

**AN ORDINANCE OF THE BOROUGH OF EAST CONEMAUGH CAMBRIA COUNTY,  
PENNSYLVANIA, PROHIBITING THE PARKING OF NONMOTORIZED VEHICLES OR VEHICLES  
WITHOUT A SELF CONTAINED BRAKING SYSTEM ON PUBLIC STREETS AND RIGHTS-OF-WAYS  
IN EAST CONEMAUGH BOROUGH AND ESTABLISHING RULES AND REGULATIONS FOR THE  
UTILIZATION OF DUMPSTERS AND OTHER SIMILAR CONTAINERS FOR THE DISPOSITION OF  
TRASH, BUILDING DEMOLITION REFUSE, ETC**

ORDINANCE NO 16-03

- I. PURPOSE. The purpose of this ordinance is to protect the public health, safety, and welfare by:
- A. Prohibiting storage and parking of non-motorized vehicles on public street right-of-ways and public streets or public alleys as defined in this ordinance; and
  - B. Prohibiting storage and placing of vehicles without a self-contained braking system on any public street right-of-ways and public streets or public alleys as defined in this ordinance; and
  - C. Prohibiting the placement of objects that cannot move under its own power on any public street right-of-ways and public streets or public alleys as defined in this ordinance; and
  - D. Permitting and regulating dumpsters and portable on demand units.
- II. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- A. Dumpster -- A container designed to receive and transport and dump waste which exceeds 96 gallons in size. A dumpster includes waste disposal bags that are designed to hold in excess of 96 gallons of waste and metal bins that shall not exceed 30 cubic yards in size.
  - B. Intended purpose: The purpose or purposes for which the vehicle is originally designed, reconstructed, or permanently altered; such as an automobile is designed for transporting persons, a boat trailer is designed for hauling a boat, a truck is designed for transporting goods or persons, a bus is designed for transporting persons, a float is designed for use in a parade, a camper or motor home is designed for use in providing facilities for human habitation away from the usual residence or domicile of the owner or person in control or possession of the camper or motor home.
  - C. Non-motorized Vehicle - Any vehicle that cannot move under its own power.
  - D. Person - shall mean any person, partnership, corporation, LLC, or any other entity
  - E. Portable on Demand Storage Units or PODS - Portable containers that are placed on or in front of a property for the purposes of storing, moving, loading, or unloading:
    - 1. personal or household belongings as part of the process of moving or relocating or
    - 2. debris, garbage, refuse, or construction materials as part of the construction or demolition process
  - F. Public street or alley: That portion of a public street right-of-way improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is or could be used by persons riding bicycles.
  - G. Public street right-of-way: The entire width between the boundary lines of every way publicly maintained, including alleys, when any part is open to use by the public for purposes of vehicular travel as a matter of right.

- H. Self-contained Braking System. Patented equipment that is installed on any non-motorized vehicle or object and which its primary use is to stop the non-motorized vehicle or object.
- I. Vehicle: Any motorized or nonmotorized device that is capable of being moved upon a public street and in, upon, or by which persons or property may be transported or drawn upon a public street.

### III. NON-MOTORIZED VEHICLES

- A. No person owning, possessing, or controlling any non-motorized vehicle shall place or allow it to be placed within a public street right-of-way or alley for any period or time.
  - 1. This section shall not apply to any non-motorized vehicle that is connected or hitched to a motorized vehicle that is parked within a public street right-of-way.

### IV. VEHICLES WITHOUT SELF-CONTAINED BRAKING SYSTEM

- A. No Person owning, possessing, or controlling a vehicle without a self-contained braking system shall place or allow it to be placed within a public street right-of-way or alley for any period or time.
  - 1. This section shall not apply to any vehicle without a self-contained braking system that is connected or hitched to a motorized vehicle that is parked within a public street right-of-way.

### V. OBJECTS THAT CANNOT MOVE UNDER THEIR OWN POWER

- A. Except as set forth elsewhere in this ordinance, it shall be unlawful for any Person to place upon on any public street right-of-ways and public streets or public alleys as defined in this ordinance any object that cannot move under its own power.

