

**ORDINANCE OF THE BOROUGH OF FRACKVILLE,
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014-_____

**AN ORDINANCE OF THE BOROUGH OF FRACKVILLE, SCHUYLKILL COUNTY,
COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE REGULATION OF
WASTE DUMPSTERS AND OTHER WASTE RECEPTACLES.**

ENACTED, by the Borough Council of Frackville, Schuylkill County, Commonwealth of Pennsylvania, (also known throughout this Ordinance as “Frackville Borough” or the “Taxing Authority”) under authority of the Local Tax Enabling Act, 53 P.S. Section 6924.101 et. Seq., and other applicable law, as follows:

The following terms shall have the meanings as indicated:

WASTE DUMPSTER- a unit designed or used 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 the purpose of disposal of its contents by means of a carrying vehicle. This term shall include any receptacle used as a waste dumpster, including truck beds.

HIGHWAY- Any public street, avenue, alley or other thoroughfare within the Borough of Frackville.

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 on a highway a waste dumpster without first obtaining a permit therefore from the Borough. The duration of such permit shall be thirty (30) days and continued validity of such permit shall be contingent upon full compliance with the regulation set forth below.

Permit Fee

The fee for a permit pursuant to this Article is \$25.00.

If the permittee requires additional time, a second permit may be obtained for up to one (1) week and a second permit fee of \$25.00 must be paid. No more than two permits shall be issued by the Borough for a dumpster placed upon a Borough highway. After the expiration of the second permit, the dumpster shall be removed from the Borough.

Placement and Use Regulations

- A. A waste dumpster placed upon a highway shall not extend into the travel lane.
- B. A waste dumpster placed upon a highway shall bear reflective marking in sufficient positions and with sufficient 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 in person or property.

E. 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.

F. Each of the dumpster rollers or wheels (if any) must be placed upon a wood pad at least 3/4 of an inch in thickness so as not to damage the highway surface.

G. The Permittee shall provide a copy of the waste hauler's certificate of insurance listing Frackville Borough as an additional insured, as well as proof of their own liability insurance (homeowners' insurance) in a minimum amount of \$300,000.

H. Permittee agrees to sign a confession of judgment with regards to any damages done to Borough property by virtue of the use of the waste dumpster.

I. The Permittee shall execute an indemnity agreement, in a form reasonably acceptable to the Borough of Frackville, 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.

J. Only one (1) waste dumpster per property will be permitted on any highway of the Borough of Frackville.

K. Waste dumpster shall be clearly marked with the owner's name, address and telephone number.

L. If a chute or similar object is constructed to be used with a waste dumpster, it must be deemed structurally sound by the Borough and an insurance liability 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 forth in the Article shall be grounds for revocation by the Borough of the permit issued pursuant to this Article as shall any false statements or omissions 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 less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars and costs of prosecution for each and every offense and in default of payments of such fine and costs, to imprisonment of not more than thirty (30) days, provided that each day's violation of any of the provisions of this Article constitutes a separate offense.

Severability

The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

ENACTED and ORDAINED this 11th date of June, 2014.

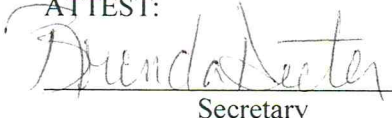
BOROUGH OF FRACKVILLE

BY:



PRESIDENT

ATTEST:

 (SEAL)
Secretary