

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
of
Town
Village

Goshen

Local Law No. 5 of the year 2022

A local law to establish a new provision in the Village Code entitled “Regulation of Temporary Dumpsters and Portable Storage Containers.”

(Insert Title)

Be it enacted by the **Village Board**
(Name of Legislative Body)

of the
County
City

of
Town
Village

Goshen as follows:

Section 1. Purpose and Intent

Temporary dumpsters or portable storage containers are occasionally needed by residence and business owners in the Village of Goshen for various reasons, including construction or temporary storage of belongings. With the adoption of this ordinance, it is the intention of the Village of Goshen to establish uniform regulations for the placing and maintaining of temporary dumpsters and portable storage containers to protect the health, safety, and welfare of its citizens and to maintain an environment that does not degrade the aesthetics of its neighborhoods.

Section 2. Code amendment

The Village Code is hereby amended by the addition of the following provision to be added to Chapter 42, entitled “Street, sidewalks and other public places.”

Section 42-61: Regulation of Temporary Dumpsters and Portable Storage Containers.

A. The provisions of this chapter shall apply to the placement, using and maintenance of all temporary dumpsters and portable storage containers within the Village of Goshen. The provisions of this chapter shall apply to all temporary dumpsters and portable storage containers already in use at the time of adoption. The provisions shall apply in addition to the provisions of any other local, state, or federal law or regulation

B. The provisions of this chapter shall not apply to the Village of Goshen or its assignees.

C. Definitions

1. TEMPORARY DUMPSTER

A roll-off dumpster, or any other container, regardless of size, with or without a cover, intended to be placed in a location for a limited amount of time to accommodate for the disposal of garbage, rubbish, junk, or construction/or demolition debris for an individual project or event.

2. PORTABLE STORAGE CONTAINER

A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. For the purpose of this definition, the dimensions of a portable storage container shall not exceed 20 feet in length, eight feet in width or eight feet in height and shall not exceed a storage capacity of 1,280 cubic feet.

D. Regulation of Temporary Dumpsters and Portable Storage Containers

1. Permit requirements

No person subject to the requirements of this chapter shall place for use a temporary dumpster or portable storage container within the Village of Goshen without obtaining a permit form the Building Department.

On forms provided by the Village of Goshen Building Department, the applicant shall identify the size and location of the temporary dumpster or portable storage container relative to property boundaries.

- a. For temporary dumpsters, the applicant must indicate what type of waste or debris will be collected in the dumpster.
- b. Initial permit period:
- c. The initial permit shall be valid for a period of 30 days.
- d. Any permit issued for placement of a temporary dumpster or portable storage container on a street, right-of-way or other public property shall be valid for 10 days, and a sticker or notice shall be prominently displayed on the street side of the dumpster or container indicating the commencement and expiration date of the permit.

2. Permit extensions:

- a. Permit extensions, if granted, shall be for a period not to exceed 5 days and will be subject to fees as provided in the Village of Goshen Fee Schedule.
- b. Permit extensions, if granted, for temporary dumpsters or portable storage containers placed on a street, right-of-way or other public property shall be for a period not to exceed five days and are subject to fees as provided in the Village of Goshen Fee Schedule.

3. Multiple extensions.

- a. No more than five extensions shall be granted, and in no case shall a permit be extended for a period that exceeds one year from the original date of issue.
- b. In no case shall a permit for temporary dumpsters or portable storage containers placed on a street, right-of-way or other public property be extended for a period that exceeds 35 days from the original date of issue.

4. Permit extensions may be denied by the Village of Goshen Building Department.

5. Extension denials may be appealed to the Village of Goshen Board of Trustees.

E. Location

1. Any temporary dumpster or portable storage container shall be located on a driveway or other suitable base, as approved by the Village of Goshen Building Department and may be subject to further review by local law enforcement/public safety.

2. No temporary dumpster or portable storage container shall obstruct a public street, sidewalk or right-of-way unless specifically authorized by the Village of Goshen Building Department and may be subject to further review by local law enforcement/public safety.

3. Any temporary dumpster or portable storage container to be placed on a public street, sidewalk or right-of-way shall be placed on the street in a legal parking space or other area approved by the Village of Goshen Public Works Superintendent and Police Chief and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to vehicle or pedestrian traffic. The specific number, location and nature of the markings shall be determined by the Public Works and Police Departments in the exercise of their discretion and shall be noted on the permit as a condition of its issuance. An inspection of temporary dumpster or portable storage container will be made by the Public Works and Police Departments, to determine best location and placement to ensure no damage to the City's street or right-of-way, and shall be noted on the permit as a condition of its issuance.

4. Temporary dumpsters must be emptied so as not to overflow and must be covered at the end of each workday and/or when not in use. Temporary dumpsters containing garbage or any other organic matter must be emptied in a timely manner. Any temporary dumpster that generates an offensive odor or attracts rodents or other vermin must be removed immediately.

5. If the property owner, or occupant, fails to have the temporary dumpster or portable storage container removed in a timely manner, the Village of Goshen reserves the right to have it removed, with the cost of such removal remaining the responsibility of the property owner or occupant. Removal fees will be in addition to any court-imposed fines.

F. Revocation

1. Failure to adhere to or comply with any part of this chapter may result in the revocation of the permit. Revocation is at the discretion of the Village of Goshen.

A permit revocation may be appealed to the Village of Goshen Board of Trustees.

G. Penalties for offenses.

1. Failure to comply with any of the provisions of this chapter shall be a violation, punishable by a fine of \$250 per offense. Each day the violation continues shall constitute a separate offense.

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.