

**ORDINANCE NO. 1019
BOROUGH OF HATBORO
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE HATBORO BOROUGH ZONING
ORDINANCE BY ADDING NEW SECTION 27-426, ENTITLED "DUMPSTERS
AND PORTABLE ON-DEMAND STORAGE UNITS"**

WHEREAS, the Borough Code, 53 P.S. § 45101, *et seq.*, authorizes the Borough Council of the Borough of Hatboro ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough of Hatboro ("Borough") and its citizens;

WHEREAS, construction dumpsters are a necessary part of the process of building, demolishing, restoring, or remediating all manner of residential and non-residential properties, and the Borough has seen the proliferation of Portable On-Demand Storage Units as a convenient means of temporarily storing belongings as a part of the process of moving or concurrent with a home renovation or natural disaster; and

WHEREAS, the Borough Council deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend the Hatboro Borough Zoning Ordinance by adding new Section 27-426, entitled "Dumpsters and Portable On-Demand Storage Units," for the purpose of allowing the placement of dumpsters permitting the use of Portable On-Demand Storage Units, subject to reasonable limitations as set forth herein; and

WHEREAS, Borough Council has met and will meet the procedural requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, the Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Borough will be served by the amendment of the Hatboro Borough Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Hatboro, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

Section I. The Hatboro Borough Zoning Ordinance, Part 2, "Definitions," § 27-202, "Definition of Terms," shall be amended to provide the following definitions in alphabetical order:

PORTABLE ON-DEMAND STORAGE UNITS or PODS -- Portable containers that are used for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike trailers typically attached to semi-trucks for transport, portable storage units must be no larger than 8' X 8' X 16'.

DUMPSTER -- A container designed to receive and transport and dump waste which exceeds 96 gallons in size. A dumpster includes waste disposal bags that are designed to hold in excess of 96 gallons of waste and metal bins that shall not exceed 30 cubic yards in size.

Section II. The Hatboro Borough Zoning Ordinance, Part 4 "General Provisions," shall be amended to add new § 27-426 entitled "Dumpsters and Portable On-Demand Storage Units" as follows:

A. Dumpsters Regulated.

1. Location.

- a. Off street. Generally, dumpsters shall be placed on the property being serviced and not on the street in front of the property. No commercial or construction dumpster shall be located within ten (10) feet of an abutting building. Where compliance with this provision is not possible by virtue of the proximity of the buildings to one another, or where other compelling reasons (example: narrowness of street prevents delivery of dumpster onto property), on street placement is permitted.
- b. On street. If permitted and the dumpster is placed on the public street or alley, the dumpster shall be directly in front of or on the side of the property address utilizing the dumpster. In no case may the dumpster create a sight obstruction for vehicular or pedestrian traffic, nor block sidewalks. The Borough Code Enforcement Officer may require adequate safety mitigation measures in conjunction with the portable storage unit be undertaken by the applicant where necessary. In any event, a dumpster placed in the street shall:
 - i. not be more than eighteen (18") inches from the curb;
 - ii. not obstruct driveways of abutting properties;
 - iii. be protected at both ends by a barricade, which after sunset, shall have a flashing yellow light attached to it;

- iv. have a reflector or reflective area of not less than thirty-six (36) square inches at each end; and
- v. May not be utilized where the remaining usable width of the roadway does not allow for the passage of motor vehicles around it.

2. Time Limit.

- a. A dumpster may remain on a property for 30 days, with up to two (2) 30-day extensions pursuant to the permitting provision below. Absent an emergency condition, in no event shall a dumpster remain on a property in excess of 90 days in one twelve month period.
- b. A dumpster placed on a public street may not remain for longer than 14 days at any one time and, absent an emergency condition, not more than on three separate occasions in one twelve month period.
- c. When the need for the dumpster is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage) then in such instance the dumpster may remain for the length of time necessary to remove the debris as determined by the Code Enforcement Officer. In such instances, the use of the dumpster is not counted towards the limit of three times per twelve month period.

3. Sanitation.

The following requirements shall be maintained while the dumpster is on or at the site:

- a. The area around the dumpster shall be kept free of debris and litter;
- b. Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within twenty-four (24) hours; and
- c. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.
- d. A full dumpster shall be removed from the property within two (2) days.

