

**BOROUGH OF SEWICKLEY
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1388

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY,
ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING
REGULATIONS FOR THE PLACEMENT, MAINTENANCE,
AND USE OF DUMPSTERS AND PORTABLE STORAGE
UNITS IN THE PUBLIC RIGHT-OF-WAY, REQUIRING
PERMITS, FEES, AND ESTABLISHING PENALTIES FOR
VIOLATION OF THIS ORDINANCE.**

WHEREAS, the Council of the Borough of Sewickley finds that the unregulated use and placement of dumpsters and portable storage units in the public right-of-way is occurring with an increasing frequency within the Borough; and

WHEREAS, the Council finds that it is necessary to establish regulations regarding the placement, maintenance, and use of dumpsters and portable storage units in the public right-of-way in order to ensure the health, safety, and welfare of residents and visitors of the community.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Sewickley, as follows:

SECTION 1. DEFINITIONS. The following words and phrases shall have the meanings prescribed hereunder when used in this Ordinance.

Dumpsters and Portable Storage Units shall mean containers or receptacles that are placed in the public right-of-way for the temporary storage and/or transport of waste, debris, or personal belongings, and which are moveable or transportable with the use of special vehicles or equipment; Dumpsters are generally used for the purpose of collecting and temporarily storing residential and commercial waste materials and debris until the same can be transported to a landfill or other waste management facility, and shall include all such types of receptables whether metal, plastic, or other materials such as synthetic dumpster bags; Portable Storage Units are generally used for the temporary storage and/or transport of personal property for future use. Dumpsters and Portable Storage Units placed on private property and garbage cans used for regular trash pickup are excluded from this definition and shall be exempt from this Ordinance.

Person shall mean any individual, partnership, corporation, association, or other entity that is capable of asserting rights or assuming obligations under the laws of Pennsylvania.

Public Right-of-way shall mean sidewalks, streets, alleys, or other spaces that are held open and passable to the public in the Borough of Sewickley.

SECTION 2. PERMIT REQUIRED; PROCEDURE; FEES; BOND.

- A.) No person shall place or cause to be placed any dumpsters or portable storage units in any public right-of-way unless and until said person has obtained a permit issued by the Sewickley Borough Code Enforcement Officer. The duration of such permit shall be for a definite number of days, and the validity of the permit shall be contingent upon compliance with this Ordinance.
- B.) Any person seeking a permit must first complete an application on a form prescribed by the Borough and submit the completed application to the Sewickley Borough Code Enforcement Officer along with an application fee in the amount of Fifty (\$50.00) Dollars, or as may be amended from time to time by resolution of the Borough Council. If granted, the application fee shall be applied to the initial 30-day permit fee, or shall be returned in full to the applicant if the application is denied.
- C.) The application shall include the following information:
 - (1) Specifications of the dumpster or portable storage unit, including exterior dimensions, and maximum gross weight.
 - (2) Purpose for use and type of contents (i.e., temporary storage of household items, disposal of residential/commercial construction debris, etc.).
 - (3) Proposed address or location for placement in the public right-of-way.
 - (4) Proposed date range that it will remain in the public right-of-way.
 - (5) Name, address, and telephone number of the applicant.
 - (6) Company name, address, and telephone number of dumpster or portable storage unit owner to serve as an additional designated contact person.

D.) Within ten (10) days after submission of a completed application and application fee, the Sewickley Borough Code Enforcement Officer shall review the application and may conduct an inspection of the proposed location to determine compliance with the requirements of this Ordinance and to determine in his/her discretion whether the intended use of the dumpster or portable storage unit is reasonably likely to pose any threat to the health, safety, or welfare of the public.

(1) If the Code Enforcement Officer determines that the intended use fails to comply with the requirements of this Ordinance and/or is reasonably likely to pose any threat to the health, safety, or welfare of the public, then:

- (a) The permit may be denied by the Code Enforcement Officer; or
- (b) The Code Enforcement Officer may prescribe additional conditions as may be necessary in his/her discretion to facilitate compliance with this Ordinance and to alleviate any perceived threat to the health, safety, or welfare of the public. Examples of additional conditions include limitations on the size of the unit, alternative dates/locations, additional safety measures, etc.
- (c) The denial of a permit or the imposition of additional conditions may be appealed by the applicant by writing to the Borough Manager within thirty (30) days of the date of notice of such decision by the Code Enforcement Officer, upon receipt of which the Borough Council will hold a hearing pursuant to Local Agency Law.

(2) If the Code Enforcement Officer determines that the intended use satisfies the requirements of this Ordinance and is not likely to pose any threat to the health, safety, or welfare of the public, or prescribes additional conditions as set forth above, then the permit may be granted, subject to the following:

- (a) The applicant shall pay a permit fee equal to Fifty (\$50.00) Dollars for the issuance of a 30-day permit. Prior to expiration of the 30-day permit period, the applicant shall either cause the dumpster or portable storage unit to be removed or the applicant must submit a written request to the Code Enforcement Officer to obtain a 30-day permit extension for the additional fee of Fifty (\$50.00) Dollars. Any requests

for extensions beyond the second 30-day permit period must be made in writing prior to the expiration of the permit period and shall be for a definitive number of days at the fee of Ten (\$10.00) Dollars per day.

