

Chapter 104

GARBAGE, RUBBISH AND REFUSE

ARTICLE I *Solid Waste*

- § 104.1. Title.
- § 104.2. Definitions; word usage.
- § 104.3. Prohibited acts.
- § 104.4. Storage.
- § 104.5. Collection.
- § 104.6. Collection and disposal charges.
- § 104.7. Appeals.
- § 104.8. Enforcement.
- § 104.9. Violations and penalties.

ARTICLE II *(Reserved)*

ARTICLE III *Scavenging*

- § 104.10. Definitions.
- § 104.11. Prohibited activities.
- § 104.12. Violations and penalties.

ARTICLE IV **Bulk Containers**

- § 104.13. Definitions.
- § 104.14. Use and Location of Bulk Containers.

§ 104.15. Registration and Permit Required.**§ 104.16. Condition of Bulk Containers.****§ 104.17. Violations and Penalties.**

[HISTORY: Adopted by the BOROUGH Council: Art. I, 8-15-90 as Ord. No. 761; Art. III, 1-18-89 as Ord. No. 737. Amendments noted where applicable. Art. IV, 9-17-14 as Ord. No. 1069.]

GENERAL REFERENCES

Brush, grass and weeds - See Ch. 75.
Recycling - See Ch. 143.

ARTICLE I***Solid Waste***

[Adopted 8-15-1990 as Ord. No. 761¹]

§ 104.1. Title.

This Article shall be known and referred to as the "Solid Waste Ordinance."

§ 104.2. Definitions; word usage.

104.2.1. The following words and phrases as used in this Article shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

ACT or ACT 97 - The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).²

AGRICULTURAL WASTE - Poultry and livestock manure, or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such waste is not a hazardous waste. The term includes the residual materials generated in the producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.

BOROUGH - The Borough of Whitehall.

BULKY WASTE - Large items of solid waste, including but not limited to appliances, furniture, trees, branches or stumps, which may require special handling due to their size, shape or weight.

¹ Editor's Note: This ordinance supersedes former Art. I, Refuse, adopted 2-18-1948 as Ord. No. 16, as amended.

² Editor's Note: See 35 P.S. § 6018.101 et seq.

COMMERCIAL ESTABLISHMENT - Any establishment engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. In addition, all multi-family residential properties containing four (4) or more units shall constitute a COMMERCIAL ESTABLISHMENT for the purposes of this Article. **[Amended 10-2-13 by Ord. No. 1058]**

CONSTRUCTION DEMOLITION WASTE - All municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

COUNCIL - The Borough Council of the Borough of Whitehall.

DEPARTMENT - The Pennsylvania Department of Environmental Resources.

DISPOSAL - The incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DOMESTIC WASTE or HOUSEHOLD WASTE - Solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

GARBAGE - Any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

HAULER or PRIVATE COLLECTOR - Any PERSON, firm, copartnership, association or corporation that has been licensed by the BOROUGH or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.

HAZARDOUS WASTE - Any solid waste or combination of solid wastes, as defined in the act, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

INDUSTRIAL ESTABLISHMENT - Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT - Any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

MUNICIPAL WASTE - GARBAGE, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the

operation of residential, municipal, commercial or INSTITUTIONAL ESTABLISHMENTS and from community activities and any sludge not meeting the definition of residual or HAZARDOUS WASTE under ACT 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

PERSON - Any individual, partnership, corporation, association, institution, cooperative enterprise, state institution and agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Article prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "PERSON" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROCESSING - Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

REFUSE - All solid waste materials which are discarded as useless.

RESIDUAL WASTE - Any GARBAGE, REFUSE, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal REFUSE as defined in the Coal Refuse Disposal Control Act.³ Residual waste shall not include treatment sludges from coal mine drainage treatment plants, the DISPOSAL of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law.⁴

RUBBISH - All nonputrescible MUNICIPAL WASTE except GARBAGE and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

SCAVENGING - The unauthorized and uncontrolled removal of material placed for collection or from a solid waste PROCESSING or DISPOSAL facility.

