

## **Chapter 156 – Roll-Off Containers**

### **§ 156-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **Code Enforcement Officer**

The Code Enforcement Officer/Chief Building Inspector appointed pursuant to Lockport Municipal Code Chapter 66, Section 3 (b)

#### **Container Permit**

The permit issued by the Code Enforcement Officer to place a roll-off container within the City Right of Way.

### **§ 156-2. Permit required.**

It shall be unlawful and an offense against this chapter for any person to place or caused to be placed a roll-off container upon any public street or right of way within the City without first obtaining a permit therefor in accordance with the requirements prescribed by this chapter.

### **§ 156-3. Rules and regulations.**

A. A container permit shall be prominently displayed on each and every container to be placed within the City Right of Way.

B. The street upon which any roll-off container is to be placed must meet a minimum width requirement of 26 feet, curb to curb.

C. The roll-off container must be placed parallel to the curb with the street side of the container not more than eight feet six inches from the nearest curb adjacent to the container.

D. The roll-off container shall only be placed on the side of the street that is designated for parking and shall not be placed within ten feet of a neighboring driveway.

E. Roll-off containers shall have a permanent installation of not less than 16 square feet of diagonal reflectorized stripping material on each and every side of the roll-off container and shall also have stenciled or otherwise printed thereon, in English letters at least two inches in height, the name, address and telephone number of the owner- lessor.

F. The roll-off container shall not obstruct any part of the sidewalk or the sidewalk area adjacent to the street, and the contents thereof shall be emptied and disposed of upon reaching the container's waterline.

G. The owner-lessor shall be responsible for the repair of any street, sidewalk and curb damage caused by the placement, movement or removal of any roll-off container.

H. The Code Enforcement Officer shall receive at least 48 hours' prior written notice from the owner-lessor before a roll-off container or dumpster is placed upon any street located within the City or on any City owned property.

I. The Code Enforcement Officer shall receive written notice from the owner-lessor within 48 hours of the removal of a roll-off container or dumpster from a street located within the City or on any City owned property.

J. The Code Enforcement Officer reserves the right to refuse the placement of any roll-off container from any street location if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or a hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.

K. No roll-off container or dumpster shall be permitted to remain in a particular location for a period of time exceeding 7 days. The container permit application may be renewed for an additional 7 days by notifying the Code Enforcement Officer in writing and submitting an additional container permit fee. The permit may only be renewed once.

L. There shall be a \$25 placement fee for each roll-off container or dumpster that is placed upon any street located within the City or on any City owned property. This fee covers a seven-day period.

#### **§ 156-4. Application for permit.**

The Code Enforcement Officer may issue a container permit for the use of a roll-off container upon any City streets or other City property, prior to the placement thereof, upon written application by the owner-lessor in accordance with the following terms and conditions.

A. Each permit shall be of seven days duration and shall require a written application to renew for a subsequent seven days.

B. Each application for a container permit hereunder shall be accompanied by a certificate of insurance from the owner-lessor indicating public liability coverage, insuring the City of Lockport in an amount not less than \$1,000,000.

C. A filing fee in the amount of \$25 shall accompany each application for a container permit hereunder.

D. The owner-lessor shall also be responsible to the Code Enforcement Officer for providing not only its own name and address in the original application and renewals thereof but in providing the name and address of the lessee for each and every rental of a roll-off container or dumpster.

### **§ 156-5. Removal of roll-off containers.**

A. The Code Enforcement Officer reserves the right to remove a roll-off container from any street location upon violation of any section of this chapter or if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the roll-off container location.

#### **B. Notice**

1. Upon determination that the provisions of Subsection A herein have been violated, the Code Enforcement Officer shall cause to be served a written notice upon the owner-lessor that such roll-off container must be removed. The owner-lessor shall have two days from the date of the written notice to remove the roll-off container.
2. The written notice shall be by personal service or certified mail, postage paid, returned receipt requested, and addressed to such owner-lessor's last known address, and, if by certified mail, a copy of the notice shall be posted on the roll-off container.

C. In the event that the owner-lessor fails to remove the roll-off container within the time period stated in Subsection B herein, the Code Enforcement Officer shall cause such roll-off container to be removed. The owner-lessor shall be liable to the City of Lockport for any costs incurred in such removal and subsequent storage of such roll-off container, together with any dumping charge to remove any material in the roll-off container.

### **§ 156-6. Enforcement.**

The Code Enforcement Officer shall have authority to enforce the provisions of this chapter and issue appearance tickets for offenses against this chapter.

### **§ 156-7. Penalties for offenses.**

A. Any person committing an offense against this chapter or any section or provision thereof shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

B. Each day of continued violation shall constitute a separate offense.

C. In addition to the penalties stated herein, this chapter may be enforced by civil action, including an injunction, in a court of competent jurisdiction for violations of this chapter.

**§ 156-8. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this chapter is adjudged invalid by a court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter that shall be directly involved in the controversy in which such judgment shall have been rendered.