

**BOROUGH OF DARBY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 777

**AN ORDINANCE OF THE BOROUGH OF DARBY AMENDING
CHAPTER 67 DUMPS AND DUMPING BY ADDING A NEW SECTION
REGARDING PROVISIONS RELATING TO DUMPSTERS AND
PORTABLE STORAGE DEVICES IN A PUBLIC-RIGHT-A-WAY.**

WHEREAS, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, dumpsters and portable storage devices are becoming more prevalent in the Borough; and,

WHEREAS, as a means to combat dumpsters and portable storage devices and related matters, and as an exercise of its legislatively granted power and authority, it is appropriate for Darby Borough to adopt an Ordinance regarding dumpsters, portable storage devices in the right a way; and

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Darby as follows:

SECTION I: The Borough Code of the Borough of Darby, Chapter 67 – dumps and dumping, is amended by adding the following Sections 67-7, which shall read as follows:

§ 67-7 Dumpsters

A. Purpose

The primary purpose of public streets is for use by vehicular and pedestrian traffic. Reasonable regulation of obstruction in public streets and sidewalks is necessary to protect the health, safety and welfare of the general public.

B. Definitions

Dumpster – A metal storage receptacle used to temporarily store debris or garbage and which is then emptied of its contents or removed with its contents to a dumpsite.

Temporary Dumpster – Any dumpster used or intended as a disposal facility for construction, renovation, or demolition projects, special events, seasonal use, or other purposes not permanent in nature.

Portable Storage Device – Any item placed in a street that is not a motor vehicle as defined by the Pennsylvania Vehicle Code, or a temporary dumpster, including, but not limited to, containers commonly known as “portable storage devices” or “PODS”.

- C. Prior to the issuance of any permit for any dumpster, temporary dumpster, or portable storage device, its location and usage shall be reviewed and approved by the Borough.
- D. A permit for a dumpster, temporary dumpster, or portable storage device shall be for an initial term of not more than 10 days. Provided the applicant is in compliance with all provisions of this article and all other applicable Borough regulations, a renewal permit may be approved and issued for an additional 10 day period upon application and payment of the permit renewal fee. Not more than one renewal permit shall be issued by the Borough for any dumpster, temporary dumpster, or portable storage device placed upon any Borough Street. The dumpster, temporary dumpster, or portable storage device shall be removed upon to expiration of the permit.
- E. The following requirements shall apply to any dumpster, temporary dumpster, or portable storage device placed upon public streets or pedestrian ways in the Borough:
 - No dumpster, temporary dumpster, or portable storage device may be placed within 40 feet of an intersection; or within any prohibited or restricted areas.
- F. Sufficient reflective tape shall be placed upon all four sides of the dumpster, temporary dumpster, or portable storage device in such manner as to make it visible at night.
- G. Each of the dumpster, temporary dumpster, or portable storage device rollers or wheels (if any) must be placed upon a wooden pad of at least six inches and at least $\frac{3}{4}$ of an inch thickness, or on a similarly protective device in order to prevent damage to the road surface.
- H. No dumpster, temporary dumpster, or portable storage device shall be place nearer than 15 feet to any fire hydrant, within the cartway, or other right a way intended for fire-fighting equipment.
- I. The name, address and telephone number of the dumpster, temporary dumpster, or portable storage device owner/operator shall be conspicuously placed on at least two sides of the device.

- J. NO dumpster, temporary dumpster, or portable storage device shall be placed within the cartway of any street extending a distance of more than 9 feet from the curb line or edge of cart way.
- K. The location of any dumpster, temporary dumpster, or portable storage device upon any public street shall not interfere with any required clear sight distance across any intersection.
- L. The location of any dumpster, temporary dumpster, or portable storage device upon any public street shall not obstruct any pedestrian way or the travel lane of any public street.
- M. No dumpster, temporary dumpster, or portable storage device shall be loaded in such manner as to cause its contents to spill onto any street, sidewalk, or other area intended for pedestrian travel.
- N. No dumpster, temporary dumpster, or portable storage device shall contain any hazardous waste unless pursuant to a permit for such waste issues by the appropriate governmental entity.
- O. No materials contained in a dumpster, temporary dumpster, or portable storage device shall emit any noxious or offensive odor or otherwise create any hazard or risk to public health.
- P. No dumpster, temporary dumpster, or portable storage device shall be placed in such a manner as to interfere with the operation or maintenance of any public utility.
- Q. The permit shall be conspicuously placed in a location that permits it to be identified from a public street.
- R. The placement of any dumpster shall be in accordance with all requirements of the Commonwealth of Pennsylvania Motor Vehicle Code.
- S. If any damage or injury to the cartway, curb or sidewalk shall be caused or done by the use or occupancy of any street or road hereunder, the party to whom such permit shall have been issued shall be responsible and liable for the same and shall restore the cartway, curb and/or sidewalk to its original condition. If the permittee refuses to properly restore the cartway, curb and/or sidewalk to its original condition, the Borough may do so and collect the cost of the same from the permittee.
- T. Permit Fee of \$50.00 is required for all dumpsters, temporary dumpsters, and portable storage devices.

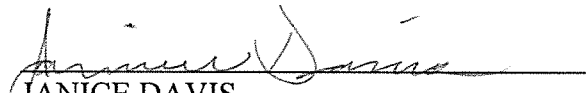
SECTION II: The Borough Manager, Code Enforcement Department, Borough Police Department, and all others employed or appointed by Darby, are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION III: All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.


SECTION IV: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION V: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

Adopted by the Borough Council this 21st day of October, 2015


JANICE DAVIS
PRESIDENT OF BOROUGH COUNCIL

Approved by the Mayor, this 21st day of October, 2015


HELEN R. THOMAS
MAYOR

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 21st day of October, 2015.


Borough Manager/Secretary