

# ORDINANCE NO. 2013-1

## AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, REGULATING THE PLACEMENT OF CONSTRUCTION & “B A G” DUMPSTERS ON PROPERTIES AND TO ALLOW FOR THE PLACEMENT OF A PORTABLE ON DEMAND STORAGE UNIT ON A PROPERTY TEMPORARILY SUBJECT TO THE LIMITATIONS STATED HEREIN

WHEREAS, construction and ‘bag’ dumpsters are a necessary part of the process of building, demolishing, restoring, or remediating all manner of residential properties, and

WHEREAS, the Borough has seen the proliferation of portable on demand storage units as a convenient means of temporarily storing belongings as a part of the process of moving or concurrent with a home renovation or natural disaster, and

WHEREAS, it is the intent and desire of the Borough Council through this ordinance to allow the placement of dumpsters, and to permit the use of portable on-demand storage units, but subject to reasonable limitations as set forth herein,

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Council of Dillsburg Borough, York County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

### Section 128-1. Definitions.

A. PORTABLE ON-DEMAND STORAGE UNITS or PODS – Portable containers that are placed on or in front of a property for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster.

B. 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.

**Section 128.2. Dumpsters and Portable On-Demand Storage Units are permitted and are hereby regulated according to the provisions below:**

### A. Dumpsters Regulated.

#### 1. Location and Size

Dumpsters shall be placed on the property being serviced and not on the street in front of the property unless prior approval is received by Borough Council. No dumpsters shall be located within ten (10) feet of an abutting building or an adjacent property and may not exceed 30 cubic yards in volume without the express written consent of the Borough after providing evidence that all location and setback requirements can be met.

## **2. Time Limit.**

a. A construction or 'bag' dumpster may remain on a property for 30 days, with up to two (2) 30-day extensions pursuant to the permitting provision below. Absent an emergency condition, in no event shall one of these dumpsters remain on a property in excess of 90 days in one twelve month period.

b. When the need for the dumpster is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage) then in such instance the dumpster may remain for the length of time necessary to remove the debris as determined by the Borough. In such instances, the use of the dumpster is not counted towards the limit of three times per twelve month period.

**3. Sanitation.** The following requirements shall be maintained while the dumpster 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 two (2) days.

## **4. Usage**

A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.

## **5. Identification.**

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

## **B. Portable On-Demand Storage Units Regulated.**

### **1. Location and Size.**

Portable on-demand storage units are prohibited from being placed on an unpaved area in the front yard of a property. Portable storage units kept on-site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible, the unit shall be placed on a paved surface to the rear or side of the principal structure. When placed on the driveway or paved area in the side or rear yard, portable storage units shall be located at least ten feet from any property line, space permitting. The portable on demand storage unit may be no larger than 8'x8'x16' in size without the express written consent of the Borough after providing evidence that all location and setback requirements can be met.

### **2. Time Limit.**

A portable on-demand storage unit may remain on a property for 30 days, with up

to two (2) 30-day extensions pursuant to the permitting provision below. Absent an emergency condition, in no event shall a portable on-demand storage unit remain on a property in excess of 90 days in one twelve month period.

**3. Use during natural disaster.**

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for the principal structure(s) or twelve months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Borough may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

**4. Advertising.**

Advertising is prohibited on a portable storage unit, with the exception of the name and phone number of the unit's supplier, which is required.

**5. Hazardous materials.**

The use of portable storage units for storage of hazardous materials is prohibited. The Code Enforcement Officer may inspect the portable storage unit to ensure no such materials are being stored inside.

**6. Condition of Portable Storage Unit.**

A portable storage unit with holes, breaks, tears, or large areas of rust, in the opinion of the Code Enforcement Officer, may not be placed on or in front of any property.

**Section 128.3. Permit Required.**

A 30-day permit shall be required for a construction and/or 'bag' dumpster and a portable on-demand storage unit. The permit shall be obtained from the Borough and the fee shall be Ten Dollars (\$10.00) and may be changed by the Council by resolution. The permit shall be displayed in a weather proof fashion on the dumpster or a portable on-demand storage unit. Extensions are permitted pursuant to paragraphs A.2.a and B.2 above.

**Section 128.4. Abatement.**

Any dumpster or portable on-demand storage unit 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. 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.

**Section 128.5. Violations; penalties.**

1. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than One Thousand Dollars (\$1,000.00) plus Fifty Dollars (\$50)

per day the violation continues.

2. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

**Section 128.6. Relationship of Ordinance to other Borough Codes.**

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.

