

**BOROUGH OF SMITHTON, PENNSYLVANIA  
ORDINANCE # 209**

**AN ORDINANCE OF THE BOROUGH OF SMITHTON PROVIDING FOR THE REGULATION  
OF WASTE DUMPSTERS**

Be it enacted and ordained by the council of the Borough of Smithton that;

The following terms shall have the meanings as indicated.

**WASTE DUMPSTER** – A unit designed for the deposit of waste materials at a building, commonly located on a temporary basis on a highway abutting the site and transportable to and from the site for purposes of disposal of its contents by means of a carrying vehicle

**HIGHWAY** – Any public street, avenue, alley or other thoroughfare within the borough of Smithton.

**PERMITTEE** – A person who obtains or is required to obtain a permit under this Article.

**PERSON** – Any natural person, firm, corporation, association or similar entity.

**Permit Required**

No person shall place upon, cause to be placed upon or permit to remain upon a highway a waste dumpster without first obtaining a permit therefore from the Borough office or Police Department or his or her designee. The duration of such permit shall be seven (7) days, and the continued validity of such permit shall be contingent upon full compliance with the regulations set forth below. After seven (7) days, another permit must be obtained for an additional (7) days.

**Permit Fee**

The fee for a permit pursuant to this Article is \$25.00. An additional fee of \$25.00 is required for every parking space taken up by the dumpster.

**Placement and Use Regulations:**

- A. A waste dumpster placed upon a highway shall not extend substantially into the travel lane.
- B. A waste dumpster placed upon a highway shall bear reflective markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to approaching nighttime traffic of its location.
- C. No highway shall be closed for the purpose of location or utilization of a waste dumpster.
- D. Location and utilization of a waste dumpster upon a highway shall not be such as to constitute a safety hazard to person or property.
- E. Where a waste dumpster is placed upon a portion of a highway within additional parking zones. Smithton Borough or Police Department must approve the location.
- F. Location and utilization of a waste dumpster upon a highway shall be in compliance with all other federal, state, and local statutes, rules, and regulations applicable thereto.
- G. Liability insurance shall be maintained by the permittee in at least the amounts of three hundred thousand dollars (\$300,000) for personal bodily injury or death to any one (1) person, five hundred thousand dollars (\$500,000) for personal bodily injury or death aggregate per single accident or occurrence on hundred thousand dollars (\$100,000) for property damage aggregate arising out of or in connection with the placement or utilization of the waste dumpster on the highway with the Borough of Smithton being named as an additional insured on said policy for said purpose.
- H. The permittee shall execute an indemnity agreement, in a form reasonably acceptable to the Borough of Smithton promising to indemnify, save harmless and defend the Borough, its officials, agents, servants, and employees and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expensed, including court costs and reasonable attorney fees for or on account of an 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 highway.

- I. Only one (1) waste dumpster per property will be permitted on any highway of the Borough of Smithton.
- J. Waste dumpster shall be clearly marked with the owners name, address and telephone number.
- K. If a chute or similar object is constructed to be used with a waste dumpster, it must be deemed structurally sound by the Borough office, Police Department, or designee and in insurance liability insurance certificate in the same amounts as in Item G above shall be provided.

**Revocation of Permit**

Without limitation as to utilization of any other remedy or action available to the Borough, at law or in equity, civil or criminal, noncompliance with any of the regulations set forth in this Article shall be ground for revocation by the Smithton Borough Office or Smithton Borough Police Department or his or her designee of the permit issued pursuant to this Article as shall any material false statement or omission made in connection with the application for the permit.

**Violations and Penalties**

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof be sentenced to pay a fine of not more than three hundred (\$300) and costs of prosecution for each and every offense and, in default of payments of payments of such fine and costs to imprisonment for not more than thirty (30) days, provided that each day's violation of any of the provisions of this Article shall constitute a separate offense.

ADOPTED this 12<sup>th</sup> day of September, 2011

  
President of Council

ATTEST

  
Borough Secretary

Examined and approved this 12<sup>th</sup> day of September, 2011

  
Mayor