

RED HILL BOROUGH COUNCIL
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2018-548

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF RED HILL, CHAPTER 27 (ZONING), PART 4 (GENERAL REGULATIONS), BY ADDING A NEW SECTION 27-410 ENTITLED “DUMPSTERS AND PORTABLE STORAGE CONTAINERS” TO PROHIBIT DUMPSTERS AND PORTABLE STORAGE CONTAINERS IN PUBLIC RIGHTS-OF-WAY; REGULATE THE USE OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS ON PRIVATE PROPERTY; LIMIT THE DURATION OF USE OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS ON PRIVATE PROPERTY; SETTING FORTH RULES AND REGULATIONS FOR TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS; AND SETTING FORTH EXEMPTIONS FROM PROHIBITION OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS IN RIGHTS-OF-WAY.

The Borough Council of the Borough of Red Hill does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. - Amendment to Code

The Code of Ordinances of the Borough of Red Hill, Chapter 27 (Zoning), Part 4 (General Regulations), is hereby amended by adding a new Section 27-410 entitled “Dumpsters and Portable Storage Containers” by adding the new Section as follows:

27-410. Dumpsters and Portable Storage Containers.

1. Regular Collection Dumpsters. All Regular Collection Dumpsters shall be located on private property. Regular Collection Dumpsters are prohibited from being located in public rights-of-way including all streets, roads, alleys, sidewalks and any public, private or utility easement area.
2. Permit Required for Temporary Dumpsters and Portable Storage Containers. Temporary Dumpsters and Portable Storage Containers are prohibited on private property or within any right-of-way or easement unless a valid permit is obtained from the Borough. The permit application shall identify the name and contact information for the

company or companies providing and/or delivering the Temporary Dumpster or Portable Storage Container. No Temporary Dumpster or Portable Storage Container shall be placed, and no permit shall be issued for its placement within any State-owned right-of-way.

3. Maximum Size of Temporary Dumpsters and Portable Storage Containers. The maximum allowable size for a Temporary Dumpster or Portable Storage Container in a residential district is 24 feet long by eight (8) feet wide.
4. Limitations, Surface Requirements and Setbacks. No more than one (1) Temporary Dumpster and one (1) Portable Storage Container shall be allowed in the front yard of any lot on which a residential dwelling has been constructed. All Temporary Dumpsters and Portable Storage Containers located in the front yard must be placed no closer than five (5) feet from the edge of the street, curb or sidewalk whichever is closest to the Temporary Dumpster and Portable Storage Container. All Temporary Dumpsters and Portable Storage Containers must be placed no closer than two (2) feet from either side yard lot line and must not extend beyond the rear lot line of any lot.
5. 30-Day Permit Required. A Temporary Dumpster or Portable Storage Container may be utilized on site in a residential district for no more than thirty (30) days at a time unless such time is extended by the Borough upon a showing of sufficient progress on completion of the work related to the use of the Temporary Dumpster and/or Portable Storage Container.
6. Exception to Thirty (30) Day Permit. The Borough may grant a permit for the placement of a Temporary Dumpster or Portable Storage Container in a residential district for more than thirty (30) days without a request for extension of the permit when the property owner has demonstrated extenuating circumstances to justify the extension. Extenuating circumstances shall include, but not be limited to, natural disasters, fire or acts of God.
7. Validity of Permit. Permits under this Section shall be valid for the period specified on the permit, including any extensions granted. Any permits granted by the Borough shall be limited for use of the applicant at the approved location only.
8. Exception for Temporary Dumpsters and Portable Storage Containers in Public Right-of-Way. When a property in the Borough does not contain sufficient ground area on the lot for the placement of a Temporary Dumpster or Portable Storage Container, the Borough may grant a permit for placement of a Temporary Dumpster or Portable Storage Container in a public right-of-way such as an alley or public street or road directly in

front of or behind the subject property for a maximum period of thirty (30) days. No Temporary Dumpsters or Portable Storage Containers may be located so as to obstruct a public sidewalk or other normally-utilized pedestrian access under any circumstances. The location of a Temporary Dumpster or Portable Storage Container within a public right-of-way must be located so as to not interfere with vehicular and/or pedestrian circulation or storm drains and other storm water management facilities and shall be in accordance with all applicable building and fire code regulations for the purpose of insuring the safe ingress and egress to dwellings or other buildings and to assure access to utility shut-off valves and access to fire protection such as, but not limited to, fire hydrants and stand pipes. Any such containers allowed in a public right-of-way shall be situate so as not to obstruct necessary sight distance for motorists and pedestrians.

