

BOROUGH OF FOREST CITY, PENNSYLVANIA
ORDINANCE # 482 OF 2010

AN ORDINANCE OF THE BOROUGH OF FOREST CITY PROVIDING FOR THE REGULATION OF WASTE DUMPSTERS

Be it enacted and ordained by the Council of the Borough of Forest City that the Borough desires to regulate the placement of dumpsters within the confines of the Borough to ensure the safety and welfare of its citizens.

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 Forest City.

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

PERSON - Any natural person, firm, partnership, 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 Code Enforcement Officer or his or her designee. The duration of such permit shall be thirty (30) days, and the continued validity of such permit shall be contingent upon full compliance with the regulations set forth below.

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 meter space taken up by a 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 a parking meter zone, the Borough 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, one hundred thousand dollars (\$100,000) for property damage per occurrence and one 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 Forest City being named as an additional insured on said policy for said purpose.
- H. The permittee shall execute an indemnity agreement 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 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 highway.
- I. Only one (1) waste dumpster per property will be permitted on any highway of the Borough of Forest City.
- 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's Code Enforcement Officer or designee and an insurance liability insurance certificate in the same amounts as in Item G above shall be provided.
- L. At no time shall household garbage or waste be placed in the dumpster.

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,

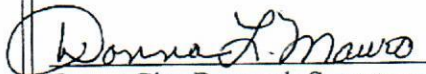
noncompliance with any of the regulations set forth in this Article shall be ground for revocation by the Borough Code Enforcement Officer Zoning Officer or his or her designee or the Forest City Police Department of the permit issued pursuant to this Article as shall any material false statement or 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 dollars (\$300) and costs of prosecution for each and every offense and, in default 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.

Effective date. This ordinance shall become effective upon passage.

ORDAINED AND ENACTED this 6th day of July, 2010.


Forest City Borough Secretary


Forest City Borough Council President

The foregoing Ordinance is approved on the 6th day of July, 2010.


Forest City Borough Mayor

BOROUGH OF FOREST CITY
DUMPSTER PERMIT
INDEMNITY AGREEMENT

I/We, _____ promise 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 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 highway.

Property Location _____

Location of Dumpster _____

I/We, the undersigned applicant(s) am/are the owner(s) of the above described dumpster and verify that the statements set forth in this application are true and correct. I/We understand that false statements herein are made subject to the penalties of 18 PA c.S.A. and 4904 relating to unsworn falsification to the authorities. I permit agents of the Borough to verify such information on the site and in the field.

Signature of Applicant(s) _____

Date _____