

ORDINANCE NO. 685

**AN ORDINANCE OF THE TOWNSHIP OF CUMRU, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING SPECIFIC REGULATIONS REGARDING "DUMPSTERS" AND/OR "ROLL-OFF BOXES," ESTABLISHING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE, DECLARING THE VARIOUS PROVISIONS OF THIS ORDINANCE TO BE SEVERABLE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES THAT ARE IN CONFLICT WITH THIS ORDINANCE.**

**WHEREAS**, the Board of Commissioners of the Township of Cumru, County of Berks, Commonwealth of Pennsylvania, desire to prevent nuisances and to regulate the manner in which refuse, rubbish and other waste materials are stored and handled, for the betterment of the community and its inhabitants; and,

**WHEREAS**, said Board have determined that the control and regulation of the manner in which dumpsters and/or roll-off boxes are stored and maintained are methods by which the aforesaid, desired objectives better can be achieved; and,

**WHEREAS**, pursuant to §§ XXVI and §§ XXVII, § 1502, Article XV of the First Class Township Code, said Board have the corporate powers, respectively, to prohibit any nuisances, and to regulate the manner in which refuse, rubbish and other waste materials are stored.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, and it hereby is enacted and ordained by said Board of Commissioners of the Township of Cumru, as follows:

**SECTION 1. DEFINITIONS**

The following words and/or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section 1, unless the context clearly indicates a different meaning:

**COVER** – Something that is placed over or about another thing; a lid; a top.

**DUMPSTER** – A large container for the temporary storage of solid waste materials, debris and/or recyclable materials, that can be emptied into refuse trucks for the removal of the contents. These containers are usually are sized from one (1) cubic yard to less than ten (10) cubic yards.

PERSON – Natural persons, firms, partnerships, corporations, associations or other artificial bodies.

ROLL-OFF BOX – A large container for the temporary storage of solid waste materials, debris and/or recyclable materials, that is delivered to a site by means of a flat-bed truck, placed on said site through a hydraulic-mechanical means, and, when full, removed from the site through the same means. These containers usually range in size from ten (10) cubic feet to forty (40) cubic feet.

## SECTION 2. PROVISIONS

A. COVER REQUIRED – No person shall place or cause to be placed any dumpster or roll-off box in any exterior location, public or private, without the same being equipped with a cover; said cover to remain closed and secured at all times except when waste materials are being loaded into the container.

B. LOCATION OF CONTAINER –

1. Where conditions permit, all dumpsters and/or roll-off boxes shall be stored upon private property, preferably in the rear or side yard of said property.

2. Any dumpster and/or roll-off box that is placed upon any of the public ways of the Township, unless unfeasible, shall be located on the same side of the public street or roadway as the property from which the waste materials to be placed in the container are being generated.

3. Any such container that may be placed upon the public ways of the Township shall be placed so that the longer side is parallel with the curb line; or, in the absence of a curb line, parallel with the edge of the right-of-way line. The container shall be placed so that it is no less than six (6) inches, nor more than twelve (12) inches from the curb line or roadway limit.

4. No such container shall be placed or located closer than forty (40) feet from an intersection of streets or public ways, or closer than fifty (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.

C. LIMITATIONS ON CONTAINER SIZE, STORAGE ON PUBLIC WAYS – No dumpster and/or roll-off container having dimensions of eight (8) feet in width or wider, or twenty (20) feet in length or longer, shall be placed on any public way of the Township having a cartway width of twenty-five (25) feet or less, along the frontage of the property from which the waste materials are being generated.

D. ILLUMINATION – Any dumpster and/or roll-off container placed within or along the public rights-of-way of the Township shall be equipped with no less than two (2) barricades, each complete with functioning flashers. Barricades and flashers shall be secured from the Cumru Township Public Works Department. A deposit of Fifty Dollars (\$50.00) shall be tendered to the Township for each pair of barricades/flashers. Said deposit to be returned when the barricades/flashers are returned to the Township undamaged and in good working order.

### SECTION 3. PENALTY FOR VIOLATION

Any person who shall violate any of the provisions of this Ordinance, or any resolutions or regulations made in pursuance hereof, shall, upon conviction thereof by a District Magistrate, be subject to a fine of not more than Thousand Dollars (\$1,000.00), or such lesser amount as is the maximum penalty prescribed by law, together with the costs of prosecution, for any single violation.

Every violator 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 4. EFFECTIVE DATE

This Ordinance shall become effective at the earliest date permitted under law.

### SECTION 5. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid, for any reason, such unconstitutionality or invalidity shall not affect the other provisions or applications of this Ordinance that can be given effect without the unconstitutional or invalid provisions or applications; and, to this end, the provisions and applications of this Ordinance are declared to be severable.

### SECTION 6. REPEALER

All ordinances or parts of ordinances, inconsistent with the provisions of this Ordinance be, and the same hereby are, repealed.

**ENACTED AND ORDAINED** by the Board of Commissioners of the  
Township of Cumru, this 8<sup>th</sup> day of Sept, 2008.  
TOWNSHIP OF CUMRU,  
BERKS COUNTY, PENNSYLVANIA

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary