

BOROUGH OF WEST MIFFLIN

ORDINANCE NO. 1230

AN ORDINANCE CREATING AND ADDING NEW CHAPTER 151 TO THE WEST MIFFLIN BOROUGH CODE OF ORDINANCES; AN ORDINANCE REGULATING DUMPSTERS AND PORTABLE STORAGE CONTAINERS; SEVERABILITY CLAUSE; VIOLATIONS AND PENALTIES; EFFECTIVE DATE.

WHEREAS, West Mifflin Borough is a densely populated community with many residences and commercial businesses in close proximity; and

WHEREAS, Borough Council has noted and observed a proliferation of the utilization of dumpsters and portable storage containers within the Borough of West Mifflin; and

WHEREAS, West Mifflin Borough Council has determined that the use and placement of dumpsters and portable storage units is presently creating hazards and dangers within the Borough of West Mifflin which requires regulation thereof; and

WHEREAS, this Ordinance is deemed to be in the best interests of the health, safety and welfare of the residents of the Borough, and is passed pursuant to the authority of the Borough Code.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

I. A new Chapter 151 is hereby created and adopted to become part of the West Mifflin Borough Code of Ordinances as follows:

151-1. Definitions.

For the purposes of this chapter, the following terms shall have the meaning ascribed to them herein:

BULKY WASTE — Stoves, refrigerators, water tanks, washing machines, appliances, furnaces, plumbing equipment (e.g., toilets, sinks, tubs), furniture and other waste materials.

CONSTRUCTION DEBRIS — Conventional building materials waste resulting from building construction, remodeling, repair and/or demolition operations, such as lumber, drywall and flooring.

DUMPSTER — A device or container one cubic yard or larger used or intended for the storage of bulky waste, construction debris, refuse, and like materials.

HAZARDOUS MATERIAL — Material which is hazardous, volatile, highly inflammable, radioactive, or otherwise dangerous, including asbestos fibers, infectious waste, all petroleum-based distillates, liquids, gasses and suspensions, alcohol-based liquids, and any other material which, under any federal, state, or Borough law must be disposed of in any manner other than by being placed in a sanitary landfill.

ORGANIC WASTE — Waste (animal, vegetable and/or other matter) that results from the use or consumption of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, discarded cans and other food containers and all putrescible or decomposable waste animal or vegetable matter which is likely to attract flies, rodents or other pest), manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

PERMIT — A permit issued by the Building Code Official or a designated representative authorizing the temporary placement of a dumpster in or upon a street or public grounds or upon private property.

PORTABLE STORAGE CONTAINERS - (hereinafter sometimes referred to as "PSCS") Enclosures used for storing items on a temporary basis. A PSC shall not include containers customarily used for household waste and debris. A PSC shall not include dumpsters.

REFUSE — Any and all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, discarded mattresses, discarded clothing, shoes and boots, waste pulp and other products such as are used for packaging or wrapping ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not otherwise included in the definitions herein.

151-2. Temporary placement; permit requirement; exceptions.

A. Temporary placement of dumpsters or PSCs within public rights-of-way or upon private property. It shall be illegal for any person to place one or more dumpsters or PSCs in or upon any street or public grounds or upon private property without first having obtained a permit.

151-3. Permit.

A. Every person seeking to place one or more dumpsters or PSCs in or upon a street or public grounds or upon private property shall apply to the Community Development office or a designated representative for a permit. No permit shall be issued for placement of one or more dumpsters

or PSCs on a street or public grounds unless placement on private property is not reasonably feasible.

B. Permit fees. The application fee for a permit allowing the temporary placement of dumpsters or PSCs shall be as follows:

(1) Commercial property: \$25 for each permit and/or extension requested.

(2) Residential property: There shall be a permit fee of \$25 to place a Dumpster or PSC on a residential property for up to 30 days. Thereafter, the owner shall pay a permit fee of \$25 for each extension requested.

(3) Public right-of-way: There shall be a permit fee of \$25 to place a dumpster or PSC within the public right-of-way in order to service a residential property for up to seven business days. Thereafter, the owner shall pay a permit fee of \$25 for each extension requested.

C. Every applicant for a permit to place of one or more dumpsters or PSCs upon a street or public grounds shall be responsible for repairing any damage caused by the applicant's use of the street or public grounds for such purpose.

D. Application for a permit must be submitted to the Community Development office or a designated representative at least seven days prior to the proposed placement.

E. Each permit holder shall allow access to private property by the Building Code Official during reasonable hours of the day to verify compliance with the applicable provisions of this chapter.

F. By applying for a permit, each applicant agrees to allow access to private property to the extent necessary to verify compliance with the provisions of this article.

151-4. Duration of permits.

A. Permits issued for placement on streets and/or public grounds shall be limited in duration to seven business days.

B. Permits issued for placement on private property shall be limited in duration to 30 days.

C. The duration of permits may be extended for good cause shown at the discretion of the Code Enforcement Officer or a designated representative up to a maximum of 60 total days for placement on streets and/or public grounds and 120 total days for placement on private property within each twelve-month period measured from the issuance of the first permit.

151-5. General restrictions and requirements.

