

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1152**

AN ORDINANCE OF THE BOROUGH OF UNION CITY,
COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA
PROVIDING FOR THE REGULATION
OF STREET STORAGE AND WASTE DUMPSTERS;
PROVIDING DEFINITIONS RELATED TO STREET
STORAGE AND WASTE DUMPSTERS; PROVIDING FOR
PERMITS; FEES; PLACEMENT AND USE REGULATIONS;
REVOCAION OF PERMITS; REMOVAL OF STREET
STORAGE AND WASTE DUMPSTERS; ESTABLISHING
VIOLATIONS, PENALTIES AND EQUITABLE RELIEF FOR
VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR
SEVERABILITY, REPEALER AND EFFECTIVE DATE.

WHEREAS, Borough residents and property owners complete periodic renovations and repairs to their property which generates debris and construction waste requiring removal on a large scale; and

WHEREAS, to address the need for large scale removal, Borough residents and property owners utilize street storage and/or waste dumpsters until removal of the debris or construction waste is made;

WHEREAS, much of the street storage and waste dumpsters utilized are large items or large containers made of metal which could cause damage or physical injury if struck by a motor vehicle;

WHEREAS, if the street storage and waste dumpster is situated inappropriately a motor vehicle operator's view can be obstructed endangering pedestrians entering the street; and

WHEREAS, Borough Council finds that the adoption of a Street Storage and Waste Dumpster Ordinance is necessary to ensure the safety of those individuals traveling on or across Borough Streets.

NOW THEREFORE, on this 13th day of March, 2023, **BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Union City, Erie County, Pennsylvania, as follows:

Section 1. Recitals

The recitals listed above are incorporated as if more fully set forth herein.

Section 2. Title

This Ordinance may be cited as the “Union City Street Storage and Waste Dumpster Ordinance.”

Section 3. Definitions

The following terms shall have the meaning as indicated.

BOROUGH- The Borough of Union City, Erie County, Pennsylvania.

PERMITTEE – A person who obtains or is required to obtain a permit under this Ordinance.

PERSON – Any natural person, firm, partnership, corporation, association, Limited Liability Company, estate, trust or other legally recognized entity.

STREET – Any public street, avenue, alley or other thoroughfare within the Borough of Union City.

STREET STORAGE – Any item placed in a street for a period in excess of 24 consecutive hours that is not a motor vehicle as defined by the Pennsylvania Vehicle Code or a waste dumpster.

WASTE DUMPSTER -- A unit designed for the deposit of waste materials at or near a building or other structure, commonly located on a temporary basis on a street abutting the site and transportable to and from the site for the purposes of disposal of its contents by means of a carrying vehicle. The term Waste Dumpster shall not pertain to the Garbage or Recycling containers provided pursuant to Ordinance No. 1138, as amended, which is the “Union City Garbage and Recycling Ordinance”.

Section 4. Permit Required

No person shall place upon, cause to be placed upon or permit to remain on a street a waste dumpster or street storage without first obtaining a permit therefore from the Borough Office and paying the applicable permit fee. The duration of such permit shall be fifteen (15) days and continued validity of such permit shall be contingent upon full compliance with the regulations set forth in this Ordinance. If the waste dumpster or street storage is or will be located on the roadway, the placement of the waste dumpster or street storage must be approved by the Chief of Police or his or her designee.

Section 5. Permit Fee

The permit fee for waste dumpsters or street storage shall be established by resolution or motion of Borough Council. One 15-day extension of a permit may be granted without additional fees. Any additional 15-day extension(s) shall be granted at the sole discretion of the Borough. Each additional extension will have a fee associated with each extension. The extension fees shall be established by resolution or motion of Borough Council. Permit renewal may be denied for inactivity.

Section 6. Placement and Use Regulations

- A. The placement of a waste dumpster or street storage upon a street shall not extend into the travel lane of traffic
- B. A waste dumpster or street storage upon a street shall bear reflective markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to approaching traffic in both directions of its location. These warnings must be accomplished by dumpster markings, cones or barrels with flashers and must be approved by the Chief of Police or his or her designee.
- C. No street shall be closed for the purpose of location or utilization of a waste dumpster or street storage without Pennsylvania Department of Transportation, if applicable, and Borough Council temporary road closure authorization.
- D. The location and utilization of a waste dumpster or street storage upon a street shall not be in a manner which constitutes a safety hazard to persons 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. The location and utilization of a waste dumpster or street storage upon a street shall be in compliance with all federal, state and local laws, rules and regulations applicable thereto, including but not limited to any highway occupancy or other permit required by the Pennsylvania Department of Transportation, in addition to the requirements of this Ordinance.
- G. Each of the dumpster rollers or wheels (if any) must be placed upon a wood pad at least $\frac{3}{4}$ of an inch thickness so as not to damage the highway surface.
- H. The permittee shall execute an indemnity agreement, in a form acceptable to the Borough, 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 attorneys' fees for or on account of any injury to any person 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 a waste dumpster or street storage on any street.
- I. Only one (1) waste dumpster per property will be permitted on any highway of the Borough.
- J. Waste dumpster shall be clearly marked with the owner's name, address and telephone number.
- K. The permittee shall assume all risk of damage, and the Borough shall not be liable for any damage, to the waste dumpster or street storage when the Borough is plowing snow,

maintaining the street or other facilities within the street or performing other public functions.

- L. The Borough Police Chief or Code Enforcement Official may require the permittee to have the waste dumpster emptied and/or cleaned in the event that the contents of the dumpster or the dumpster itself emits noxious odors or is attracting rodents.

Section 7. Revocation of Permit

Without limitation as to the utilization of any other legal or equitable remedy or action available to the Borough, civil or criminal, noncompliance with any of the requirements or provisions set forth in this Ordinance or any material false statement or omissions made in connection with the application for a permit shall be grounds for revocation by the Borough Manager, the Borough Chief of Police or their designee of the permit issued pursuant to this Ordinance.

Section 8. Removal of Waste Dumpsters or Street Storage

The Borough may at the expense of the owner or lessee of the property or the permittee cause the removal of a waste dumpster or street storage.

Section 9. Violations and Penalties

Any person who or which violates or fails to comply with any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than Two Hundred (\$200.00) Dollars and not more than Six Hundred (\$600.00) Dollars plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Ordinance. Each provision of this Ordinance which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or Federal law. In default of payment of any fine, such person shall be liable to imprisonment for not more than thirty (30) days.

Section 10. Equitable Relief

In addition to or in lieu of the penalties provided in Section 7 hereof, any violations of the provisions of this Ordinance may be abated or enforced by proceedings seeking equitable relief against the violator.

Section 11. Severability

If any section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction or other tribunal, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, or word hereof irrespective of the fact that any one or more of the sections,

subsections, paragraphs, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 12. Repealer

All ordinances or part of ordinances inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 13. Effective Date

This Ordinance shall take effect and be in force immediately after enactment as provided by law.

DULY ENACTED AND ORDAINED this 13th day of March, 2023, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:



Cindy Wells, Secretary



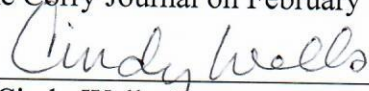
President

APPROVED:



Mayor

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1152 adopted by the Union City Borough Council on March 13, 2023, and advertised in the Corry Journal on February 28, 2023.



Cindy Wells, Secretary

2387173.v1

