

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 447

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NO. 391, WHICH REQUIRES THE
PERMITTING OF ANY DUMPSTER PLACED WITHIN
THE BOROUGH OF ST. CLAIR, TO ALLOW CODE
ENFORCEMENT OFFICERS TO ALSO ENFORCE SAME,
TO INCREASE THE FINES AND TO DECREASE THE
DURATION OF THE PERMIT.**

BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the specific powers permitted by the Borough Code (53 P.S. §46202) as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled “ General Powers”, authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens.

WHEREAS, Section 1202 of the Borough Code, found at 53 P.S. §46202, entitled “ Specific Powers” , authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.), as follows:

Section 101. Title.

This Ordinance shall be known as the “St. Clair Dumpster Ordinance”.

Section 102. Citation

This Ordinance may be cited as the “St. Clair Dumpster Ordinance”.

Section 103. Permit Required

No person shall place or cause to be placed upon any street, alley or public right-of-way within the Borough of St. Clair any trash or refuse containers commonly known and referred to as dumpsters, without first having obtained a permit from the Code Enforcement Officer. It shall be the responsibility of the user of the dumpster to obtain a permit and to provide a copy of such permit to the owner of the dumpster before placement of any dumpster.

Section 104. Permit Application

A permit application shall be submitted to the Borough on an application form provided by the Borough of St. Clair for this purpose.

Section 105. Permit Fee and Duration

Upon approval of the permit application by the Borough, a permit for placement of the dumpster shall be issued by the Borough upon payment of the permit fee. Permits shall be good for a period of fourteen (14) days from the date of issuance thereof. Provided that the permit holder has complied with the requirements of this article and the permit issued hereunder, the permit may be renewed for additional periods of fourteen (14) days upon payment to the Borough of a renewal permit fee for each fourteen (14) day period. The permit fee and permit

renewal fee shall be initially set at \$100.00 for each fourteen (14) day period. Any change in the permit fee by the Borough may be done so by resolution from time to time.

Section 106. Permit Conditions

Upon issuance of a permit as set forth herein, the permit holder agrees to comply with the following requirements:

- a. Any dumpster for which a permit is issued as set forth in this article shall bear reflectorized or illuminated marking in order to provide adequate warning of the placement of such dumpster to pedestrians and motorists.
- b. After any dumpster is filled to capacity, the same shall be emptied or caused to be emptied within three (3) calendar days thereof.

Section 107. Permit Revocation

Any permit issued or renewed by the Borough as provided herein may be immediately revoked by the Code Enforcement Officer or the Police Department upon mailing of notice of revocation to the permit holder at the address stated in the permit application or personal communication to the permit holder by the aforesaid officials, for any of the following reasons:

- a. Failure to comply with any provision of this article or any requirement as set forth in the permit or permit application.
- b. The emission of any foul or noxious odor from material contained in the dumpster, regardless of whether the dumpster is filled to capacity or not.

c. The presence of any vehicular, pedestrian, fire, health or safety hazard or potential hazard arising after issuance of a permit or renewal thereof.

Section 108. Penalty

Any person violating any provision of this article shall upon conviction thereof, be fined not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety (90) days. Upon revocation of any permit granted or renewed hereunder by the Borough, failure to remove any dumpster for which a permit has been revoked shall constitute a separate violation for each day after revocation. For each day that a dumpster is placed as provided herein without having obtained a permit therefore, a separate violation shall exist.

Section 109. Enforcement

The responsibility for enforcement of this Ordinance shall be by the Police Department or the Code Enforcement Officer of the Borough of St. Clair.

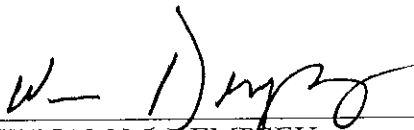
Section 110. General Provisions

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for the purpose of this Section the provisions of this Ordinance are hereby declared to be severable.

Any past resolution or ordinance, or part or parts thereof conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

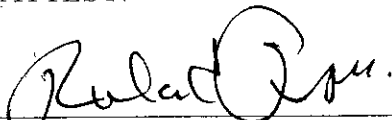
DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, this 9th day of November, 2023, in lawful session duly assembled.

ST. CLAIR BOROUGH



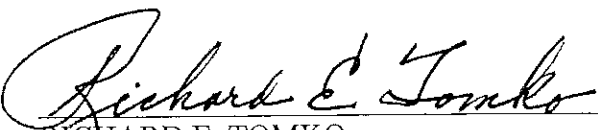
WILLIAM M. DEMPSEY
Council President

ATTEST:



ROLAND PRICE, JR.
Borough Secretary

Approved by me this 9th day of November, 2023.




RICHARD E. TOMKO
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 391, WHICH REQUIRES THE PERMITTING OF ANY DUMPSTER PLACED WITHIN THE BOROUGH OF ST. CLAIR, TO ALLOW CODE ENFORCEMENT OFFICERS TO ALSO ENFORCE SAME, TO INCREASE THE FINES AND TO DECREASE THE DURATION OF THE PERMIT.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 9th day of November, 2023.

SEAL



Roland Price, Jr., Secretary
St. Clair Borough Hall
16 South Third Street
St. Clair, PA 17970
Phone: (570) 429-0640