9. Temporary Dumpster Waste. Temporary Dumpsters may be used for discarding personal property, bulk items, demolition waste, construction waste and any other legally-disposable non-perishable wastes and refuse. No food waste, garbage, perishable waste, waste subject to spoilage, human waste or animal waste may be disposed of in a Temporary Dumpster.
10. Condition of Temporary Dumpsters and Portable Storage Containers. Temporary Dumpsters and Portable Storage Containers shall at all times be maintained in good condition, free from damage caused by other than normal wear and tear, and shall not be marked with graffiti or contain any holes, tears or punctures.
11. Advertising. Dumpsters and Portable Storage Containers may not contain advertising beyond the identification of the company name and telephone number of the company which placed the Temporary Dumpster or Portable Storage Container on the property or adjacent to the property as shall be permitted by the permit.
12. Safety Measures. Any Temporary Dumpster or Portable Storage Container with a valid permit to be located within a public right-of-way shall be equipped with adequate reflectors and safety devices (such as reflective tape and traffic cones) installed or affixed and strategically placed to include all four corners to the satisfaction of the Borough to prevent vehicles from colliding with Temporary Dumpsters or Portable Storage Containers.
13. Liability for Damage. The property owner who uses a Temporary Dumpster or Portable Storage Container shall be responsible for the prompt repair or replacement of any and all damage to any street, sidewalk, curbing, public right-of-way or other public improvement

located in the Borough caused by or resulting from the placement, transport, service, operation, use or removal of such Temporary Dumpster or Portable Storage Container. If the owner fails to make such repairs, the Borough may repair such damage and assess the owner for the cost of the work the Borough performs, plus an additional ten percent (10%) of such costs, together with all charges and expenses incurred by the Borough, including attorneys' fees, and shall seek reimbursement from the owner within thirty (30) days of delivery of an invoice from the Borough. Failure of the property owner to make prompt payment to the Borough may result in enforcement proceedings. The Borough may file a municipal claim and/or municipal lien therefor against the Property, collect the same by action in assumpsit or seek reimbursement by any other lawful means.

14. Permitted Storage. A Portable Storage Container may be used only for storage of household items related to the property where such unit is located. There shall be no storage of any commercial or business-related items unless located on a property use for commercial or business-related purposes. Hazardous materials including flammable, biohazard substances shall not be permitted to be stored in Portable Storage Containers under any circumstances.
15. Permit Fees. Borough Council shall establish and amend a permit fee for Temporary Dumpsters and Portable Storage Containers located in a right-of-way in accordance with §27-410.8 by duly-adopted Resolution of Borough Council and may amend such fee from time-to-time thereafter by duly-adopted Resolution of Borough Council. No permit fee shall be charged for temporary dumpsters or portable storage containers located on private property.

SECTION II. - Amendment to Code

The Code of Ordinances of the Borough of Red Hill, Chapter 27 (Zoning), Part 2 (Interpretation and Definitions) Section 27-201 (Interpretation and Definitions), is hereby amended by adding the following definitions to the aforesaid Section:

DUMPSTER –

- A. Temporary Dumpster. A dumpster not used for regular collection of trash but placed on or at a property for a special purpose such as collection of

demolition waste, construction waste, items discarded while moving, clean outs, fire and/or flood restoration or other temporary special purpose.

- B. Regular Collection Dumpster. A dumpster located on a property for the regularly-scheduled collection of waste generated on the property including, but not limited to, regular household waste, garbage, perishables and similar waste which is collected on a scheduled and routine basis. The definition of a regular collection dumpster shall include dumpsters for multi-family residential waste collection but shall not include trash cans, wheeled trash totes, trash bags or any other portable trash receptacles used for collection of individual residential household waste.

PORTABLE STORAGE CONTAINER – a weather-resistant, portable storage and/or moving container, with or without wheels affixed to the container, designed to be readily moved by truck and/or trailer which is used for storing and/or moving of personal property.

SECTION III. – Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to enforce not a Waiver

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION V. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VI. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and **ENACTED** by the Borough Council of Red Hill Borough, Montgomery County, Pennsylvania, this 12th day of September, 2018.

RED HILL BOROUGH COUNCIL

By: 

Doris Decker, President

Attest: 

Gia McKinley, Secretary

APPROVED the 12 day of September, 2018.



David Schiffgens, Mayor

NOTICE

NOTICE is hereby given that the Red Hill Borough Council, at its public meeting on September 12, 2018 at 7:00 p.m. at the Red Hill Borough Hall, 56 West Fourth Street, Red Hill, Pennsylvania 18076, will hold a public hearing on and could vote to adopt an Ordinance amending the Code of Ordinances of the Borough of Red Hill, Chapter 27 (Zoning), Part 4 (General Regulations), by adding a new Section 27-410 entitled “Dumpsters and Portable Storage Containers” to Prohibit Dumpsters and Portable Storage Containers in Public Rights-of-Way; Regulate the Use of Temporary Dumpsters and Portable Storage Containers on Private Property; Limit the Duration of Use of Temporary Dumpsters and Portable Storage Containers on Private Property; Setting Forth Rules and Regulations for Temporary Dumpsters and Portable Storage Containers; and Setting Forth Exemptions from Prohibition of Temporary Dumpsters and Portable Storage Containers in Rights-of-Way.

Copies of the proposed Ordinance are available for public inspection at the Borough Offices, 56 West Fourth Street, Red Hill, Pennsylvania 18076 where a copy of the proposed ordinance may be obtained at a charge not greater than the cost thereof, the offices of *The Town & Country*, 2508 Kutztown Road, Pennsburg, PA 18073 and the Montgomery County Law Library, Court House, Norristown, Pennsylvania, during normal business hours.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for the Borough of Red Hill