

APOLLO BOROUGH

Armstrong, County, Pennsylvania

ORDINANCE NO. 239-09

AN ORDINANCE OF THE BOROUGH OF APOLLO, ARMSTRONG COUNTY, PENNSYLVANIA REGULATING THE USE, PLACEMENT, PERMITTING AND OTHER CONDITIONS OF PRIVATE WASTE DUMPSTERS WITHIN APOLLO BOROUGH AND REQUIRING APPROPRIATE WASTE CONTAINERS FOR CERTAIN BUSINESSES/ACTIVITIES WITHIN THE BOROUGH PARKING PLAZA AND FURTHER PROHIBITING LARGE VEHICLE DELIVERIES AND OTHER ACTIVITIES WITHIN THE BOROUGH PARKING PLAZA, AND ESTABLISHING PENALTIES FOR VIOLATIONS AND FEES FOR PERMITS.

WHEREAS, The Council of Apollo Borough has recognized certain public health safety issues that require attention, as follows:

1. Regulation of privately retained and utilized dumpsters or other large trash containers throughout the Borough; and
2. Regulation of large vehicles in the Borough parking plaza, especially in light of the upcoming plaza renovation, so as to optimize use of the plaza and optimize the length of the capital improvements; and
3. The existence of food and beverage based trash including but not limited to cans, bottles, wrappers, bags, food/beverage residue in the parking plaza area; and

WHEREAS, the Council of Apollo Borough feels it necessary to enact certain regulations regarding the abovementioned issues; and

WHEREAS, the Council of Apollo Borough feels that the following regulations are necessary for the public health and safety and that regulation is necessary to provide penalties and sanctions for violation of this Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of Apollo Borough, Armstrong County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

I. WASTE DUMPSTERS

1. The following terms shall have the meaning as indicated:

- a. Waste Dumpsters: A unit 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.
- b. Highway: Any public street, avenue, alley or other thoroughfare, including sidewalk and buffer area between public street between sidewalk within the Borough of Apollo.
- c. Permittee: A person who obtains or is required to obtain a permit under this Article.
- d. Person: Any natural person, firm, partnership, corporation, association or similar entity.

2. **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 Secretary/Treasurer or her designee. The duration such permit shall be twenty-one (21) days, and the continued validity of such permit shall be contingent upon full compliance with the regulations set forth below.

3. **Permit Fee:**

The fee for a permit pursuant to this Article is \$30.00. An additional fee of \$25.00 is required for every parking meter space taken up by a dumpster. Any changes in fees may be made by Apollo Borough Council, by Resolution, duly enacted.

4. **Requirements for waste dumpsters:**

The following requirements shall apply to any waste dumpsters requiring a

permit within the terms of this Ordinance:

- a. Reflectors and/or reflective material, each side containing sufficient reflective material to make the dumpster clearly visible at night.
- b. Each of the dumpster rollers or wheels (if any) must be placed upon a wood pad at least $\frac{3}{4}$ of an inch in thickness so as not to damage any surfaces in the Borough.
- c. Dumpsters shall be placed so as to not obstruct traffic, vehicular or pedestrian, or to interfere with sightlines.
 - i. Conditions requiring immediate removal. Regardless of the length of permit remaining, the dumpster shall be immediately removed if any of the following conditions exist:
 - ii. The existence of hazardous material or biodegradable material of such nature and in such quantity as to pose a health hazard or to generate odors that affect adjacent properties;
 - iii. Standing waters or other liquids unless containerized;
 - iv. Dumpster filled to maximum capacity. In this event, removal of the dumpster is required within forty-eight (48) hours.

5. Permit:

A Permit application, along with necessary fee, shall be made to the Borough Secretary/Treasurer. In addition, Police approval of the exact location is necessary, which approval shall be in writing.

6. Permit Form:

Substantially similar to the form attached hereto.

7. Penalties:

- a. Any person who shall violate any provision of this Ordinance shall,

upon conviction thereof, be sentenced to pay of fine not exceeding \$300.00 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

- b. Each day that a violation of this Ordinance exists, shall constitute a separate offense,

II. VEHICLE LIMITATIONS FOR PARKING PLAZA

1. No vehicles, with the exclusion of emergency vehicles and necessary municipal vehicles, in excess of three (3) tons gross vehicle weight shall be permitted into the municipal parking plaza regardless of reason or duration.

2. Violation:

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay of fine not exceeding \$300.00 plus costs per offense, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

III. TRASH RECEPTACLE REQUIREMENTS

1. Each and every business, whether for profit or not, located within or bordering the parking plaza that dispenses, whether for sale or not, any foodstuff (prepared, raw or prepackaged) and any beverage (hot or cold) shall permit installation and shall maintain and regularly empty a Borough selected and purchased commercial sized trash receptacle immediately adjacent to the structure and at least four (4) but no more than twelve (12) feet from said businesses main entrance. Said receptacle shall be purchased by, selected by, and placed by Apollo Borough.

Each and every affected business shall also maintain and keep free of debris the sidewalk abutting its premises as well as the parking plaza area abutting its premises including the sidewalk and curb further extending twenty (20) feet into the parking plaza.

2. The specific size, construction or design and/or capacity of the required trash container shall be determined by Apollo Borough Council.

3. Upon selection of the required trash receptacle, all affected businesses shall receive mailed notice from the Apollo Borough Secretary/Treasurer of this Ordinance and its requirements and prohibitions.

4. **Violation:**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay of fine not exceeding \$300.00 plus costs per offense, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

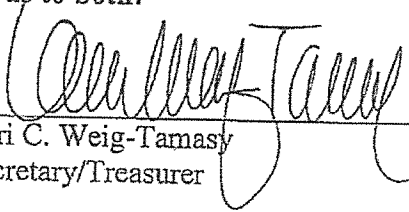
IV. EFFECTIVE DATE

This Ordinance shall be effective as immediately.

ORDAINED AND ENACTED this 19th day of day of Nov., 2009. by Apollo Borough Council, at a lawfully called and duly advertised public meeting.


ATTEST as to both:

BY:

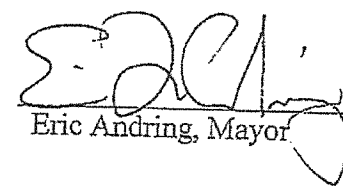

Lori C. Weig-Tamasy
Secretary/Treasurer

BOROUGH OF APOLLO

BY:

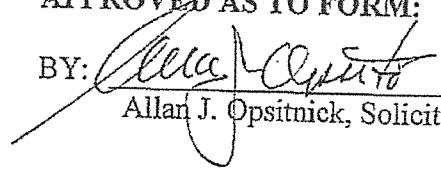

John C. Ameno, Jr., President

Approved this 19th day of Nov., 2009.


BY: Eric Andring, Mayor

APPROVED AS TO FORM:

BY:


Allan J. Opsitnick, Solicitor