SECRETARY/MANAGER - The Secretary/Manager or Assistant Secretary/Manager of the BOROUGH.

SEWAGE TREATMENT RESIDUES - Any coarse screenings, grit and dewatered or air-drive sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper DISPOSAL under ACT 97.

SOLID WASTE - Any waste, including but not limited to municipal, residual or

³ Editor's Note: 52 P.S. § 30.51 et seq.

⁴ Editor's Note: 35 P.S. § 691.1 et seq.

HAZARDOUS WASTES, including solid, liquid, semisolid or contained gaseous material.

SOURCE-SEPARATED RECYCLABLE MATERIALS - Those materials separated at the point of origin for the purpose of being recycled.

STORAGE - The containment of any waste on a temporary basis in such a manner as not to constitute DISPOSAL of such waste. It shall be presumed that the containment of any waste in excess of one (1) year constitutes DISPOSAL. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSFER STATION - Any supplemental transportation facility used as an adjunct to SOLID WASTE route collection vehicles.

TRANSPORTATION - The off-site removal of any SOLID WASTE at any time after generation.

TOWNHOUSE – A single-family dwelling unit constructed in a group of three or more attached dwelling units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. *[Added 10-2-13 by Ord. No. 1058]*

In this Article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 104.3. Prohibited acts.

104.3.1. It shall be unlawful for any PERSON to accumulate or permit to accumulate upon any public or private property within the BOROUGH any GARBAGE, RUBBISH, bulky waste or any other municipal or residual SOLID WASTE except in accordance with the provisions of this Article, any DEPARTMENT rules and regulations adopted pursuant to ACT 97 and the Health Department Rules and Regulations, Article VIII.

104.3.2. It shall be unlawful for any PERSON to burn any SOLID WASTE within the BOROUGH except in accordance with the provisions of this Article, any DEPARTMENT rules and regulations adopted pursuant to ACT 97 and the Health Department Rules and Regulations, Article VIII.

104.3.3. It shall be unlawful for any PERSON to dispose of any SOLID WASTE in the BOROUGH except in accordance with the provisions of this Article, any DEPARTMENT rules and regulations adopted pursuant to ACT 97 and the Health Department Rules and Regulations, Article VIII.

104.3.4. It shall be unlawful for any PERSON to haul, transport, collect or remove any SOLID WASTE from public or private property within the BOROUGH without first securing a license to do so in accordance with the provisions of this Article.

104.3.5. It shall be unlawful for any PERSON to SCAVENGE any materials from any SOLID WASTE that is stored or deposited for collection within the BOROUGH as prohibited by Chapter 100, Article 111, of the CODE of the BOROUGH.

104.3.6. It shall be unlawful for any PERSON to salvage or reclaim any SOLID WASTES within the BOROUGH except at an approved and permitted resource recovery facility under ACT 97 and any DEPARTMENT rules and regulations adopted pursuant to ACT 97.

104.3.7. It shall be unlawful for any PERSON to throw, place or deposit or cause or permit to be thrown, placed or deposited any SOLID WASTE in or upon any street, alley, sidewalk, body of water or public or private property within the BOROUGH except as provided in this Article.

§ 104.4. STORAGE.

104.4.1. The STORAGE of all SOLID WASTE shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.

104.4.2. Any PERSON producing MUNICIPAL WASTE shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.

104.4.3. Any PERSON storing MUNICIPAL WASTE for collection shall comply with the following preparation standards:

104.4.3.1. All MUNICIPAL WASTE shall be drained free of liquids before being placed in STORAGE containers.

104.4.3.2. All GARBAGE or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

104.4.3.3. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in STORAGE containers.

104.4.3.4. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than three (3) feet in length, not more than two (2) feet in diameter and not more than forty (40) pounds in weight. No single piece shall be more than three (3) inches in diameter.

