

ORDINANCE NO. 897

AN ORDINANCE OF THE BOROUGH OF MOHNTON,  
BERKS COUNTY, PENNSYLVANIA, FURTHER AMENDING ORDINANCE NO. 886  
FOR THE PURPOSE OF REGULATING THE PLACEMENT OF  
DUMPSTER AND PORTABLE STORAGE DEVICES  
ON STREETS AND SIDEWALKS

BE IT ENACTED AND ORDAINED by the Council of the Borough of Mohnton, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same, that Ordinance No. 886 adopted 12/12/18 shall be amended as follows:

PLACEMENT OF DUMPSTERS AND PORTABLE STORAGE DEVICES  
ON STREETS AND SIDEWALKS

§1-1 Findings and Purpose.

The Borough Council finds:

- A. That certain public streets and sidewalks in the Borough are subject to periodic obstruction by the placement thereon of dumpsters and/or portable storage devices as herein defined.
- B. That reasonable regulation of congestion and obstructions on public streets and sidewalks in the Borough is necessary to protect the safety of persons or property.

§1-2 Definitions.

**BOROUGH**

The Borough of Mohnton, Berks County, Pennsylvania.

**DUMPSTER**

Any container used for the purpose of temporarily holding materials. Garbage or any other form of plant matter are excluded from the terms of this Part.

**LESSEE**

A property owner or agent thereof who leases a dumpster.

**LESSOR**

One who rents a dumpster or dumpsters to another.

**OWNER**

One who owns a dumpster or dumpsters.

**PERSON**

Any individual, firm, partnership, association, corporation or similar entity.

**PORTABLE STORAGE DEVICES/PODS**

Any item placed in a street that is not a motor vehicle as defined by the Pennsylvania Vehicle Code, or a temporary dumpster, including, but not limited to, containers commonly known as "portable storage devices" or "PODS®."

**PUBLIC STREET**

A street which is a part of the general road and street system of the Borough.

**SIDEWALK**

A sidewalk parallel to a street forming a part of the public road or street system of the Borough.

**§1-3 Dumpsters/Portable Storage Devices in General.**

Dumpsters/Portable Storage Devices shall be of a size not wider than eight feet or longer than 23 feet. All dumpsters/portable storage devices shall be well painted, be in a good state of repair, and shall be clean and free of offensive odors. The dumpster/portable storage device owner and/or lessor shall place and maintain on the outside of each dumpster/portable storage device flashing devices, or reflectors, or reflective tape of sufficient size and location to warn vehicular and pedestrian traffic of the location of such dumpster/portable storage device. Further, the dumpster/portable storage device owner and/or lessor shall place and maintain on the outside of each dumpster/portable storage device, in legible letters not less than one inch in height, its name or logo, telephone number, and the current Borough dumpster/portable storage device permit number.

**§1-4 Prohibition About Placement of Dumpsters/Portable Storage Devices.**

No person shall put, place, maintain, erect, or cause or allow it to be put, placed, or erected any dumpster/portable storage device upon the public streets and/or sidewalks in the borough, except that dumpster/portable storage devices incidental to construction, rehabilitation or demolition work may be put, placed or erected upon any public street or sidewalk; provided, that a hold harmless agreement is executed and that adequate proof of liability insurance is established as required in §1-6 of this Part, and, provided that the location of such dumpster/portable storage device is approved by the Code Enforcement Officer of the Borough who shall issue a permit for a period of time not to exceed 30 consecutive days.

**§1-5 Permit Fees.**

The price for a Borough dumpster/portable storage device permit shall be in an amount as established from time to time by resolution of Borough Council. Permits may be renewed for thirty-day increments at the sole discretion of the Code Enforcement Officer of the Borough if, in his opinion, the work has not been completed or abandoned, or if it is deemed to be in the best interests of the public. The cost of a renewed dumpster/portable storage device permit shall be equal to the cost of the initial dumpster/portable storage device permit.

§1-6 Hold Harmless Agreement and Property and Liability Insurance.

Prior to the issuance by the Borough of any permit or other authority to put, place, or erect a dumpster/portable storage device upon a public street or public sidewalk in the Borough, the dumpster/portable storage device owner and/or lessor shall execute a hold harmless agreement in such form as the Borough shall provide, guaranteeing to defend, protect, and compensate the Borough as the result of any cause of action which may be brought or perfected against the Borough in connection therewith, or shall deposit with the office of the Manager of the Borough a certificate of insurance acceptable to the Borough Solicitor covering such owner and/or lessor of the dumpster/portable storage device.

§1-7 Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

Any Ordinance or parts of Ordinance inconsistent with the provisions of this Ordinance shall be and the same is hereby repealed.

DULY ENACTED AND ORDAINED into an Ordinance this 13<sup>th</sup> day of February A.D. 2019.

MOHNTON BOROUGH COUNCIL

Michael J. DeFeo  
President

Attest:

[Signature]  
Secretary

APPROVED this 13<sup>th</sup> day of February, A.D. 2019.

[Signature]  
Mayor