

**BOROUGH OF HATFIELD
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 549**

**AN ORDINANCE AMENDING CHAPTER 27 OF THE BOROUGH OF
HATFIELD CODE, ENTITLED “ZONING,” TO ADD REQUIREMENTS FOR
THE PLACEMENT AND USE OF COLLECTION BINS.**

RECITALS:

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, as amended, authorized the Borough of Hatfield to regulate zoning and land use in the Borough;

WHEREAS, The Borough Code authorizes the Hatfield Borough Council to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Borough and welfare of the Borough and its citizens;

WHEREAS, The Borough Code authorizes the Borough Council to adopt rules and regulations governing the safety and public welfare within the Borough;

WHEREAS, The Borough Council of Hatfield desires to amend Chapter 27 of the Borough of Hatfield Code, entitled “Zoning”, to establish the healthy and safe use of collection bins located within the Hatfield Borough; and

WHEREAS, The Borough Council of the Borough of Hatfield, 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 of Hatfield will be served by adopting this ordinance.

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

SECTION 1. CODE AMENDMENTS.

The Hatfield Code is hereby amended as follows:

Chapter 27, Part 8, entitled “General Regulations” of the Hatfield Borough Code is hereby amended as follows:

§27-819 Collection Bins.

1. As used in this chapter, the following terms shall have the meanings indicated:

- A. CLOTHING/MATERIALS COLLECTION BIN (BIN) – Any enclosed receptacle or container made of metal, steel or a similar product and designed or intended for the donation and the temporary storage of clothing or other materials. Collection bins shall serve registered nonprofit organization only. Collection bins shall not be placed to profit any business or property owner. The Collection Bins, as described in this chapter, shall be considered an accessory structure and permitted only in the Industrial District and Commercial District.
2. No property owner shall place or allow any person to place any collection bins within the Borough without first having obtained a permit as herein provided.
 - A. An application for a permit for used clothing and materials collection bins shall be required. Said application shall be upon a form provided by the Hatfield Borough Code Enforcement Office and shall be verified by oath or affirmation.
 - B. Attached to the application shall be a signed statement by the property owner involved granting permission for the placement of the collection bins, specifying the number of bins permitted and indicating by way of a sketch drawing the permitted location.
 - C. Permits will be issued for a period of one year.
 - D. No permit shall be issued under this chapter until a twenty-five dollar (\$25.00) fee is paid to the Borough for transmittal to the Borough Treasurer for the general use of the Borough. The fee shall be set by resolution of the Borough Council from time to time.
 3. The placement of collection bins shall be permitted as accessory to permitted uses in the Industrial District or Commercial District.
 - A. Premises may have no more than one collection bin per property.
 - B. The bin(s) shall be appropriately located so as to not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises and shall be placed on a concrete surface. No bin shall be placed within a required setback.
 - C. The bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
 - D. Each bin shall not cover a ground surface area in excess of five feet by five feet nor be more than six feet in height.
 - E. Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing and other items being strewn about the surrounding area.

- F. If items, trash, or debris accumulates outside of the bin or if the bin becomes deteriorated due to lack of proper maintenance, the bin shall be considered junk and debris and the applicant will be subject to suspension or revocation of the permit. No permit for a donation bin shall be issued or renewed to any applicant with any pending complaint or a suspended permit or to any applicant whose permit for a donation bin has been revoked.
 - G. All bins shall have the name and telephone number of the person or company responsible for emptying the bins printed or posted on the bins.
 - H. There shall be no advertising of any kind on the bin except for the identity of the charitable organization and the purpose of the donation effort.
 - I. No bin shall be located on property that does not currently have a permanent business in operation on the same property.
4. Any permit issued for the purpose of placing collection bins may be denied, suspended or revoked at any time upon proof that the application for the permit contains false information, the permittee has been convicted of a crime of fraud or felony or a crime involving moral turpitude, the permittee has failed to comply with any rules of conduct prescribed in this chapter, or clothing or other articles or objects are left outside of the bins.
 5. Any person found violating any provision of this chapter shall be subject to a fine, upon conviction in a summary proceeding, of not more than \$600 and, in default of payment of said fine, shall be imprisoned in the county prison for a period not exceeding 30 days.
 6. In addition to any other legal remedies available to the Borough in the event that collection bins are located within the Borough without a permit or are left in place after a permit has been denied, suspended or revoked, the Borough may confiscate the collection bins and cause it or them to be removed to a place of storage. All costs of removal and storage shall be the responsibility of the owner of the property where the bin is located.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this 7th day of December, 2022 with 4 Council Members

Ferguson, Girard, Fagan, Kroesser voting "aye" and Ø voting "nay."

Attest:


 Jaime E. Snyder, Manager / Secretary

HATFIELD BOROUGH

By: 
 Jason Ferguson, Council President

Approved by the Mayor:



Mary Anne Girard

Date: 12/7/2022