SECTION 3. PLACEMENT, MAINTENANCE, AND USE REGULATIONS.

- A.) The placement of a dumpster or portable storage unit upon a street or alley shall not extend into the travel lane of traffic and must be placed at least twenty (20) feet from all intersections, and ten (10) feet from any driveways on the same side of the street (with the exception of the applicant's driveway).
- B.) Any dumpsters or portable storage units placed upon a street or alley shall bear 360-degree reflective markings with sufficient reflective capacity to provide reasonable warning to approaching traffic from a distance of at least one hundred (100) feet.
- C.) All dumpsters or portable storage units must be maintained in a safe and sanitary manner to assure that the contents may not be invaded or removed by weather, animals, or trespassers, and must not disturb adjacent properties with noxious odors, noise, airborne pollutants, or any other such nuisance.
- D.) All dumpsters must be removed from the Borough within twenty-four (24) hours of reaching full capacity. A dumpster is considered filled to capacity when its contents extend above the top edge of any wall of the dumpster or beyond the edges of any doors, hatch, or other opening in the roof or any wall of the dumpster.
- E.) After any dumpster or portable storage unit is removed, the applicant shall reasonably clean and restore the location to the condition as it existed prior to the placement of the unit, including the proper repair of any damaged surfaces. Such restoration must be completed within twenty-four (24) hours of removal. If the area is not cleaned and restored within twenty-four (24) hours of removal, Borough officials may cause the area to be cleaned and restored. Such reasonable costs and expenditures incurred by the Borough shall be in addition to applicable fines and penalties.
- F.) The dumpster or portable storage unit owner may be held jointly responsible for any and all damage to streets, sidewalks, curbs, public right-of-way, or other

public improvement which results from the placement, service, operation, use or removal of the dumpster or portable storage unit.

- I.) The applicant shall assume all risk of damage, and the Borough shall not be liable for any damage to any dumpster or portable storage unit caused by the Borough in the performance of any public function, including the removal of units and any other efforts for the abatement of violations of this Ordinance.

SECTION 4. REVOCATION OF PERMIT.

The Borough reserves the right to revoke a permit for a dumpster or portable storage unit for good cause, including but not limited to, violations of this Ordinance, snow removal, street cleaning, borough maintenance/repairs, public safety concerns, or other municipal purpose. In such a case that the Borough requires the immediate removal of a dumpster or portable storage unit, notice will be provided to the applicant to remove the unit within a designated timeframe of not less than twenty-four (24) hours, and upon compliance, the applicant shall be refunded the prorated balance of the permit fee for the remaining number of permitted days.

SECTION 5. VIOLATIONS AND PENALTIES.

Any person found by the Sewickley Borough Police Department or Code Enforcement Officer to be in violation of this Ordinance or who permits a violation of this Ordinance shall be subject to prosecution under the Borough Code, 8 Pa.C.S.A. § 3321, *et seq.*, and upon being found liable therefor, shall pay a fine of not less than Fifty (\$50.00) Dollars and not more than Six Hundred (\$600.00) Dollars, plus costs, including but not limited to, the costs of abatement of the violation, court costs, and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings and in the abatement of the violation. Each day a violation exists shall constitute a separate offense, and each section of this Ordinance that is violated shall also constitute a separate offense.

In addition to or in lieu of the foregoing remedies, the failure to remove a dumpster or portable storage unit shall constitute a nuisance pursuant to the applicable provisions of the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, and the Municipal Claim and Tax Lien Law, 53 P.S. § 7101, *et seq.*

If the penalties and costs provided by this Ordinance, or the penalties and costs allowed by any other remedy in law or equity, are not paid by the person(s) found to be liable, the Borough

may initiate a civil action for collection of any penalty, cost, claim, judgment, or lien against persons or property in accordance with the Pennsylvania Rules of Civil Procedure and/or the Municipal Claim and Tax Lien Law, 53 P.S. § 7101, *et seq.*

The remedies provided herein shall be cumulative, and nothing shall preclude the Borough from enforcing this Ordinance in equity in the Court of Common Pleas of Allegheny County, or in any other manner allowed by law.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with the terms of this Ordinance are hereby repealed and rescinded only to the extent of such conflict.

SECTION 7. SEVERABILITY. If any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalid provisions are deemed to be severable and shall not affect or impair any remaining provision, section, sentence, clause, or part of the Ordinance, which shall continue in full force and effect.

SECTION 8. INTEGRATION AND INCORPORATION OF PROVISIONS. It is the intent of the Sewickley Borough Council by adoption and enactment of this Ordinance, that:

- C.) This Ordinance shall be integrated and incorporated into the Sewickley Borough Code of Ordinances.
- D.) The paragraph headings, section numbers, internal references, and format of the provisions of this Ordinance may be altered or omitted as necessary to be fully integrated with and incorporated into the Sewickley Borough Code of Ordinances.
- E.) The Sewickley Borough Code of Ordinances shall be revised and amended to reflect and give effect to the provisions set forth hereunder.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption or as soon thereafter as allowed by law.

ORDAINED AND ENACTED into law this 12th day of March, 2024.

ATTEST:




Donna Kaib, Borough Manager

THE BOROUGH OF SEWICKLEY

By: 

Cynthia Mullins, Council President

By: 

George Shannon, Mayor