4. Usage

A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.

5. Identification.

The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weather proof manner on the dumpster.

6. Hazardous materials.

The use of dumpsters for the disposal of hazardous materials is prohibited. The Code Enforcement Officer or Fire Marshal may inspect the dumpster to ensure no such materials are being stored inside.

7. Condition of Portable Storage Unit.

A dumpster with holes, breaks, tears, graffiti or large areas of rust, in the opinion of the Borough Code Enforcement Officer, may not be placed on or in front of any property.

B. Portable On-Demand Storage Units Regulated.

1. Location.

Portable on demand storage units are prohibited from being placed on an unpaved area (gravel shall be considered paved) in the front yard of a property. Portable storage units kept on-site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible, the unit shall be placed on a paved surface to the rear or side of the principal structure. When placed on the driveway or paved area in the side or rear yard, portable storage units shall be located at least ten feet from any property line, space permitting.

If there is no driveway, the portable storage unit must be located in front of the property on the street. If placed in the street, portable storage units must have flashing barricades stationed at either end, in such a way that the unit does not extend farther into the street than the flashing barricades. Reflectors shall be placed on the sides of the unit visible from the street. In no case may the portable storage unit create a sight obstruction for vehicular or pedestrian traffic, nor block sidewalks. The Borough Code Enforcement Officer may require adequate safety mitigation measures in conjunction with the portable storage unit be undertaken by the applicant where necessary.

2. Time Limit.

A portable on-demand storage unit may remain on a property for 30 days, with up to two (2) 30-day extensions pursuant to the permitting provision below, but for only 5 days with no extensions if on-street. In no event shall a

portable on-demand storage unit remain on a property in excess of 90 days in one twelve month period.

3. Use during natural disaster.

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for the principal structure(s) or twelve months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

4. Advertising.

Advertising is prohibited on a portable storage unit, with the exception of the name and phone number of the unit's supplier, which is required.

5. Hazardous materials.

The use of portable storage units for storage of hazardous materials is prohibited. The Code Enforcement Officer or Fire Marshal may inspect the portable storage unit to ensure no such materials are being stored inside.

6. Condition of Portable Storage Unit.

A portable storage unit with holes, breaks, tears, graffiti or large areas of rust, in the opinion of the Borough Code Enforcement Officer, may not be placed on or in front of any property.

C. Permit Required.

A 30-day permit shall be required for a dumpster and a portable on-demand storage unit on property and a 14 day permit and 5 day permit shall be required for a dumpster and a portable on-demand storage unit respectively for on street placement. The permit shall be obtained from the Borough Code Enforcement Officer and the fee shall be set by the Council by resolution. The permit shall be displayed in a weather proof fashion on the dumpster or a portable on-demand storage unit. Extensions are permitted pursuant to paragraphs A.2.a and B.2 above.

D. Abatement.

Any dumpster or portable on-demand storage unit not in compliance with this ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster and/or portable on-demand storage unit as the case may be.

E. Violations; penalties.

1. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Three Hundred (\$300.00) Dollars. Each day that a violation continues shall constitute a separate offense.
2. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

F. Relationship of Ordinance to other Borough Codes.

If the provisions of this ordinance are found to be inconsistent with any portion of other Codes of the Borough, the provisions of this Ordinance shall control.

Section III. Repealer.

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Section IV. Severability.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section V. Effective Date.

This Ordinance shall be effective five (5) days following its legal enactment.

Section VI. Failure to Enforce Not a Waiver.

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

Section VII. Enactment.

Under the authority conferred by the Borough Code, 53 P.S. § 45101, et seq., and other relevant statutory law, the Council of the Borough of Hatboro in the County of Montgomery, Commonwealth of Pennsylvania does hereby ordain and this Ordinance for the Borough of Hatboro, this 27th day of January, 2014.

Approved by the Borough Council of the Borough of Hatboro, this 27 day of January, 2014.

Attest:

Alfred Zollers
Alfred Zollers, Secretary

BOROUGH OF HATBORO:

By: John Zygmunt
John Zygmunt, Council President

Examined and approved as an Ordinance, this 27 day of January, 2014.

Norm Hawkes
Norm Hawkes, Mayor