

**BOROUGH OF TRAFFORD**

**ORDINANCE NO. 3 of 2022**

**AN ORDINANCE OF THE BOROUGH OF TRAFFORD, ALLEGHENY AND WESTMORELAND COUNTIES, PENNSYLVANIA, VACATING § 202-24 OF CHAPTER 202, ARTICLE VI OF THE TRAFFORD BOROUGH CODIFIED ORDINANCES AND REPLACING IT WITH A NEW § 202-24, ENTITLED CONTAINERS.**

**WHEREAS**, Council for the Borough of Trafford desires to vacate Chapter 202 Article III §202-24 of the Trafford Borough Codified Ordinances entitled “Prefabricated metal storage sheds” in its entirety; and.

**WHEREAS, Council for** the Borough of Trafford further desires to adopt a new §202-24, Entitled “Storage Containers”; and

**NOW, THEREFORE, BE IT ORDAINED** and it is hereby ordained and enacted by the Borough Council of the Borough of Trafford, Allegheny and Westmoreland Counties at a duly convened meeting, quorum present as follows:

**SECTION I. VACATION AND REPLACEMENT OF CHAPTER 200, ARTICLE IV, §202-24 OF THE TRAFFORD BOROUGH CODIFIED ORDINANCES.**

The Borough of Trafford hereby vacates in its entirety, Chapter 200, Article IV, §202-24 Prefabricated storage sheds, replacing it with a new §202-24 entitled “Storage containers” as follows:

§202-24 Storage Containers

**A. Definitions:**

- (1) Bulk Rubbish Container-a portable device, unit or container regardless of whether made out of wood, plastic, corrugated steel, other prefabricated metal or material designed for the deposit of municipal waste, rubbish and debris waste that is too large or bulky to fit in or too heavy to be transported in a closed thirty-five (35) gallon container or a sealed box or plastic bag, or that is bundled in a size greater than three (3) feet long and four feet high, and include containers commonly known as dumpsters, roll away dumpsters,

bagsters, and the like.

- (2) Simple Storage Shed – a small storage container generally used to store miscellaneous household items, gardening and lawn equipment, and seasonal items, whether on a foundation or not.
  - (3) Storage Container - A portable device, unit, or container, regardless of whether made out of wood, plastic, corrugated steel or other prefabricated metal or material, used for the storage of property, including but not limited to furniture, appliances, vehicles, and including but not limited to containers commonly known or referred to as sheds, containers, shipping containers, storage containers, “PODS”, and the like.
- B. No person shall place, maintain, or use a storage container or a bulk rubbish container in a residentially zoned district, other than a simple storage shed, without first having obtained a permit from the Borough, by filing an application with the Borough Code Enforcement Officer or other designated official, and paying the application and permit fee. The fee for obtaining such a permit shall be established or by Resolution of the Borough Council.
- C. Once a permit for a storage container or bulk rubbish container is issued, the container may be placed in the rear yard of the property for not more than 30 consecutive days, unless extended as follows:
- (1) A thirty-day extension of the time limit in this section may be obtained by written request to the Borough Code Enforcement Officer or other designated official, stating the cause for the extension. A request for extension shall be granted if there is reasonable evidence that the applicant is diligently pursuing completion of the activity for which the container is required.
  - (2) Up to three extensions may be granted by the Code Enforcement Officer pursuant to this section.
  - (3) A request for extension shall be subject to adjustment from time to time by resolution of the Borough Council.
  - (4) Notwithstanding the provisions of this subsection, a bulk rubbish container made of woven material that serves as portable dumpster bag and commonly referred to as a bagster is permitted to be placed on the property only for a

maximum of fourteen (14) days only, with no extensions allowed.

