

ORDINANCE 845

AN ORDINANCE REGULATING THE USE OF REFUSE DUMPSTERS IN THE CITY OF GOTHENBURG

WHEREAS, to promote the public safety, health and welfare of the City of Gothenburg;

THE CITY COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA, DOES ORDAIN AS FOLLOWS:

SECTION 1. *Definitions.* "Refuse Dumpster or Dumpster" is any portable container used or designed for collection of, transportation of, or disposal of refuse, waste, construction/demolition materials, or the like. Refuse dumpster shall include, but is not limited to, "roll off" boxes or containers, collection bins, tubs, and portable storage containers. All containers meeting the definition shall be referred to as "DUMPSTER" in this Ordinance.

SECTION 2. *License Requirements.* Any company owning and emptying the dumpster within city limits must be the holder of a valid franchise agreement with the City.

SECTION 3. *Rules.*

A. A DUMPSTER must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.

B. A DUMPSTER must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.

C. A DUMPSTER must have all debris placed inside the dumpster; not along side or on top of the dumpster.

D. A DUMPSTER is 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. Cleaning dumpsters on the street or sidewalk is not permitted.

SECTION 4. *Dumpsters in the Public Right-of-Way.*

A. A DUMPSTER shall not be placed on Public Right-of-Way, nor block access to or use of a sidewalk, street or alley unless a permit has been issued by the City. A dumpster that is used on an on-going basis as part of normal solid waste operations and contains less than a 5 cubic yards, shall be exempt from this Ordinance; provided such dumpster creates no safety issues to passers by. The City Administrator shall have discretion to determine whether or not a dumpster meets the criteria of this section.

B. DUMPSTER Permit Fees shall be set by Resolution of the City Council under the Fees Resolution.

C. The permit issued by the City shall contain at a minimum the following provisions:

1. All permits will be issued by the Chief of Police or his designee. A permit will expire after of ten days from the date of issuance. At no time shall a DUMPSTER remain on a street right of way for more than ten days except as allowed under Section 4.C.4.

2. DUMPSTER placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner on both sides. Type I or Type II barricades may be used as an alternate to flashers or reflectors. All flashers, reflectors and barricades shall conform to the standards of the latest addition of the Manual on Uniform Traffic Control Devices.

3. DUMPSTER shall not block a public sidewalk or be placed in a location that restricts the "sight lines" of an intersection. Sight lines will be determined by the City Services Director at the request of the Chief of Police or his designee.

4. In circumstances where the use of a DUMPSTER is required for more than 10 days, a DUMPSTER may be placed in the public right-of-way for construction, remodeling or demolition projects may exceed the ten day rule with written permission from the City Administrator. However, it shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than thirty (30) days without approval from the City Council. The placement for more than 10 days shall not be for convenience, but for demonstrated necessity.

5. No DUMPSTER shall be placed on streets, sides of streets or areas designated as "No Parking". Public parking lots or parks shall also require a permit unless at the request of the City.

6. The owner and/or the user of a DUMPSTER on a public right-of-way is/are responsible for any public property, street, curb and gutter, or public infrastructure damage.

7. No DUMPSTER shall be placed in the public right-of-way during the winter snow season, defined for this purpose of this ordinance as the period from November 1 to the next following April 1 without written approval from the City Administrator.

8. The owner of the DUMPSTER shall, prior to receipt of the permit for placement on public right of way, provide to the Chief of Police, a certificate of insurance showing coverage of a minimum of \$1,000,000.00 for any claims involving the DUMPSTER, which certificate shows the City of Gothenburg as an additional insured.

SECTION 5. *Denial of Dumpster Use.*

A. The Chief of Police and/or his designee may deny the use of dumpsters in the public right-of-way if the DUMPSTER is too wide to allow public safety vehicles through, or due to any other traffic concerns.

B. The Chief of Police and/or his designee may deny the use of DUMPSTER to protect public health or safety concerns.

C: Any appeal to the denial of a permit may be first brought to the attention of the City Administrator. If further denied, the applicant may bring the matter before the Gothenburg Governing Body.

SECTION 7. *Violation of this Ordinance.* Any violation of this ordinance is a misdemeanor.

A. The City may remove or have a container removed from the public right-of-way, if the DUMPSTER is in violation of this ordinance.

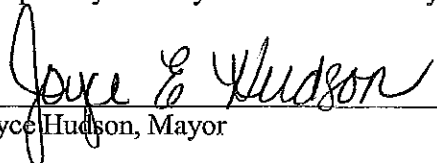
B. The owner of the DUMPSTER, (or if the owner cannot be determined, the person) placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the City in removal, storage fees and disposal of any container and its contents.

C. If the DUMPSTER is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.

D. The City shall not release a DUMPSTER from storage until all amounts due under this section have been paid.

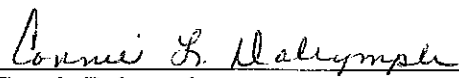
This Ordinance shall become effective immediately upon publication.

Adopted by the City Council of the City of Gothenburg on the 5th of May, 2009



Joyce Hudson, Mayor

ATTEST:



Connie Dalrymple

APPROVED AS TO FORM:

Mike Bacon – City Attorney