

## **NEWPORT TOWNSHIP**

### **ORDINANCE NO. 2 of 2025**

#### **AN ORDINANCE OF THE TOWNSHIP OF NEWPORT, LUZERNE COUNTY, PENNSYLVANIA REGULATING THE PLACEMENT OF WASTE DUMPSTERS AND THE STORAGE OF OTHER ITEMS ON PRIVATE PROPERTY AND WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC STREET IN THE TOWNSHIP**

WHEREAS, the Commissioners of the Township of Newport (the "Township"), have determined that it is in the best interests of the Township that the placement of waste dumpsters and the storage of items upon private property and within the right-of-way of any public street in the Township be regulated.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF THE TOWNSHIP OF NEWPORT AS FOLLOWS:

#### **SECTION 1. PURPOSE AND LEGISLATIVE INTENT**

Dumpsters and portable storage containers are a necessary part of the residential and business community of the Township of Newport. If left unregulated, dumpsters and portable storage containers can create problems which can have a detrimental impact on the health, safety, and welfare of the community. Dumpsters and portable storage containers can hinder pedestrian and vehicular traffic flow and create dangerous conditions by obstructing sidewalks and streets and can create an appearance of disorder and economic blight. The Commissioners of the Township of Newport have determined that the regulation of dumpsters and portable storage containers within the Township will promote the health, safety, and welfare of the community by preventing hazards associated with these devices, by facilitating pedestrian and vehicular traffic flow and by eliminating a nuisance that creates the appearance of unsightliness and economic blight.

#### **SECTION 2. DEFINITIONS**

The following definitions shall apply in the interpretation, administration, and enforcement of this Part:

ACT 97 - the Pennsylvania Solid Waste Management Act of 1980, P.S. 380, No. 97, as now or hereafter amended.

DUMPSTER - A unit designed for the deposit of waste materials at or near a building or other structure, commonly located on a temporary basis on a street abutting the site and transportable to and from the site for purposes of disposal of its contents by means of a carrying vehicle.

**GARBAGE** - Wasted or spoiled food and other refuse, from a household or business. General household and commercial waste, landscape waste and construction or demolition debris.

**HAZARDOUS WASTE** - Any garbage, refuse or a combination thereof, as defined in Act 97, which because of its quantity, concentration, or its physical, chemical or infectious characteristics, may:

- a. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or total population; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**PERMITTEE** - A person who obtains or is required to obtain a permit under this Ordinance

**PERSON** - Any natural person, firm, partnership, corporation, association, limited liability company, estate, trust or other legally recognized entity.

**PORTABLE STORAGE DEVICE OR POD** - A portable storage device or container that is not a motor vehicle or dumpster intended for the temporary storage of personal property, including but not limited to containers commonly known as PODS.

**STREET** - Any public street, highway, road, lane, court, cul-de-sac, avenue, alley or other thoroughfare within the Township.

**TOWNSHIP** - The Township of Newport.

### **SECTION 3. PERMIT REQUIRED.**

A. No person shall place, maintain or use a dumpster or POD, on public property, including public thoroughfares, without first having obtained a permit from the Township by filing an application with the Township in a form to be hereafter prescribed. Any application fee for obtaining such a permit shall be established by ordinance or by resolution of the Township Commissioners.

B. A permit fee of \$50.00 is required for all dumpsters and PODS.

C. The permit application is considered complete when all the required information is provided and on the permit application and the permit fee is paid.

D. The permit must be issued prior to the placement of the dumpster or POD.

E. All permits issued under this Ordinance shall be valid for a period of fourteen ( 14) days from the date of placement of the dumpster or POD, if placed upon a public street or right-of-

way and shall be valid for a period of thirty (30) days if placed upon private property, as stated in the application.

F. An applicant may apply for an extension, to be granted by the enforcement official in increments of ten (10) days, if the enforcement official deems the extension necessary and reasonable. The applicant must apply for an extension at least three (3) days before the expiration of the original permit.

