Nevish
Secretary

By Dennis J. Jima
President

APPROVED this 17 day of January, 2017.

By Louis J. Payne
Mayor

CERTIFICATION

I, Eileen Navish, hereby certify that I am the Secretary of East Pittsburgh Borough, and that the within Ordinance was enacted at a regular meeting of Borough Council duly convened, at which a quorum was present and voted in favor thereof.

Certified this 17 day of January, 2017.

By Eileen Navish
Secretary