

TOWNSHIP OF SPRING
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 235

AN AMENDATORY ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXI, ENTITLED "STREETS AND SIDEWALKS" OF THE CODIFICATION OF ORDINANCES OF THE TOWNSHIP OF SPRING, ENACTED AUGUST 25, 1975, AS FROM TIME TO TIME THEREAFTER AMENDED, BY ENACTING A NEW PART 4 OF SAID CHAPTER XXI, ENTITLED "PROHIBITION AND REMOVAL OF DUMPSTERS UPON THE PUBLIC STREETS AND SIDEWALKS IN THE TOWNSHIP OF SPRING" AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania (the "Board of Supervisors"), enacts and ordains this Amendatory Ordinance pursuant to the terms and provisions of the Act of Assembly of May 1, 1933, P.L. 103, art. VII, Section 702, cl. XLVII, as amended (53 Pa.Cons.Stat. 65747), which statute empowers Pennsylvania townships of the second class, such as the Township of Spring, Berks County, Pennsylvania (the "Township") to take all needful means for securing the safety of persons or property within the Township.

Section 1. Findings and Purpose. The Board of Supervisors finds:

(a) That certain public streets and sidewalks in the Township are subject to periodic obstruction by the placement thereon of dumpsters as herein defined.

(b) That reasonable regulation of congestion and obstructions on public streets and sidewalks in the Township is necessary to protect the safety of persons or property.

Section 2. Definitions.

(a) "Dumpster" means any container used for the purpose of temporarily holding materials. All containers used for the purpose of holding garbage or any other form of plant matter are excluded from the terms of this Amendatory Ordinance.

(b) "Lessor" means one who rents a Dumpster or Dumpsters to another.

(c) "Lessee" means a property owner or agent thereof who leases a Dumpster.

(d) "Owner" means one who owns a Dumpster or Dumpsters.

(e) "Person" means any individual, firm, partnership, association, corporation or similar entity.

(f) "Public Street" means a street which is a part of the general road and street system of the Township.

(g) "Sidewalk" means a sidewalk parallel to a street forming a part of the public road or street system of the Township.

(h) "Township" means the Township of Spring, Berks County, Pennsylvania.

Section 3. Dumpsters, in General. Dumpsters shall be of a size not wider than eight (8) feet nor longer than twenty-three (23) feet. All Dumpsters shall be well painted, be in a good state of repair and shall be clean and free of offensive odors. The Dumpster Owner and/or Lessor shall place and maintain on the outside of each Dumpster flashing devices, or

reflectors or reflective tape, of sufficient size and location to warn vehicular and pedestrian traffic of the location of such Dumpster. Further, the Dumpster Owner and/or Lessor shall place and maintain on the outside of each Dumpster, in legible letters not less than one inch (1") in height, its name or logo, telephone number and the current Township Dumpster Permit number.

Section 4. Prohibition about Placement of Dumpsters.

No person shall put, place, maintain, erect, or cause or allow it to be put, placed or erected any Dumpster upon the Public Streets and/or Sidewalks in the Township, except that Dumpsters incidental to construction, rehabilitation or demolition work may be put, placed or erected upon any Public Streets or Sidewalk provided that a hold harmless agreement is executed and that adequate proof of liability insurance is established as required in Section 6 of this Amendatory Ordinance; and provided that the location of such Dumpster is approved by the Code Enforcement Officer of the Township who shall issue a permit for a period of time not to exceed thirty (30) consecutive days.

Section 5. Permit Fees. The price for a Township Dumpster Permit shall be Thirty and 00/100 Dollars (\$30.00) for the first thirty (30) consecutive days. Permits may be renewed for thirty (30) day increments at the sole discretion of the Code Enforcement Officer of the Township if, in his opinion, the work has not been completed or abandoned or if it is deemed to be in the best interests of the public. The cost of a renewed Dumpster Permit shall be equal to the cost of the initial Dumpster Permit.

Section 6. Hold Harmless Agreement and Property and Liability Insurance. Prior to the issuance by the Township of any permit or other authority to put, place or erect a Dumpster upon a public street or public sidewalk in the Township, the Dumpster Owner and/or Lessor shall execute a hold harmless agreement in such form as the Township shall provide, guaranteeing to defend, protect and compensate the Township as the result of any cause of action which may be brought or perfected against the Township in connection therewith; or shall deposit with the office of the Manager of the Township a certificate of insurance acceptable to the Township Solicitor covering such owner and/or lessor of the Dumpster.

Section 7. Penalties. Any person, firm, corporation or other entity who shall violate any provisions of this Amendatory Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred and 00/100 Dollars (\$600.00) and in default of payment to undergo imprisonment for a term not exceeding thirty (30) days.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 9. Severability. If any sentence, clause, section or part of this Amendatory Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Amendatory Ordinance. It is hereby

declared as the intent of the Board of Supervisors that this Amendatory Ordinance would have been enacted had such unconstitutional, illegal or invalid sentence, clause or section or part thereof not have been included herein.

Section 10. Effective Date. This Amendatory Ordinance shall be effective five (5) days after the date of its enactment.

DULY ENACTED AND ORDAINED this 13th day of December, 1993.

TOWNSHIP OF SPRING, BERKS COUNTY,
PENNSYLVANIA

By: *John E. Schaefer*
Chairman, Board of Supervisors

By: *Walter H. Cole*
Vice Chairman, Board of Supervisors

By: *[Signature]*
Member, Board of Supervisors

By: *William D. Meyer*
Member, Board of Supervisors

By: *Craig [Signature]*
Member, Board of Supervisors

ATTEST:

By: *Gene Edkins*
Secretary
(SEAL)

ATTESTATION

I, DEBORAH A. EYLER, Assistant Secretary of the Township of Spring, Berks County, Pennsylvania attest that the foregoing Ordinance to be known as Ordinance No. 235 of the said Township of Spring is a true and correct copy of the original thereof filed with the office of the Secretary of the said Township of Spring for consideration and enactment at a public meeting of the Board of Supervisors of the said Township of Spring to be held on December 13, 1993 beginning at 7:30 p.m. at the Township of Spring Municipal Building, 2800 Shillington Road, Cornwall Terrace, Spring Township, Berks County, Pennsylvania.

Dated December 2, 1993

Deborah A. Eyer
DEBORAH A. EYLER