ORDINANCE NO. 302 - 2025

AN ORDINANCE OF THE BOROUGH OF PORT CARBON, SCHUYLKILL COUNTY, PENNSYLVANIA ADOPTING AND ENACTING RULES AND REGULATIONS FOR THE PLACEMENT OF DUMPSTERS WITHIN THE BOROUGH OF PORT CARBON AND TO ALLOW FOR THE PLACEMENT OF PORTABLE ON DEMAND STORAGE UNITS WITHIN THE BOROUGH OF PORT CARBON SUBJECT TO THE LIMITATIONS STATED HEREIN

WHEREAS, the Borough of Port Carbon is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and

WHEREAS, Chapter 25B, Section 2 of the Pennsylvania Borough Code gives Council the authority to prohibit accumulations of municipal waste upon public and private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal of municipal waste; and,

WHEREAS, Chapter 12, Section 2-1 of the Pennsylvania Borough Code gives Council the authority to prescribe reasonable fees for the services of the borough's officers and to enforce payment of the fees.

WHEREAS, Chapter 12, Section 2-5 of the Pennsylvania Borough Code gives Council the authority to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough.

WHEREAS, improper municipal waste practices create public health hazards, environmental pollution and economic loss, and cause irreparable harm to the public health, safety and welfare; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Port Carbon with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Port Carbon as follows:

CHAPTER 204
PORTABLE STORAGE UNITS & DUMPSTERS

§204-1. Definitions.

As used in this article, the following terms, phrases or words shall have the following meanings:

PORTABLE ON-DEMAND STORAGE UNITS or PODS - Portable containers that are placed on or in front of a property for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of a process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike trailers typically attached to semi-trucks for transport, portable storage units must be no larger than 8' X 8' X 16'.

DUMPSTER - a unit designed for the deposit of waste, commonly located on a temporary basis on a highway abutting the site and the transportable to and from the site for the purposes of disposal of its contents by means of carrying vehicle.

HIGHWAY - Any public street, alley or public right-of-way

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.

§204-2. Permit Required

No person, other than agents or employees of the Borough shall place or cause to be placed upon any highway within the Borough of Port Carbon any POD or dumpster, without first having obtained a permit from the Code Enforcement Officer or his/her designee. It shall be the responsibility of the user of the POD or dumpster to obtain a permit and to provide a copy of such permit to the owner of the dumpster before placement of any dumpster. Permits must be displayed in a visible location, typically a front window or porch for immediate inspection by the Code Enforcement Officer.

§204-3. Permit Application.

A. The permit application is considered complete when all required information is provided on the permit application and any applicable fee is paid.

B. The permit must be issued prior to the placement of the POD or Dumpster by the applicant.

C. Permits issued shall be nontransferable. Permits may be used only by the permittee to whom originally issued for the POD or dumpster at the location for which originally issued as state on the permit application.

§204-3. Permit Fee and Duration.

Upon approval of the permit application by the Borough, a permit for placement of the POD or dumpster shall be issued by the Borough upon payment of the permit fee. Permits shall be good for the period of fourteen (14) days from the date of issuance thereof. Provided that the permit holder has complied with the requirements of this section and the permit issued hereunder, the permit may be renewed for additional periods of fourteen (14) days upon payment to the Borough of a renewal permit fee for each fourteen (14) day period. The permit fee and permit renewal fee shall be set from time to time by resolution from Council. Permit fees shall be exempt for properties that have been acquired by a non-profit entity, land bank or government entity or a property acquired by the Pennsylvania Housing Finance Agency following Council approval.

§204-3 Placement and Use Regulation.

A. The Dumpster or POD shall be clearly marked with the owner's name, address, and telephone number.

B. A Dumpster or POD placed upon a highway shall not extend into the travel lane.

C. The Dumpster or POD shall be kept at least twenty (20) feet away from any crosswalk and from any intersection and must be placed so it does not block the view of any motorist pulling into a street.

D. No Dumpster or POD shall be placed nearer than fifteen (15) get to any fire hydrant.

E. A Dumpster or POD placed upon a highway shall bear reflective markings in sufficient positions and with sufficient capacity to provide reasonable warnings to approaching nighttime traffic of its location.

F. Only one Dumpster or POD shall be permitted per property when located on a highway or sidewalk.

G. Location and utilization of a Dumpster or POD upon a highway shall not be such as to constitute a safety hazard to person or property.

H. Each of the container 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 road surfaces in the Borough.

I. Location and utilization of a Dumpster or POD upon a highway shall be in compliance with all other federal, state and local statutes, rules and regulations applicable thereto.

§204-4. Permit Conditions.

Upon issuance of a permit as set forth herein, the permit holder agrees to comply with the following requirements:

1. An provision of this section or any requirement as set forth in the permit or permit application as approved by the Borough Council.

2. Any POD or dumpster for which a permit is issued shall be placed adjacent the property unless otherwise approved by the Borough Council.

3. Prevent the emission of any foul or noxious odor from material contained in the POD or dumpster, regardless of whether the container is filled to capacity or not.

4. The area around the POD or Dumpster shall be kept free of debris and litter.

5. A partially full Dumpster must be tarped when not in use.

6. A full Dumpster shall be tarped and removed from the property within 48 hours.

7. Each container shall contain a stencil or other visible form, the company name.

§204-5. Use During Natural Disaster.

A. When the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the Permittee, one or more PODs or Dumpsters may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for the principal structure(s) or three months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for a much as an additional 3-month period or until a Certificate of Occupancy is issued, whichever occurs first.

B. The Council may waive the permit application and/or fees when a local Declaration of Disaster has been declared or in any other instance at the Borough's discretion.

§204-6. Removal of Container.

A. Any company or transport service that causes waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance to be deposited into or upon any highway in the borough during the removal of the container is liable under this ordinance.

B. If any damage or injury to any highway, partway, curb or sidewalk shall be caused by a permittee shall have been issued shall be responsible and liable for the same and shall restore the cartway, curb and/or sidewalk to its original condition. If the permittee refuses to properly restore the cartway, curb and/or sidewalk to its original condition, the Borough may do so and collect the cost of the same from the permittee.

§204-6. Violations.

Any person violating any provision of this section shall upon conviction thereof, be fined not less than two-hundred dollars ($200.00) and not more than six-hundred dollars ($600.00) and costs of prosecution. Upon revocation of any permit granted or renewed hereunder by the Borough, failure to remove any POD or dumpster for which a permit has been revoked shall constitute a separate violation for each day after revocation.

§204-7. Enforcement and Revocation.

A. The responsibility for enforcement of this Ordinance shall be the by the Police Department or the Code Enforcement Officer or his designee.

B. Without limitation as to utilization of any other remedy or action available to the Borough, noncompliance with any of the regulations set forth in this Article shall be grounds for revocation by the Police Department or Borough Code Enforcement Officer of the permit issued pursuant to this Article as shall any material false statement or omission made in connection with the application for the permit.

§204-8. Effective Date.

This Ordinance shall become effective upon enactment by Borough Council and Mayoral approval or in the alternative pursuant to Section 3301.3 of the Borough Code.

§204-9. Repeal.

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

§ 204-10. Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

ADOPTED this 16 day of December, 2025.

PORT CARBON BOROUGH

ATTEST:

ANGELA LASELVA
Borough Secretary
(Seal)

BY: Scott Krater
SCOTT KRATER, Council President

APPROVED on the date above written.

HAROLD HERNDON, Mayor