

**TOWNSHIP OF EAST FALLOWFIELD
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-03

AN ORDINANCE OF EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, AMENDING THE EAST FALLOWFIELD TOWNSHIP CODE, CHAPTER 10, HEALTH AND SAFETY, FOR REGULATION OF CONSTRUCTION DUMPSTERS, AND TEMPORARY STORAGE UNITS.

PURSUANT TO THE AUTHORITY CONTAINED IN THE SECOND CLASS TOWNSHIP CODE, THE BOARD OF SUPERVISORS OF EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. Chapter 10 of the East Fallowfield Township Code, "Health and Safety," is hereby amended to add Part 4, Dumpsters and PODs, as follows:

§ 10-401 Definitions

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the following meanings:

Dumpster: A storage receptacle used to temporarily store debris or garbage, which is to be emptied of its contents or removed with its contents to a designated dumpsite.

Temporary Dumpster: Any dumpster used or intended as a disposal facility for construction, renovation, or demolition projects, special events, seasonal use, or other purposes not permanent in nature.

Temporary portable storage unit (TPSU): Any trailer or other container that is delivered or removed by a vehicle, storage unit or other portable structure that can be or is used for the storage of personal property of any kind, which is located for such purposes and is being utilized as an accessory to a permitted principal use on a property, on a non-permanent basis, for a set period of time, until such time as the unit is moved to an off-site location.

§ 10-402 Permit

A permit issued by the Township Code Enforcement Officer shall be required for the placement of a dumpster or TPSU on any property within the Township. In seeking a permit, the applicant must provide: their name and contact information; a description of the use of the proposed dumpster and/or TPSU (including any proposed projects); the name and contact information for the entity that owns the dumpster or TPSU; the name and contact information of any contractors who will be utilizing the dumpster and/or TPSU, if any; an accurate diagram

depicting the proposed location of the dumpster or TPSU; and an anticipated timeline for the use and removal of the dumpster and/or TPSU. All dumpsters and TPSUs shall comply with the applicable provisions of Section 10-403 below.

§ 10-403 Dumpster and TPSU Standards

- a) Duration: Dumpsters and TPSUs shall not be permitted to remain on a property for a period greater than thirty (30) days, except as provided in subsection (h) below. At or before the expiration of the thirty (30) day period, the applicant may seek to extend the permit, upon approval by the Code Enforcement Officer, for an additional fifteen (15) day period. The Dumpster or TPSU shall be removed prior to the expiration of the permit.

To the extent that the Dumpster or TPSU has been placed on the property in conjunction with a building permit (for a construction project), the Code Enforcement Officer may extend the term of the Dumpster/TPSU permit for a period of up to six (6) months, depending on the scope of the building permit project and the due diligence on the applicant in completing the project.

- b) Maintenance: Dumpsters and TPSUs shall not be loaded in a manner as to cause its contents to spill onto any street, sidewalk, or other area intended for pedestrian or vehicular travel. No materials contained in a Dumpster or TPSU shall emit any noxious or offensive odor or otherwise create any hazard or risk to public health.

If the Dumpster or TPSU causes any damage or injury to the cartway, curb or sidewalk, the party to whom such permit 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 Township may do so and collect the cost of the same from the permittee, including but not limited to liening the property on which the Dumpster or TPSU was located.

- c) Location: Dumpsters and TPSUs are not permitted to be located on any public roads or within the public road right of way, or in any location that blocks or encroaches into a sidewalk, public trail, stormwater management facility, floodplain, area of steep slopes (15% or greater) or utility easement. Dumpsters and TPSUs shall also not be placed in locations that block the clear sight triangle for vehicular and pedestrian traffic, within 15 feet of a fire hydrant, or in a location that blocks emergency responders' access to a building. Dumpsters or TPSUs located on a property for a period of greater than 45 days shall be placed in a location so that they are screened from view from the road and from residential buildings on contiguous properties (except to the extent that the applicant submits written consent, signed by the owners of the residential building on the contiguous property as to the proposed location). A waiver from these provisions can be granted, in the discretion of the Township Board of Supervisors, to the extent that an applicant demonstrates that the physical conditions of the property preclude Applicant from complying with the

above location provisions and provided that the placement of the Dumpster or TPSU does not create a risk to the public health, safety and welfare.

- d) Size: For properties one (1.0) acre or less, only one TPSU and one dumpster shall be permitted. An additional TPSU or dumpster may be permitted per every additional 2.0 acres of property, but, in no case, shall the number of TPSUs or Dumpsters exceed three (3). A TPSU shall not exceed a width of eight (8) feet, length of sixteen (16) feet and a height of eight (8) feet. Dumpsters and TPSUs shall be in good condition, free from rust, peeling paint and other forms of deterioration. It is the responsibility of the permit holder to maintain the TPSU.
- e) Content: On any residential property, the TPSU cannot be used for the storage of any commercial or business-related items, and a Dumpsters cannot be used for rubbish, garbage or debris from off-site. The use of the TPSU and Dumpster units must be for storage and removal of debris, respectively, from on-site. No items from any location other than the premises indicated on the permit can be stored in the temporary storage unit. Hazardous materials, including flammables and biohazard substances, shall not be stored in the TPSU.
- f) Emptying: At a minimum, Dumpsters shall be emptied at least once every two weeks, except to the extent that the Code Enforcement Officer determines that more or less frequent service is warranted based on the use of the Dumpster.
- g) Revocation and Violations: Violations of this Part shall be enforceable pursuant to Section 17-501 of the Township's Blighted Property Ordinance, including the right of the Township Code Enforcement Officer to revoke the Dumpster or TPSU Permit, impose fines, withhold a certificate of occupancy, or take appropriate, lawful action to abate the violation after due notice and an opportunity for the applicant to cure such violation.
- h) Exemption: A permit shall not be required under subsection (a) for properties located in the MU, OI or PF Zoning Districts, containing three (3) or fewer Dumpsters used for the regular, daily trash or recycling of non-residential uses or businesses located thereon.

Section 2. Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 4. Codification. Pursuant to the Second Class Township Code, 53 P.S. § 66601(d) and the Pennsylvania Municipalities Planning Code, the East Fallowfield Township Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

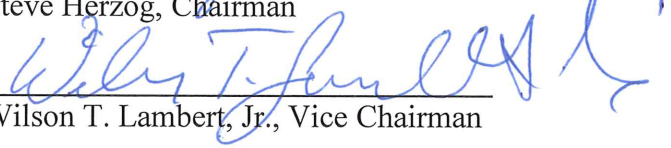
Section 5. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ENACTED AND ORDAINED this 25th day of June 2019 by the Board of Supervisors of East Fallowfield Township.

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS:**



Steve Herzog, Chairman



Wilson T. Lambert, Jr., Vice Chairman

Carol Kulp, Member



Joe Heffern, Member



Katja DiRado, Member

ATTEST:



Lisa Valaitis, Township Secretary