

ORDINANCE NO. 2022 - 637

AN ORDINANCE OF THE BOROUGH OF MARTINSBURG, BLAIR COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2000 – 527; REGULATING THE PLACEMENT OF WASTE DUMPSTERS UPON ANY PUBLIC STREET IN THE BOROUGH; ESTABLISHING A PERMIT SYSTEM; ESTABLISHING REGULATIONS OF WASTE DUMPSTERS; AND PROVIDING FOR PENALTIES FOR VIOLATIONS

BE IT HEREBY ENACTED AND ORDAINED by the Borough of Martinsburg, Blair County, Pennsylvania, and it is hereby enacted and ordained as follows:

WHEREAS, the Borough of Martinsburg, Blair County, Pennsylvania has previously enacted Ordinance No. 2000 – 527 regulating the disposal of solid waste within the Borough of Martinsburg; and

WHEREAS, Martinsburg Borough Council has determined that it is in the best interest of the Borough to amend and supplement Ordinance No. 2000 – 527 to regulate waste dumpsters which are placed within the right-of-way of any public street within the Borough of Martinsburg in order to protect the health, safety and general welfare of the Borough and the Borough's residents, and to prevent hazards associated with waste dumpsters by facilitating pedestrian and vehicular traffic flow and by eliminating other problems associated with waste dumpsters placed within the right-of-way of any public street within the Borough of Martinsburg.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of Martinsburg Borough, as follows:

1. Ordinance No. 2000 – 527 of the Borough of Martinsburg shall be supplemented with the following provisions:

2. Section 6 – The following definitions shall apply to the interpretation, administration and enforcement of this part of this Ordinance:

Waste Dumpster – a unit designated for the deposit of waste materials at a building, commonly located on a temporary basis on a highway or public road abutting the site and transportable to and from the site for the purposes of disposal of its contents by means of a carrying vehicle

Street – Any public street, avenue, alley, highway or other thoroughfare within the Borough of Martinsburg, Blair County, Pennsylvania.

Permittee – A person who obtains or is required to obtain a permit under this Ordinance.

Person – Any natural person, firm, partnership, corporation, association or similar entity.

3. No person shall place a waste dumpster upon, cause to be placed upon or permit to remain on a Street without first obtaining a permit therefore from the Borough of Martinsburg. The duration of such permit shall be ten (10) days and continued validity of such permit shall be contingent upon full compliance with the terms of this Ordinance as set forth herein. If a Permittee requires additional time beyond ten (10) days, a second permit may be obtained for up to seven (7) additional days. No more than two (2) permits shall be issued by the Borough of Martinsburg for a waste dumpster placed upon a Street. After the expiration of the second permit, the waste dumpster shall be removed.

4. The administrative fee for a permit or any extension granted pursuant to this Ordinance shall be in the amount of \$15.00, which may be amended from time to time by Resolution of the Borough of Martinsburg.
5. A waste dumpster shall not be placed upon a Street unless it is impossible or impractical to place the waste dumpster in an alley. If an alley does not abut the property where the waste is being removed, the Borough may approve the placement of the waste dumpster upon a street, avenue, highway or thoroughfare.
6. In all circumstances, the following shall apply: No waste dumpster shall extend into the travel lane of a Street; a waste dumpster shall bear reflective markings in sufficient positions and with sufficient capacity to provide reasonable warning to approaching nighttime traffic of its location; no Street shall be closed for the purpose of locating or utilization of a waste dumpster; no sidewalk shall be obstructed by placement of a waste dumpster; location and utilization of a waste dumpster upon a Street shall not be such as to constitute a safety hazard to persons or property; where a waste dumpster is placed upon a portion of a Street within a parking meter zone, the Martinsburg Borough Police Department shall approve the location; location and utilization of a waste dumpster upon a Street shall be in compliance with all other federal, state and local statutes, rules and regulations applicable thereto; each of the waste dumpster rollers or wheels (if any) must be placed upon a wood pad of at least  $\frac{3}{4}$  of an inch in thickness so as to not damage the Street surface; comprehensive liability insurance shall be obtained and maintained by the Permittee in the amount of at least \$100,000.00 for property damage and personal injury, combined single limit, arising out of or in



connection with the placement or utilization of a waste dumpster upon any Street in the Borough of Martinsburg, with the Borough of Martinsburg being named as an additional insured on said policy for such purpose; if any waste dumpster is placed solely on private property, a certificate of liability insurance will not be required at the discretion of the Borough; the Permittee shall execute an indemnity agreement, in a form reasonably acceptable to the Borough, promising to indemnify, save harmless and defend the Borough, its officials, agents, servants and employees and each of them from and against all lawsuits, claims, demands, liabilities, losses, expenses, including court costs and reasonable attorney's fees for or on account of any injury or any damage to any property which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of the waste dumpster on the Street; only one (1) waste dumpster per property shall be permitted on any Street of the Borough; waste dumpsters shall be clearly marked with the owner's name, address and telephone number; and if a chute or similar object is constructed to be used with a waste dumpster, it must be deemed structurally sound by the Borough.

7. Without limitation as to the utilization of any other remedy or action available to the Borough at law or in equity, civil, criminal, noncompliance with any of the regulations set forth in this Ordinance shall be grounds for revocation by the Borough of any permit issued pursuant to this Ordinance.
8. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$50.00 nor more than \$300.00 and costs of prosecution for

each and every offense. Each day's violation of any term or provision of this Ordinance shall constitute a separate offense.

9. All provisions of prior Ordinances of the Borough of Martinsburg relating to the subject matter of this Ordinance are hereby ratified and confirmed to the extent the same are not inconsistent with the terms and provisions of this Ordinance.

ENACTED AND ORDAINED this 6<sup>th</sup> day of September, 2022.

ATTEST:

BOROUGH OF MARTINSBURG

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M. Jane Staily, Secretary

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P. Robert Dickson, President

The above Ordinance is hereby approved this 6<sup>th</sup> day of September, 2022.

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Rich Brantner, Sr., Mayor