### VI. DUMPSTERS AND PODS

- A. Dumpsters and PODS shall be placed on the property being serviced and not on the public right-of-way or alley in front of the property.
  - 1. In the event that a dumpster or POD must be placed on the public right-of-way or alley the following shall apply:
    - a. Location
      - (1) The location of any dumpster or other similar container within any public right-of-way or alley shall be approved by an authorized representative of Borough Council
      - (a) Location consideration shall include both vehicle and pedestrian traffic as well as the safety of persons and property, including any property adjacent to the location on which the dumpster or other similar container is to be located.
    - b. Permit

- (1) A 30-day permit shall be required for a dumpster and a portable on-demand storage unit.
  - (a) The permit shall be obtained from the Borough Office.
    - i) The permitting fee shall be \$40.00.
- (2) The permit shall be displayed in a weather proof fashion on the dumpster or the POD
- (3) Extension
  - (a) A permit may be extended for an additional 30 days, with up to two (2) 30-day extensions granted after the payment of the permitting fee.
    - i) In no event shall a dumpster or POD remain on a property in excess of 90 days in one twelve month period.

c. Identification.

- (1) The name and telephone number of the owner of the dumpster or POD and/or the company that is responsible for the dumpster shall be displayed in a weather proof manner on the dumpster or POD

d. Visibility.

- (1) All dumpsters or PODS must have reflective, fluorescent signs posted, which shall be visible at night, if it is located on a public street, right-of-way or resident sidewalk area.

e. Sanitation.

- (1) The following requirements shall be maintained while the dumpster or POD is on or at the site:
  - (a) The area around the dumpster shall be kept free of debris and litter;
  - (b) Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within twenty-four (24) hours; and
  - (c) Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.
  - (d) A full dumpster shall be removed from the property within three (3) business days

VII. Any dumpster or POD not in compliance with this ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense.

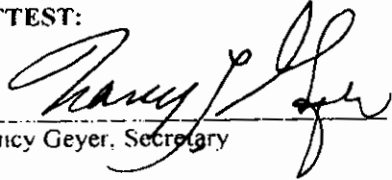
- A. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster and/or portable on-demand storage unit as the case may be.

- VIII. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Three Hundred Dollars (\$300.00) plus Fifty Dollars (\$50) per day the violation continues.
- IX. If the provisions of this ordinance are found to be inconsistent with any portion of other Codes of the Borough, the provisions of this Ordinance shall control.
- X. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- XI. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the East Conemaugh Borough Code.

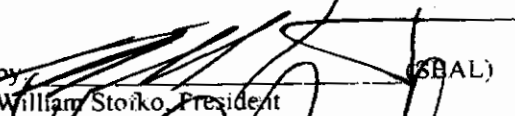
SECTION IV. This Ordinance shall be effective five (5) days following its adoption.

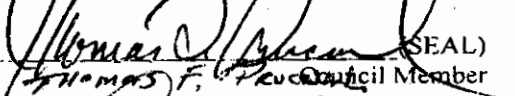
ENACTED and ORDAINED this <sup>th</sup> day of November 2016.

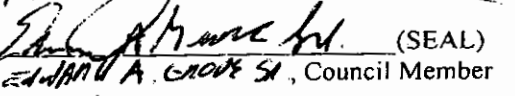
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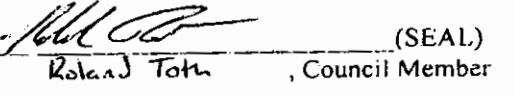
  
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 Nancy Geyer, Secretary

**EAST CONEMAUGH BOROUGH COUNCIL**

by  (SEAL)  
 William Stoiko, President

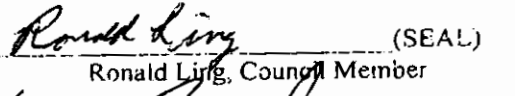
 (SEAL)  
 THOMAS F. KUC, Council Member

 (SEAL)  
 EDWARD A. GROVE SR., Council Member

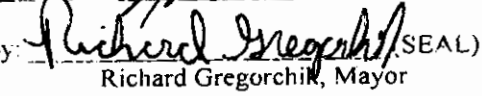
 (SEAL)  
 Roland Totu, Council Member

\_\_\_\_\_ (SEAL)  
 Grace Malfer, Council Member

\_\_\_\_\_ (SEAL)  
 Martha Gregorchik, Council Member

 (SEAL)  
 Ronald Lirg, Council Member

Approved by Richard Gregorchik, Mayor, this 7<sup>th</sup> day of December, 2016.

by:  (SEAL)  
 Richard Gregorchik, Mayor