

**RED HILL BOROUGH COUNCIL
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2024-598**

“DUMPSTERS AND PORTABLE STORAGE CONTAINERS”

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF RED HILL, CHAPTER 10 (HEALTH AND SAFETY) TO ADD NEW PART 6 (DUMPSTERS AND PORTABLE STORAGE CONTAINERS) TO PROHIBIT DUMPSTERS AND PORTABLE STORAGE CONTAINERS IN PUBLIC RIGHTS-OF-WAY, REGULATE THE USE OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS ON PRIVATE PROPERTY, LIMIT THE DURATION OF USE OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS ON PRIVATE PROPERTY, SET FORTH RULES AND REGULATIONS FOR TEMPORARY DUMPSTERS AND PORTABLE STORAGE CONTAINERS, AND SET FORTH EXEMPTIONS FROM PROHIBITION OF TEMPORARY DUMPSTERS IN RIGHTS-OF-WAY; AND FURTHER AMENDING CHAPTER 27 (ZONING), PART 4 (GENERAL REGULATIONS), SECTION 27-410 (DUMPSTERS AND PORTABLE STORAGE CONTAINERS) BY DELETING IT IN ITS ENTIRETY.

SECTION I. – Amendment to Code

The Code of Ordinances of the Borough of Red Hill, Chapter 10 (Health and Safety) is hereby amended to add a new Part 6 (Dumpsters and Portable Storage Containers) which reads as follows:

Part 6

Dumpsters and Portable Storage Containers.

§ 10-601 Dumpsters.

1. **Regular Collection Dumpsters.** All Regular Collection Dumpsters shall be located on private property. Regular Collection Dumpsters are prohibited from being located in public rights-of-way including all streets, roads, alleys, sidewalks, and any public, private, or utility easement area.
2. **Temporary Dumpsters in the Public-Right-of Way.**

A. Permit Required.

1. When a property in the Borough does not contain sufficient ground area on the lot for the placement of a Temporary Dumpster, the Borough may grant a permit for placement on a public street or road directly in front of or behind the subject property.

2. The Borough office must be notified 48 hours prior to a dumpster being placed in the Public-Right-of Way. At the time of placement, a representative from the Borough must be onsite to determine an approved location.
3. Permits shall expire in fourteen (14) days. The Borough may grant an extension of fourteen (14) days when the property owner has demonstrated extenuating circumstances to justify the extension. Extenuating circumstances shall include, but not be limited to, water damage, fire, major renovations, new construction or acts of God.
4. The permit application shall identify the name and contact information for the company or companies providing and/or delivering the Temporary Dumpster.
5. Borough Council shall establish and amend a permit fee for Temporary Dumpsters located in a right-of-way by duly-adopted resolution of Borough Council and may amend such fee from time-to-time thereafter by duly-adopted resolution of Borough Council.
6. Permits for Temporary Dumpsters shall be valid for the period specified on the permit, including any extensions granted. Any permits granted by the Borough shall be limited for use of the applicant at the approved location only.
7. Insurance. As part of the permit application to place a Temporary Dumpster in the public right-of-way, the applicant shall provide the Borough with a certificate of insurance evidencing coverage for general commercial liability and damage to personal property in the minimum amount of \$500,000 from the person or company supplying the Temporary Dumpster. The certificate shall name Red Hill Borough its elected and appointed officials, agents, successors and assigns as additional insureds under the aforesaid liability insurance policy. The certificate of insurance shall include the following provision or comparable provision: "Should any of the above, described policies be cancelled before the expiration date thereof, notice shall be delivered in accordance with the policy provisions."
8. A property owner or property owner's occupant who uses a Temporary Dumpster shall be responsible for the prompt repair or replacement of any and all damage to any street, sidewalk, curbing, public right-of-way, or other public improvement located in the Borough caused by or resulting from the placement, transport, service, operation, use or removal of such Temporary Dumpster. If the owner or property owner's occupant fails to make such repairs, the Borough may repair such damage and assess the property owner for the cost of the work the Borough performs, plus an additional ten percent (10%) of such costs, together with all charges and expenses incurred by the Borough, including attorneys' fees, and shall seek reimbursement from the owner within thirty (30) days of delivery of an invoice from the Borough. Failure of the property owner to make prompt payment to the Borough may result in enforcement proceedings. The Borough may file a municipal claim and/or municipal lien therefor against the Property, collect the same by action in assumpsit or seek reimbursement by any other lawful means.