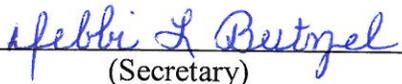
**SECTION II.** All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

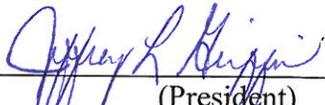
**SECTION III.** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Dillsburg Borough Code.

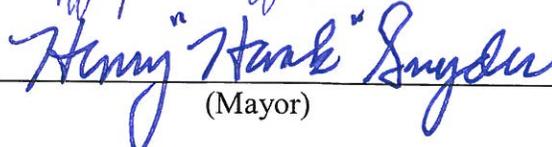
**SECTION IV.** This Ordinance shall be effective five (5) days following its legal enactment.

**ENACTED and ORDAINED** this 12<sup>th</sup> day of November 2013.

**ATTEST:**

  
\_\_\_\_\_  
(Secretary)

  
\_\_\_\_\_  
(President)

  
\_\_\_\_\_  
(Mayor)

**ORDINANCE NO. 2013-2  
TAX ORDINANCE 2014**

**AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK  
COUNTY, PENNSYLVANIA, FIXING CERTAIN TAX RATES  
FOR THE NON-EXEMPT REAL PROPERTY AND  
OCCUPATIONS FOR THE YEAR 2014**

**BE IT ENACTED AND ORDAINED** by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Consolidated Ordinances of the Borough of Dillsburg, and by virtue of the power and authority vested in said Council, as follows:

Section 1: Tax Levy

- A. Real Estate: There is hereby imposed and levied on all non-exempt real property located with the Borough of Dillsburg, for the fiscal year 2013, a tax calculated at the rate of 2.37 mills, based upon the assessed valuation as established by the Assessor for the Borough of Dillsburg, or in lieu thereof, as assessed by the York County Assessment Office.
- B. Occupational Assessment: There is hereby imposed upon the occupation of all residents of the Borough of Dillsburg, for the fiscal year 2014, a tax collected at the rate of 1200 mills, based upon the assessed valuation as established by the Assessor for the Borough of Dillsburg, or in lieu thereof, as assessed by the York County Assessment Office.

Section 2: Notice and Payment of Tax

On or before the first day of April 2014, the Tax Collector shall send to each person, upon whom tax is imposed in Section 1 hereof, a notice of tax due. Such notice may be consolidated with a notice of any other tax to be collected by the Tax Collector provided, however, that each tax shall be stated separately thereon.

Section 3: Rebated and Penalties

- A. Any taxpayer subject to the payment of a tax levied by this Ordinance shall be entitled to a discount of Two Percent (2%) of the amount of such tax upon making payment of the entire amount within two months after the date of the tax notice.
- B. A taxpayer subject to payment of a tax levied by this Ordinance who shall fail to make the payment of such tax with four months after the due date of the notice shall be charged a penalty of Ten Percent (10%), which penalty shall be added to the tax by the Tax Collector, and shall be collected by the Tax Collector.
- C. Real estate taxes, which remain unpaid by January 10<sup>th</sup> of the year following the year of imposition, shall be returned to the York County Tax Claim Bureau in accordance with the law.

Section 4: Effective Date

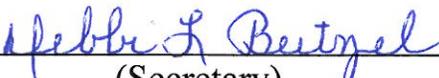
This Ordinance and the taxes imposed thereby shall become effective January 1, 2014

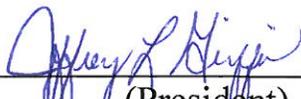
Section 5: Repealer and Severability

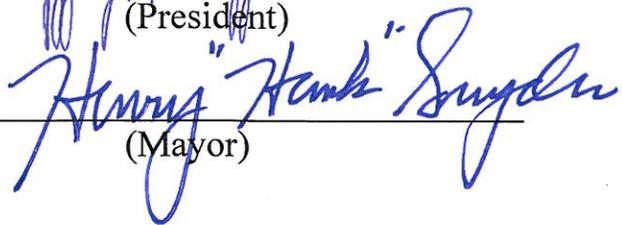
Any Ordinance or part thereof, conflicting with this Ordinance shall be, and hereby is, repealed insofar as it conflicts with this Ordinance. Further, the provisions of the Ordinance are severable. If any sentence, clause, or section of the Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality, or invalidity shall not affect or impair any of the remaining provisions of the Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Dillsburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, or section not been included herein.

**ENACTED AND ORDAINED** this 10th day of December, 2013.

ATTEST:

  
\_\_\_\_\_  
(Secretary)

  
\_\_\_\_\_  
(President)

  
\_\_\_\_\_  
(Mayor)