

ORDINANCE NO. 3-2018

1ST READING 3/20/2018

2ND READING 5/15/18

AN ORDINANCE ESTABLISHING REGULATION OF PLACEMENT OF DUMPSTERS AND PORTABLE ON-DEMAND STORAGE DEVICES ON PUBLIC STREETS WITHIN THE CITY OF MT. STERLING, KENTUCKY, PROVIDING ENFORCEMENT AND PENALTIES.

THE CITY COUNCIL OF THE CITY OF MT. STERLING DOES FIND THAT:

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

WHEREAS, the City of Mt. Sterling 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 Mt. Sterling City Council through this ordinance to allow the placement of dumpsters, and to permit the use of portable on-demand storage units on public right-of-ways, but subject to reasonable limitations as set forth herein,

NOW, THEREFORE, BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, as follows:

Section 150.10. Purpose.

The purpose of this ordinance is to amend the City of Mt. Sterling's ordinances, specifically Chapter 150: Building Regulations, to create a subsection entitled "Dumpsters and Portable On-Demand Storage Units (PODs)" concerning the usage of temporary refuse dumpsters (commonly referred to as "dumpsters"). The City Council recognizes that the usage of these containers is appropriate and necessary in certain circumstances. However, the Council also finds that it is in the best interests of the community to regulate their usage by monitoring the number, location and duration of use.

Section 150.11. Definitions.

As used in this ordinance, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (A) "Dumpster" – A metal storage receptacle used to temporarily store debris or garbage and which is then emptied of its contents or removed with its contents to a dumpsite.
- (B) "Portable On-Demand Storage Unit" or "POD®" – Portable containers that are placed 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.

Section 150.12. Required Action.

No dumpster shall be placed upon any public right-of-way without first obtaining a permit from the City's Building Inspector. Written notification as to the arrival date of said dumpster is to be submitted to the Director of Public Works and Chief of Police in writing.

- (A) Dumpsters and portable on-demand storage devices must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster.
- (B) Dumpsters and portable on-demand storage devices must be covered by the permit holder when materials inside are easily airborne, pose a hazard, emitting an odor or are otherwise offensive.
- (C) Debris must be placed inside the dumpster; not alongside or on top of it.
- (D) All dumpsters are required to be emptied when full. For the purpose of this ordinance, full is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status, and is not emptied within seven (7) calendar days shall be considered in violation of this ordinance.
- (E) When the placement of the dumpster and/or portable on-demand storage devices is placed in the public right-of-way, it must have a flasher or sufficient reflective tape on the outside corner facing traffic at all times to make it visible at night. Where traffic may approach from either side, the dumpster and/or portable on-demand storage devices must have a flasher or sufficient reflective tape on the outside corner on both sides.
- (F) Dumpsters and/or portable on-demand storage devices shall not block a public sidewalk.
- (G) No dumpsters and/or portable on-demand storage devices shall be placed nearer than 15 feet to any fire hydrant or other area intended for fire-fighting equipment.
- (H) No dumpsters and/or portable on-demand storage devices shall be placed in such a manner as to interfere with the operation or maintenance of any public utility.
- (I) Dumpsters and portable on-demand storage devices placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster and/or portable on-demand storage devices shall be placed in the public right-of-way for more than thirty (30) days. An extension of the 30-day rule may be allowed with written permission from the city and payment of the renewal fee.
- (J) Dumpsters or portable on-demand storage devices placed in the public right-of-way shall be placed upon a wooden pad of at least six inches by six inches and at least $\frac{3}{4}$ of an inch in thickness, or on a similarly protective device in order to prevent damage

to the road surface and said placement shall be approved by the Director of Public Works. The permit holder is responsible for the placement of the wooden pad or similarly protective device.

- (K) No dumpster and/or portable on-demand storage devices shall be placed on streets, sides of streets or areas designated as "No Parking". Dumpsters and/or portable on-demand storage devices shall not be placed in public parking lots or parks without prior written permission from the City.
- (L) If any damage or injury to the street, curb, or sidewalk shall be caused or done by the use or occupancy of any street or road hereunder, the party to whom such permit has been issued shall be responsible and liable for the same. The City shall restore the street, curb or sidewalk to its original condition and collect the cost of restoration from the permittee.

Section 150.13. Permit Fees.

Upon proper application, the Building Inspector shall issue a permit to the applicant for a fee of \$50.00. However, if the applicant also requires a building permit for the same property described in the application the total fee shall be \$50.00 for both. The permit shall be for a period of thirty (30) days and shall authorize the placement of the dumpster or portable on-demand storage devices on the property described in the application. Requests for extensions, in writing and showing good cause, may be granted at the discretion of the Building Inspector. There will be a cost of \$20.00 per 30-day extension.

Section 150.14. Penalties.

- (A) There will be a \$25 per day charge for any dumpster or portable on-demand storage devices left over thirty (30) days that has not sought and received a time extension from the Building Inspector.
- (B) The City may remove or have a dumpster or portable on-demand storage devices removed from public right-of-way, if the container is in violation of this ordinance.
- (C) Any person and/or property owner violating any provision of this chapter shall be fined not less than \$5.00, nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 150.15. Effective date.

The foregoing ordinance shall take effect immediately upon execution and publication.


GARY WILLIAMSON, MAYOR

ATTEST:


JEANETTE BERTRAM, CITY CLERK

May 15, 2018
DATE