- D. One simple storage shed, not exceeding 10 feet by eight feet by eight feet in height may be placed in the rear yard of the property without the need for a permit, provided that it meets all other restrictions required in this section. Prefabricated metal containers such as Shipping containers or PODS may not be used as a simple storage shed.
- E. The placement of any storage or bulk refuse containers on residentially zoned property within the Borough shall be subject to the following additional restrictions:
  - (1) Storage or bulk refuse containers shall be no larger than 12 feet long, 10 feet wide, and eight and a half feet high.
  - (2) Storage and bulk refuse containers shall be placed only in the rear yard, unless the rear yard fronts on a highway, road, or other thoroughfare, not including alleys or paper streets, and shall not be located in the setback areas, required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to any applicable sight distance provisions.
  - (3) If the rear yard of the property fronts on a street, highway or other thoroughfare, then the container may be placed in the side yard as long as the side yard does not also front on a highway, road, or other thoroughfare, as long the placement is not in the setback areas, required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to any applicable sight distance provisions.
  - (4) No storage or bulk rubbish container shall be placed on property in a

residentially zoned district that does not have a residence on it.

- (5) Only one storage container or bulk rubbish container, in addition to one simple storage shed, shall be permitted on any property at any given time.
  - (6) Storage containers shall be used only for the storage of personal or household property relating to the premises on which the storage container is located only and shall not be used to store business equipment, construction equipment, off site property or the storage of any kind of grain, of food, or as a habitat for any fowl, animal or human or for storage of any hazardous or industrial materials, garbage or refuse.
  - (7) Bulk rubbish containers shall not be used to discard hazardous, industrial or medical waste, or any other item prohibited by law.
  - (8) Storage and bulk rubbish containers shall not contain advertising beyond the identification of the company name and phone number of the company which placed the container on the property.
  - (9) Storage and bulk rubbish containers shall be in a condition free from rust, peeling paint and other forms of deterioration and shall be maintained so that they are rodent, vermin and insect free.
  - (10) Bulk rubbish containers shall be used only in connection with maintenance and construction activities taking place on the property upon which the bulk container is placed.
  - (11) No electric service or plumbing shall be attached or connected to any storage container.
  - (12) Storage and bulk rubbish containers shall be placed on a suitable base to ensure stability.
- F. Any person aggrieved by the decision of the Code Enforcement Officer or other designated official may appeal to the Zoning Hearing Board by filing such appeal in the office of the Borough Secretary and paying an appeal fee as prescribed for appeals to the Zoning Hearing Board within 30 days of the decision of the Building Inspector. The decision of the Code Enforcement Officer is not stayed by any appeal. Failure to file an appeal within the stated time limitation renders the determination of the Code Enforcement Officer final.

G. The owner of the property is responsible for ensuring compliance with the provisions of this section. In the event of a violation of this section, the owner shall be subject to a civil fine in the amount not less than \$300.00 and not more than \$1000.00 for each day such storage container remains without a permit or after the expiration of said permit as set forth herein.

**SECTION II. REPEALS.**

All other ordinances of the Borough of Trafford which are in conflict with this Ordinance are hereby repealed to extent of such conflict.

**SECTION III. SEVERABILITY.**

It is hereby declared to be the intention of the Council of the Borough of Trafford that the several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall declare any words, sentences, sections or provisions of this Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections or provisions of this Ordinance not specifically included in said ruling.

**SECTION IV. EFFECTIVE DATE.**

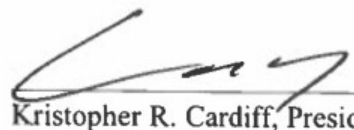
This ordinance shall take effect immediately upon its approval.

**ORDAINED AND ENACTED** at a regular meeting of Council of the Borough of Trafford, a full quorum being present, this 15<sup>th</sup> day of \_\_\_\_\_, 2022.

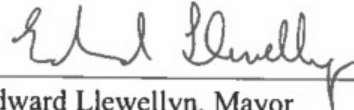
ATTEST:

THE BOROUGH OF TRAFFORD

  
Jaime Peticca, Borough Manager

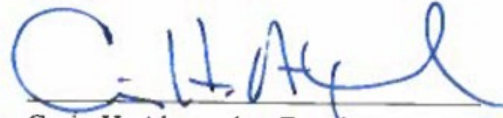
  
Kristopher R. Cardiff, President

EXAMINED AND APPROVED this 15<sup>th</sup> day November 2022.



Edward Llewellyn, Mayor

APPROVED AS TO FORM:



Craig H. Alexander, Esquire  
Solicitor