{03037772 }

B. Placement and Regulations.

1. The maximum size of a Temporary Dumpster allowable in a residential district is Twenty-Four (24) feet long by eight (8) feet wide.
2. No road shall be closed for the purpose of location or utilization of a Temporary Dumpster.
3. No Temporary Dumpster shall interfere with a public sidewalk or other normally-utilized pedestrian access under any circumstances.
4. No Temporary Dumpster shall interfere with vehicular traffic.
5. No Temporary Dumpster shall interfere with storm drains and other storm water management facilities.
6. No Temporary Dumpster shall be situated so as to obstruct necessary sight distances for motorists and pedestrians.
7. No Temporary Dumpster shall be placed in any alley.
8. Each of the dumpster rollers or wheels (if any) must be placed upon a wood pad at least $\frac{1}{4}$ of an inch in thickness so as not to damage the road surface.
9. Any Temporary Dumpsters, with a valid permit to be located within a public right-of-way, shall bear reflective markings in sufficient positions and with sufficient capacity to provide reasonable warning to approaching traffic of its location. Traffic cones shall be placed at all four corners and remain and/or be replaced for the duration of occupancy of the right-of-way.
10. Location and utilization of a Temporary Dumpster located within a public right-of-way shall be in compliance with all other federal, state, and local statutes, rules, and regulations applicable thereto.
11. All Temporary Dumpsters shall be in accordance with all applicable building and fire code regulations for the purpose of ensuring the safe ingress and egress to dwellings or other buildings and to assure access to utility shut-off valves and access to fire protection such as, but not limited to, fire hydrants and standpipes.
12. Temporary Dumpsters may be used for discarding personal property, bulk items, demolition waste, construction waste and any other legally disposable non-perishable wastes and refuse. No food waste, garbage, perishable waste, waste subject to spoilage, human waste or animal waste may be disposed of in a Temporary Dumpster.

13. Temporary Dumpsters shall at all times be maintained in good condition, free from damage caused by other than normal wear and tear and shall not be marked with graffiti or contain any holes, tears, or punctures.
14. Temporary Dumpsters may not contain advertising beyond the identification of the company name and telephone number of the company which placed the Temporary Dumpster on the property or adjacent to the property as shall be permitted by the permit.
15. Any Temporary Dumpster constructed with a chute or a similar object to be used with a waste dumpster must be deemed structurally sound by a Borough representative.

3. Temporary Dumpsters on private property.

A. Placement and Regulations.

1. A permit is not required when a property in the Borough has sufficient ground area on the lot for the placement of a Temporary Dumpster.
2. Temporary Dumpsters may remain on private property for a period of fourteen (14) days.
3. A property owner or owner's occupant who uses a Temporary Dumpster shall be responsible for the prompt repair or replacement of any and all damage to any street, sidewalk, curbing, public right-of-way, or other public improvement located in the Borough caused by or resulting from the placement, transport, service, operation, use or removal of such Temporary Dumpster. If a property owner or property owner's occupant fails to make such repairs, the Borough may repair such damage and assess the property owner for the cost of the work the Borough performs, plus an additional ten percent (10%) of such costs, together with all charges and expenses incurred by the Borough, including attorneys' fees, and shall seek reimbursement from the owner within thirty (30) days of delivery of an invoice from the Borough. Failure of the property owner to make prompt payment to the Borough may result in enforcement proceedings. The Borough may file a municipal claim and/or municipal lien therefor against the Property, collect the same by action in assumpsit or seek reimbursement by any other lawful means.
4. No more than one (1) Temporary Dumpster shall be allowed in the front yard of any lot on which a residential dwelling has been constructed.
5. The maximum size allowable to be placed on a private lot in a residential district is Twenty-Four (24) feet long by eight (8) feet wide.
6. All Temporary Dumpsters on private lots located in the front yard must be placed no closer than five (5) feet from the edge of the street, curb or sidewalk whichever is closest to the Temporary Dumpster.
7. Temporary Dumpsters on private lots must be placed no closer than two (2) feet from either side yard lot line and must not extend beyond the rear lot line of any lot.
8. No road shall be closed for the purpose of location or utilization of a Temporary Dumpster on a private lot.

9. No Temporary Dumpster on a private lot shall be situated so as to obstruct necessary sight distances for motorists and pedestrians.
10. No Temporary Dumpster on a private lot shall interfere with a public sidewalk or other normally-utilized pedestrian access under any circumstances.
11. No Temporary Dumpster on a private lot shall interfere with storm drains and other storm water management facilities.
12. All Temporary Dumpsters on private lots shall be in accordance with all applicable building and fire code regulations for the purpose of ensuring the safe ingress and egress to dwellings or other buildings and to assure access to utility shut-off valves and access to fire protection such as, but not limited to, fire hydrants and stand pipes.
13. Temporary Dumpsters on private lots may be used for discarding personal property, bulk items, demolition waste, construction waste and any other legally disposable non-perishable wastes and refuse. No food waste, garbage, perishable waste, waste subject to spoilage, human waste or animal waste may be disposed of in a Temporary Dumpster.
14. Temporary Dumpsters on private lots shall at all times be maintained in good condition, free from damage caused by other than normal wear and tear and shall not be marked with graffiti or contain any holes, tears, or punctures.
15. Temporary Dumpsters on private lots may not contain advertising beyond the identification of the company name and telephone number of the company which placed the Temporary Dumpster on the property or adjacent to the property as shall be permitted by the permit.

§ 10-602 Temporary Portable Storage Containers.

