

**ORDINANCE NO. 1187**

**AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING CHAPTER 134 OF THE CODE OF THE BOROUGH OF WAYNESBORO, RELATING TO DUMPSTERS AND MOBILE STORAGE UNITS**

**WHEREAS**, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. §1202(5), allows Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania 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; and

**WHEREAS**, Borough Council currently, within Chapter 134 of the Code of the Borough of Waynesboro (the "Code"), regulates the use, size, and placement of Dumpsters and Mobile Storage Units within the Borough of Waynesboro; and

**WHEREAS**, Borough Council desires to amend Chapter 134 of the Code to also regulate the use, size, and placement of weekly curbside containers, being used for multi-family residentially generated municipal waste; and

**WHEREAS**, Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend Chapter 134 of the Code regulating the use of weekly curbside dumpsters within the Borough and providing for the enforcement of the Ordinance and penalties for the violation thereof.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is hereby enacted and ordained as follows:

**SECTION I:** Chapter 134, Section 1, entitled "Definitions", of the Code is hereby amended by adding the following term and its definition to §134-1:

**WEEKLY CURBSIDE CONTAINERS**

A container or dumpster used for generated municipal waste generated by multi-family dwellings by which the owners or occupants of certain residential properties may dispose of their solid waste materials by placing the weekly curbside container, within the public right-of-way fronting along their property, at times designated by the Borough of Waynesboro, for collection and removal by an authorized collector.

**SECTION II:** Chapter 134 of the Code is hereby amended by replacing Section §134-3 in its entirety with the following:

§134-3 Weekly Curbside Containers

A. Location of container.

(1) Where conditions permit, all Weekly Curbside Containers shall be stored upon private property, preferably in the rear or side yard of said property.

(2) Any Weekly Curbside Containers that is placed upon any of the public ways of the Borough, unless unfeasible, shall be located on the same side of the public street or roadway as the property from which the materials to be placed in the containers are being generated.

(3) Any Weekly Curbside Containers that may be placed upon the public ways of the Borough shall be placed so that the longer side is parallel to the curblines or, in the absence of a curblines, parallel with the edge of the right-of-way line. The container shall be placed so that it is no less than six inches nor more than 12 inches from the curblines or roadway limit.

(4) No such Weekly Curbside Containers shall be placed or located closer than 40 feet from an intersection of streets or public ways, or closer than 50 feet from an intersection controlled by a "STOP" or "YIELD" sign.

(5) No such container shall be placed or located so as to impede the use of any sidewalk or pedestrian way; nor shall the flow of vehicular traffic be impeded in any manner.

- B. **Limitations on Weekly Curbside Containers size, storage on public ways.** No Weekly Curbside Containers capable of holding more than 3 cubic yards of waste, or with dimensions exceeding 6 feet in length, 4 feet in height and 3 feet in width, shall be placed on any public way of the Borough having a cartway width of 25 feet or less along the frontage of the property from which the materials for trash, recycling, or storage are being generated. No Weekly Curbside Containers shall be placed for more than 30 days at the same location on any public way of the Borough. The removal of a full container and placement of an empty one does not reset the thirty-day period for purposes of this chapter. The Borough shall have the right, in its sole discretion, to require that weekly curbside containers be removed from the public right-of-way.
- C. **Illumination.** Any Weekly Curbside Containers placed within or along the public rights-of-way of the Borough shall be equipped with reflective material. If the container disrupts traffic flow, then the container must also be equipped with no less than two barricades each, complete with functioning flashers.
- D. **Permit.** Any Weekly Curbside Containers placed within or along the public rights-of-way of the Borough and not placed on private property is required to be registered and permitted by the Borough of Waynesboro. An annual permit shall be required and must be applied for at Borough Hall. An associated permit fee of \$100 per year will be collected at the time of application. Permits expire annually and run from January through December. Borough Council reserves the right to establish new permit fees from time to time by resolution.
- E. **Indemnification/hold harmless.** Any person placing a container of any kind as defined herein on any public way in the Borough shall indemnify and hold harmless the Borough for and from any and all claims, costs, expenses, damages, and/or injuries resulting from and/or arising out of, directly and/or indirectly, the placement of the container.

- F. The usage of a Weekly Curbside Container shall be done in accordance with the relevant regulations of §232-6 of the Code including but not limited to collection times and other collection practices.

**SECTION III:** Chapter 134 entitled "Dumpsters and Mobile Storage Units", of the Code of the Borough of Waynesboro is hereby amended by adding §134-4 with the following:

§ 134-4 Violations and penalties.

- A. Any person who shall violate any of the provisions of this chapter or any resolutions or regulations made in pursuance hereof, shall, upon conviction thereof by a Magisterial District Judge, be subject to a fine of not more than \$1,000, or such lesser amount as is the maximum penalty prescribed by law, together with the costs of prosecution, for any single violation.
- B. Every violator and/or each violation of the provisions hereof shall be deemed guilty of a separate offense for each and every day that such violation shall continue, and (s)he shall be subject to the penalties imposed herein for each and every separate offense.

**SECTION IV: Repealer.** All provisions of previous ordinances of the Code of the Borough of Waynesboro, which are contrary to this Ordinance, are expressly repealed.

**SECTION V: Savings Clause.** In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

**SECTION VI: Severability.** If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION VII: Effective Date.** This Ordinance shall take effect immediately.

ENACTED, ORDAINED, and APPROVED this 19<sup>th</sup> day of May, 2021.

Waynesboro Borough Council

By: C. Harold Mumma  
C. Harold Mumma, President

ATTEST:

Wendy Smith  
Secretary to Borough Council

Approved by the Mayor this 19<sup>th</sup> day of May, 2021.

  
Richard A. Starliper, Mayor