G. Commercial Establishments. All commercial properties served by commercial collection containers/dumpster for regular refuse are exempt from applying for or paying the permit fee. All other regulations regarding placement and use of dumpsters are applicable.

#### **SECTION 4. PLACEMENT AND USE REGULATIONS**

- A. The placement of a dumpster or POD upon a street shall not extend into the travel lane of traffic.
- B. A dumpster or POD placed upon a street shall be illuminated with a warning light, light reflector or a reflectorized material on the front and rear surfaces in such a manner to indicate the height and width of it and shall be visible for a distance of not less than three hundred (300) feet between the hours of sunset and sunrise.
- C. The location and utilization of a dumpster or POD upon a street shall not be in a manner which constitutes a safety hazard to persons or property.
- D. The location and utilization of a dumpster or POD upon a street shall be in compliance with all federal, state and local laws, rules and regulations applicable thereto.
- E. The dumpster or POD shall be kept at least 20 feet away from any crosswalk and from any intersection and must be placed so it does not block the view of any motorist pulling into a roadway.
- F. The dumpster or POD shall be conspicuously marked with the name, address and phone number of its owner and a copy of the current effective permit shall be visibly attached to it or to the residence or business to which it applies.
- G. No overflow of any material shall be permitted from the dumpster or POD, nor shall any accumulation of any material next to the dumpster or POD be permitted.
- H. Hazardous waste and garbage shall not be stored in a dumpster or POD.

- I. There shall be no defect or faulty design in the waste dumpster or street storage, which might create a hazard to the general public, interfere with its operation or inhibit the purpose for which it is to be used.
- J. The permittee shall be responsible for all damages to Township property which may occur as a result of the placement or use of the dumpster or POD. If the permittee does not promptly repair any damage after notice to do so, the Township may repair such damage and recover the cost from the permittee.

#### **SECTION 5. ENFORCEMENT**

The provisions of this Ordinance shall be enforced by the Newport Township Police Department or the Newport Township Code Enforcement Office at the discretion of the Township Manager.

#### **SECTION 6. REVOCATION OF PERMIT**

Without limitation as to the utilization of any other legal or equitable remedy or action available to the Township, civil or criminal, noncompliance with any of the requirements or provisions set forth in this Part or any material false statement or omission made in connection with the application for a permit shall be grounds for revocation by the Township Manager, the Township Chief of Police or their designee of the permit issued pursuant to this Section.

#### **SECTION 7. REMOVAL OF WASTE DUMPSTERS OR PODS**

The Township may, at the expense of the owner or lessee of the property, or the permittee remove or cause the removal of a waste dumpster or street storage.

#### **SECTION 8. PENALTIES**

Any person who or which violates or fails to comply with any provision of this Section shall, upon conviction, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and not more than Six Hundred (\$600.00) Dollars plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Section. Each provision of this Section which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Township, Pennsylvania law, or Federal law.

#### **SECTION 9. EQUITABLE RELIEF**

In addition to or in lieu of the penalties provided in Section 8 hereof, any violations of the provisions of this Ordinance may be enforced by proceedings seeking equitable relief against the violator.

#### **SECTION 10. REPEALER**

Any Ordinances, Resolutions or Laws in conflict with this Ordinance are hereby REPEALED..

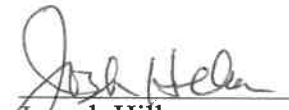
**SECTION 11. SEVERABILITY**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, unenforceable or beyond the power of the Township of Newport, said provision or provisions shall not be construed to affect the validity of any of the remaining portions of this Ordinance. It is hereby declared as the intent of the Commissioners of the Township of Newport that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.

**SECTION 12. ENACTMENT**

This Ordinance shall be effective immediately upon passage and shall remain in force until modified, amended or rescinded by the Township of Newport, Luzerne County, Pennsylvania.

DULY ENACTED AND ORDAINED, by the Commissioners of the Township of Newport, Luzerne County, Pennsylvania in lawful session duly assembled this 3<sup>rd</sup> day of March 2025.

  
Joseph Hillan  
Secretary

  
Paul Czapracki  
President, Board of Commissioners