A. Placement and Regulations.

1. A Permit is not required for a Temporary Portable Storage Containers. These containers may only be placed on Private Property.
2. Temporary Portable Storage Containers may remain on private property for a period not to exceed thirty (30) days.
3. A property owner or property owner's occupant who uses a Temporary Portable Storage Container shall be responsible for the prompt repair or replacement of any and all damage to any street, sidewalk, curbing, public right-of-way, or other public improvement located in the Borough caused by or resulting from the placement, transport, service, operation, use or removal of such Temporary Portable Storage Container. If the property owner or owner's occupant fails to make such repairs, the Borough may repair such damage and assess the owner for the cost of the work the Borough performs, plus an additional ten percent (10%) of such costs, together with all charges and expenses incurred by the Borough, including attorneys' fees, and shall seek reimbursement from the owner within thirty (30) days of delivery of an invoice from the Borough. Failure of the property owner to make prompt payment to the Borough may result in enforcement proceedings. The

Borough may file a municipal claim and/or municipal lien therefor against the Property, collect the same by action in assumpsit or seek reimbursement by any other lawful means.

4. No more than one (1) Temporary Portable Storage Containers shall be allowed in the front yard of any lot on which a residential dwelling has been constructed.
5. The maximum allowable size for a Temporary Portable Storage Container in a residential district is twenty-four (24) feet long by eight (8) feet wide.
6. All Temporary Portable Containers located in the front yard must be placed no closer than five (5) feet from the edge of the street, curb or sidewalk whichever is closest to the Temporary Portable Containers.
7. Temporary Portable Containers must be placed no closer than two (2) feet from either side yard lot line and must not extend beyond the rear lot line of any lot.
8. No road shall be closed for the purpose of location or utilization of a Temporary Portable Containers.
9. No Temporary Portable Containers shall be situated so as to obstruct necessary sight distances for motorists and pedestrians.
10. No Temporary Portable Containers shall interfere with a public sidewalk or other normally-utilized pedestrian access under any circumstances.
11. No Temporary Portable Containers shall interfere with storm drains and other storm water management facilities.
12. No Temporary Portable Containers shall be situated so as to obstruct necessary sight distances for motorists and pedestrians.
13. All Temporary Portable Containers shall be in accordance with all applicable building and fire code regulations for the purpose of ensuring the safe ingress and egress to dwellings or other buildings and to assure access to utility shut-off valves and access to fire protection such as, but not limited to, fire hydrants and standpipes.
14. A Temporary Portable Storage Container may be used only for storage of household items related to the property where such unit is located. There shall be no storage of any commercial or business-related items unless located on a property use for commercial or business-related purposes. Hazardous materials including flammable, biohazard substances shall not be permitted to be stored in Temporary Portable Storage Containers under any circumstances.
15. Temporary Portable Storage Containers shall at all times be maintained in good condition, free from damage caused by other than normal wear and tear and shall not be marked with graffiti or contain any holes, tears, or punctures.
16. Temporary Portable Storage Containers may not contain advertising beyond the identification of the company name and telephone number of the company which placed the Temporary Storage Container on the property or adjacent to the property as shall be permitted by the permit.

§ 10-603 Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$25 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

SECTION II. - Amendment to Code

The Code of Ordinances of the Borough of Red Hill, Chapter 27 (Zoning), Part 4 (General Regulations), Section 410 (Dumpsters and Portable Storage Containers) is hereby amended by deleting the existing Section 27-410 (Dumpsters and Portable Storage Containers) in its entirety.

SECTION III. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. -Failure to enforce not a Waiver

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

SECTION V. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VI. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and **ENACTED** by the Borough Council of Red Hill Borough, Montgomery County, Pennsylvania, this 8th day of May 2024.

RED HILL BOROUGH COUNCIL

By: _____
Doris Decker, President

Attest: _____
Elizabeth DeJesus, Borough Secretary

APPROVED the 8th day of May 2024.

David Schiffgens, Mayor

NOTICE

NOTICE is hereby given that the Red Hill Borough Council, at its public meeting on April 10, 2024 at 7:00 PM at the Red Hill Borough Hall, 56 West Fourth Street, Red Hill, Pennsylvania 18076, will hold a public hearing and could vote to adopt an Ordinance entitled “Dumpsters and Portable Storage Containers” amending the Code of Ordinances of the Borough of Red Hill, Chapter 10 (Health and Safety) to add new Part 6 (Dumpsters and Portable Storage Containers) to prohibit dumpsters and portable storage containers in public rights-of-way, regulate the use of temporary dumpsters and portable storage containers on private property, limit the duration of use of temporary dumpsters and portable storage containers on private property, set forth rules and regulations for temporary dumpsters and portable storage containers, and set forth exemptions from prohibition of temporary dumpsters in rights-of-way; and further amending Chapter 27 (Zoning), Part 4 (General Regulations), Section 27-410 (Dumpsters and Portable Storage Containers) by deleting it in its entirety.

Copies of the proposed Ordinance are available for public inspection at the Borough Offices, 56 West Fourth Street, Red Hill, Pennsylvania 18076 where a copy of the proposed ordinance may be obtained at a charge not greater than the cost thereof, the offices of *The Town & Country*, 2508 Kutztown Road, Pennsburg, PA 18073 and the Montgomery County Law Library, Court House, Norristown, Pennsylvania, during normal business hours.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for the Borough of Red Hill