- A. No dumpster or PSC shall be transported, emptied or serviced between the hours of 9:00 p.m. and 7:00 a.m. on any day; nor shall any mechanical, hydraulic or electrical loader, compactor, packer or conveyor be utilized during such hours.
- B. No dumpster shall be filled beyond the top of such dumpster. Dumpsters shall be emptied as soon as practical when full.
- C. No dumpster shall be filled by means of a chute, conveyor, belt, or other device, located in, above, on or across a street, or by dropping or throwing items in, above, on or across a street, unless the permit authorizing placement of such dumpster specifically authorizes such method.
- D. When not in use, all dumpsters shall be covered with a tarpaulin or otherwise secured, as approved by the Building Code Official or a designated representative, to prevent debris from blowing out of the container. Trash shall be secured to ensure it is properly contained.
- E. Only one dumpster or PSC may be placed on any property at one time unless the Building Code Official shall determine there is good cause for permitting more than one at a time.
- F. All dumpsters and PSCs shall be in a condition free from rust, peeling paint and other forms of deterioration.
- G. The dumpster and/or PSC must not contain any excessive advertising beyond the identification of the company name and phone number of the company which placed the container on the property.
- H. The use of a PSC shall not be for the storage of any commercial or business-related items. The use of a PSC must be for temporary relocation of items from or for the premises the permit indicates only. No household items from any locations other than the premises indicated on the permit (the premises on which the PSC is located) can be stored in the PSC. A PSC is not a shed and shall not be used as a shed.
- I. Hazardous materials including flammable and biohazard substances shall not be stored in any PSC.
- J. No trash or debris shall be stored in any PSC.
- K. No dumpster or PSC shall exceed 40 cubic yards in area.
- L. No dumpster or PSC shall be placed nearer than 15 feet to any fire hydrant or other intended firefighting equipment.
- M. No dumpster or PSC shall be placed nearer than 15 feet to any intersection and/or traffic control device.
- N. No materials contained in a dumpster or PSC shall emit any noxious or offensive odor or otherwise create any hazard or risk to public health.

151-6. General placement; visibility.

A. The Code Enforcement officer or a designated representative must approve the proposed location of any dumpster or PSC placed in or upon a street or public grounds. Such units shall not be placed in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

B. Dumpsters and PSCs placed in or upon a street or public grounds shall be visible at night from all angles of traffic flow. Means to provide nighttime visibility include but are not limited to the use of reflecting tape at least two inches in width, reflectors, cones or other methods, such methods being subject to the approval of the Building Code Official or a designated representative in his or her sole discretion.

151-7. Location in residential districts.

A. Dumpsters and PSCs are prohibited from being placed on the front yard of a property, where it is practicable to locate the dumpster or PSC elsewhere on the property in the opinion of the Building Code Official.

B. No dumpster or PSC shall be placed on a side yard of a corner property which fronts on a street, where it is practicable to locate the dumpster elsewhere on the property in the opinion of the Building Code Official.

C. Dumpsters and PSCs shall not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.

151-8. Emergency removal.

In the event of an emergency any dumpster may be removed by Borough or a designated representative, and/or police or fire personnel. The Borough shall not be liable for any loss or damage caused by such emergency removal.

151-9. Use restrictions.

A. No hazardous material or organic waste shall be placed in a dumpster or PSC.

B. It shall be the responsibility of the permit holder to maintain the dumpster and/or PSC free of any rodents, vermin or insects.

C. Any person who violates the restrictions set forth herein shall be personally liable for such actions. This liability is in addition to any criminal sanctions that may be imposed.

151-10. Violations and penalties.

Violation of this chapter shall be punishable by a fine not to exceed \$1,000. Each day that a violation continues shall constitute a separate violation.

II. If any portion of this Ordinance is found to be illegal or unconstitutional, then it is deemed to be the intent of West Mifflin Borough Council that the balance of this Ordinance would have been enacted irrespective of said invalid portion.

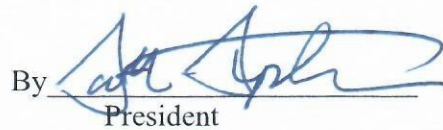
III. This Ordinance shall take effect immediately.

ORDAINED AND ENACTED into law this 21ST day of MARCH, 2023.

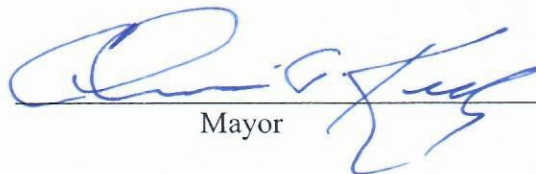
ATTEST:

BOROUGH OF WEST MIFFLIN

By 
Borough Manager

By 
President

APPROVED this 21 day of March, 2023.


Mayor

CERTIFICATION

I, Brian M. Kamauf, hereby certify that I am the Borough Manager of West Mifflin Borough, and that the within Ordinance was advertised in accordance with law and enacted at a regular meeting of Borough Council duly convened, at which a quorum was present and voted in favor thereof.

Certified this 21st day of MARCH, 2023.

By  _____
Borough Manager

NOTICE

NOTICE TO RESIDENTS OF WEST MIFFLIN BOROUGH:

Take Notice that at a regular meeting of Borough Council of West Mifflin Borough to be held on the 15th day of March, 2023, at 6:00 p.m. at the Municipal Building at 1020 Lebanon Road, West Mifflin, PA 15122, Borough Council will consider a proposed Ordinance regulating dumpsters and portable storage containers. A copy of the Ordinance may be reviewed at the office of the newspaper where this advertisement appears or at the Office of the Borough Manager. At said time and place you are invited to attend and to take such part as you see fit.

Borough Manager