

ORDINANCE 2019-07

**AN ORDINANCE OF THE TOWNSHIP OF MANHEIM,
LANCASTER COUNTY, PENNSYLVANIA FOR THE
PURPOSE OF REGULATING THE PLACEMENT OF
DUMPSTERS AND PORTABLE STORAGE DEVICES
ON TOWNSHIP STREETS**

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania as follows:

Section 1. Purpose. The primary purpose of public streets is for use by vehicular and pedestrian traffic. Reasonable regulation of obstruction in public streets and sidewalks is necessary to protect the health, safety and welfare of the general public.

Section 2. Definitions. The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

DUMPSTER - A metal storage receptacle used to temporarily store debris or garbage which is then emptied of its contents or removed with its contents by a truck specially equipped for this purpose.

PERSON - Any natural person, partnership, firm, association, utility or corporation.

PORTABLE STORAGE DEVICE - Any portable structure, not self-propelled, designed to store personal belongings, whether constructed of flexible or inflexible material, including but not limited to, containers commonly known as "portable storage devices" or "PODS®".

STREET - The entire right-of-way of a public street, highway or road within the geographical limits of the Township, but shall not include any state-designated highway over which the Department of Transportation of the Commonwealth of Pennsylvania has jurisdiction.

UNIT - A Dumpster or Portable Storage Device

Section 3. Permit Required. No person shall place or cause to be placed a Unit upon any Street without first having obtained a permit from the Police Department. It shall be the responsibility of the property owner benefitting from the use of the dumpster to obtain a permit and to publicly display a copy of the permit before placement of any dumpster.

Section 4. Permit Application. A permit application shall be submitted to the Township Police Department on an application form provided by the Township Police Department for this purpose. The application must set forth the special circumstances necessitating the placement of the Unit upon the Street and the proposed location.

Section 5. Permit Fee and Duration. Upon approval of the permit application by the Township Police Department, a permit for placement of the Unit shall be issued by the Township Police Department upon payment of the permit fee and shall be for a term not to exceed thirty (30) days. The permit fee shall initially be set at \$50.00. Any change in the permit fee by the Township shall be by resolution of the Commissioners from time to time

Section 6. Permit Conditions. Upon issuance of the permit, the permit holder shall comply with the following requirements:

1. Any Unit for which a permit is issued shall bear reflective tape or illuminated markings in order to provide adequate warning of the placement of the Unit to pedestrians and motorists.

2. No Unit shall be placed nearer than 15 feet to any fire hydrant or other intended fire-fighting equipment.

3. The location of any Unit on any Street shall not obstruct any pedestrian way or the lane of travel of any Street.

4. The location of any Unit upon any Street shall not interfere with any required clear sight distance across any intersection or driveway.

5. No materials contained in a Unit shall emit any noxious or offensive odor or otherwise create any hazard or risk to public health.

6. The permit shall be conspicuously place in a location that permits it to be identified from the street.

7. If any damage or injury to the street shall be caused or done by the use or occupancy of any street hereunder, the party to whom the permit is issued shall be responsible and liable for the same and shall restore the street to its original condition. If the permit holder refuses to properly restore the Street to its original condition, the Township may do so and collect the cost of the same from the permit holder.

Section 7. Permit Revocation. Any permit issued by the Township Police Department as provided herein may be immediately revoked by the Township Police Department upon mailing of notice of revocation to the permit holder at the address stated in the permit application for any of the following reasons:

1. Failure to comply with any provision of this article or any requirement as set forth in the permit or permit application.

2. The emission of any foul or noxious odor from material contained in the dumpster, regardless of whether the dumpster is filled to capacity or not.


3. The presence of any vehicular, pedestrian, fire, health or safety hazard or potential hazard arising after issuance of a permit.

Section 8. Penalty. Any person who violates any provision of this article shall upon conviction thereof, be fined no less than \$25.00 and nor more than \$1,000.00. Failure to immediately remove a Unit for which a permit has been revoked shall constitute a separate violation for each day after revocation and the Township may so remove or cause the Unit to be removed at the expense of the person identified as the permit holder on the revoked permit.

Section 9. Validity. Should any paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect, and the same shall not affect the validity of the remaining portions of this Ordinance.

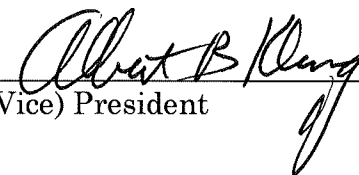
Section 10. Effective Date. This Ordinance shall become effective upon enactment.

DULY ORDAINED AND ENACTED this 8th day of July, 2019 by the Board of Commissioners of the Township of Manheim, Lancaster County, Pennsylvania.

Attest: 

(Assistant) Secretary

BOARD OF COMMISSIONERS
TOWNSHIP OF MANHEIM

By: 

(Vice) President

[TOWNSHIP SEAL]