

BOROUGH OF NEW CUMBERLAND

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 681

AN ORDINANCE AMENDING ORDINANCE 562 TO REGULATE THE PLACEMENT OF PORTABLE ON DEMAND STORAGE UNITS, ADDING PURPOSES, DEFINITIONS, REQUIREMENTS FOR REFLECTIVE AND SAFETY ALERTS, AND PERMIT REQUIREMENTS, ALL IN THE BOROUGH OF NEW CUMBERLAND

BE IT ENACTED AND ORDAINED by the Council of the Borough of New Cumberland, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of granted to the Borough, an Ordinance adopted amending Ordinance 562 to regulate the placement, storage, and type of Portable On Demand Storage Units (POD) on public and private property to minimize the risk of personal injury and property damage within the Borough of New Cumberland.

SECTION 1: AMENDMENTS TO ORDINANCE 562.

(A). SECTION 2 entitled "PURPOSE OF ORDINANCE is hereby amended as follows to add a subsection "(G)", as follows:

(G) The Borough of New Cumberland recognizes that regulating the placement of Portable On Demand Storage Units on public streets and private property will minimize the risk of personal injury and property damage, promote the safety and welfare of persons while maximizing reasonable and convenient parking to all persons residing and conducting business within the Borough of New Cumberland.

(B). SECTION 3 entitled "DEFINITIONS" is hereby amended and supplemented with the new definition as follows:

"Portable On Demand Storage Unit (hereinafter referred to as "POD")" A unit greater in dimension than three (3) feet in length by three (3) feet in width by three (3) feet in height rented or owned for use by a property owner or tenant for storage of personal, business or commercial items or used for the packing or

storage of items for permanently moving to or from a residence, business or other use of a property or for temporarily storing items during a renovation to a residence, business use or other use of property. A POD shall include, but is not limited to, bulk storage containers, portable on demand storage containers, store to door mobile transportation storage containers, canvas storage containers, roll-off containers, trash storage containers or other such similar containers.

(C). SECTION 4, subsection B entitled " COMMERCIAL TRASH COLLECTION DEVICES" is hereby amended to add subsection (iii), as follows:

(iii) No on-street permit for any commercial trash collection devices shall be issued where sufficient off-street parking or on-site space exists to allow for the convenient and practical storage of a commercial trash collection device on private property, unless otherwise approved and permitted by the Borough of New Cumberland. Upon the issuance of a permit by the New Cumberland Borough Police Department, a Commercial Trash Collection Device may be located on a public street, alley, way or private property, subject to the limitations provided by the permit. No commercial trash collection device shall be placed on any public street, alley, way or private property during a declared state of emergency or for a period of time exceeding seven (7) days, unless extended by subsequent permit. Nothing herein shall prohibit additional conditions imposed by any applicable ordinance in the Borough of New Cumberland.

(D). SECTION 4 is amended to add a new subsection "E" stating as follows:

E. PLACEMENT OF PORTABLE ON DEMAND STORAGE UNIT (POD):

(i) General limitations/application No POD shall be placed on any public street, alley, way or private property without obtaining a permit from the Borough of New Cumberland, with such fees as regulated by resolution of the Borough Council. The New Cumberland Borough Police Department shall provide a copy of this ordinance, Ordinance 562 and any required application

prior to the installation and placement of a POD on any public street, alley, way or private property. An application for placement of a POD on any public street, alley, way or private property shall include the following:

(a) Name, address and telephone number of the owner, tenant or manager of the property at which the POD is to be used or benefitted from; and

(b) The name, address and telephone number of the individual or company owning the POD; and

(c) An acknowledgement signed by the applicant that the duration of the permit shall not exceed seven (7) days; and

(d) Any other information required by the Borough or applicable Borough ordinance, including any survey or property map.

(ii) Size limitation. No POD shall be greater than eight (8) feet in height, twenty-four (24) feet in length and eight (8) feet in width.

(iii) Number of POD. One (1) POD shall be permitted per residential or commercial property.

(iv) Location of POD. No on-street permit for any POD shall be issued where sufficient off-street parking or on-site space exists to allow for the convenient and practical storage of a POD device on private property unless otherwise approved by the Borough of New Cumberland. Upon the issuance of a permit by the New Cumberland Borough Police Department, a POD may be located on public street, alley, way or private property, subject to the limitations provided by permit. Nothing herein shall prohibit additional conditions imposed by any applicable ordinance in the Borough of New Cumberland.

(v) Duration. No POD shall be placed on any public street, alley, way or private property during a declared state of emergency or for a period of time exceeding seven (7) days, unless extended by subsequent permit.

(vi) Additional Guidelines. No POD shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business

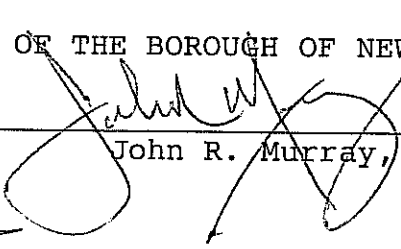
inventory, commercial goods or goods for property other than at the residential property where the POD is located. The storage of any hazardous materials within a POD is prohibited. PODS shall be locked and secured by the property owner, tenants or property manager at all times when loading or unloading is taking place. No POD shall be connected to any temporary or permanent wiring. No materials shall be stored on top of a POD. No POD shall be placed on any public street, alley or way without prominent reflective devices, warning tape or other safety features intended to warn pedestrians and vehicles of the placement of a POD in the public street, alley or way.

SECTION 2: SEVERABILITY. In the event any provision, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of the Borough of New Cumberland that such remainder shall be and shall remain in full force and effect.

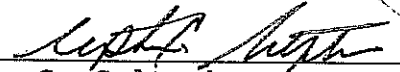
SECTION 3: RELATIONSHIP TO OTHER ORDINANCES. The amendments and modifications established by Section 1 herein shall be incorporated within and shall become part of Ordinance 562 of the Borough of New Cumberland. All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the invalidity of any part.

ENACTED AND ORDAINED, this 1ST day of July, 2015.

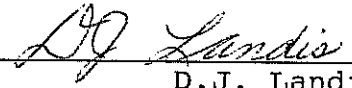
COUNCIL OF THE BOROUGH OF NEW CUMBERLAND

By 
John R. Murray, President

ATTEST:


Stephen C. Sultzaberger, Secretary

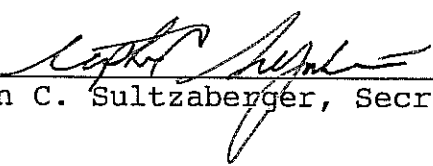
APPROVED this 1ST day of July, 2015.

By 
D.J. Landis, Mayor

CERTIFICATE

I, Stephen C. Sultzaberger, Secretary of the Borough of New Cumberland, Cumberland County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance of the Council of the Borough of New Cumberland (the "Council"), which duly was enacted by affirmative vote of a majority of the members of the Council at a meeting held on July 15th, 2015; being approved by the Mayor on July 15th, 2015; said Ordinance duly has been recorded in the Ordinance Book of the Borough; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 15th day of July, 2015.



Stephen C. Sultzaberger, Secretary