104.4.3.5. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than forty (40) pounds in weight.

104.4.3.6. When specified by the BOROUGH or its designated representative, special preparation and STORAGE procedures may be required to facilitate the collection and resource recovery of certain waste materials.

104.4.3.7. Carpet and/or carpet padding shall be placed in an approved closed container or must be cut in lengths not exceeding eight (8) feet and securely tied. No single piece shall be more than forty (40) pounds in weight.

104.4.4. All MUNICIPAL WASTE shall be stored in containers approved by the BOROUGH or its designated representative. Individual containers and bulk containers utilized for the STORAGE of MUNICIPAL WASTE shall comply with the following standards:

104.4.4.1. Reusable containers shall be constructed of durable, watertight, rust- and corrosion-resistant material, such as plastic, metal or

fiberglass, in such a manner as to be leakproof, weatherproof, insectproof and rodentproof.

104.4.4.2. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

104.4.4.3. Reusable containers for individual residences shall have a capacity of not less than ten (10) gallons nor more than thirty (30) gallons and a loaded weight of not more than forty (40) pounds and shall be limited to three (3) such containers per residence.

104.4.4.4. Disposable plastic bags or sacks are acceptable containers, provided that the bags are designated for waste DISPOSAL. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection and shall have a capacity of not more than thirty (30) gallons and a loaded weight of not more than thirty-five (35) pounds.

104.4.4.5. All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

104.4.5. Any PERSON storing MUNICIPAL WASTE for collection shall comply with the following STORAGE standards:

104.4.5.1. Containers shall be kept tightly sealed or covered at all times. SOLID WASTE shall not protrude or extend above the top of the container.

104.4.5.2. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected as often as necessary to prevent the accumulation of liquid residues of solids on the bottom of the sides of the containers.

104.4.5.3. Containers shall be used and maintained so as to prevent public nuisances.

104.4.5.4. Containers that do not conform to the standards of this Article or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the BOROUGH or its designated representative.

104.4.5.5. Containers shall be placed by the owner or customer at a collection point specified by the BOROUGH or its designated representative.

104.4.5.6. With the exception of pickup days when the containers are placed for collection, garbage, rubbish and recycling containers shall be properly stored behind the front face of the building and shall be screened from view from the street. Borough-issued refuse and recycling containers may be placed against the building for storage as determined by the Code Enforcement Officer if physical conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions to the property makes it impossible to meet location and screening requirements. **[Amended 10-5-2022 by Ord. No. 1160] [Amended 7-18-01 by Ord. No. 927]**

104.4.5.7. BULK WASTE items such as furniture, appliances and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards. Doors must be removed from appliances.

104.4.5.8. The STORAGE of all MUNICIPAL WASTE from multifamily residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Article. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste HAULER and are subject to approval by the BOROUGH.

§ 104.5. Collection.

104.5.1. The BOROUGH shall provide for the collection of all GARBAGE, RUBBISH and BULKY WASTES from all single family dwellings, two and three-family dwellings, and TOWNHOUSES, or it may contract with a PRIVATE COLLECTOR or collectors to provide this residential collection service. **[Amended 10-2-13 by Ord. No. 1058]**

104.5.2. All single family dwellings, two and three-family dwellings, and TOWNHOUSES shall utilize the residential collection service provided by the BOROUGH. **[Amended 10-2-13 by Ord. No. 1058]**

104.5.3. ALL COMMERCIAL ESTABLISHMENTS, INSTITUTIONAL ESTABLISHMENTS AND INDUSTRIAL ESTABLISHMENTS shall negotiate and independently contract with the BOROUGH'S collector or any other properly licensed waste HAULER of their choice. **[Amended 10-2-13 by Ord. No. 1058]**

104.5.4. All residential GARBAGE and RUBBISH shall be collected at least once a week.

104.5.5. GARBAGE from all COMMERCIAL ESTABLISHMENTS, INSTITUTIONAL ESTABLISHMENTS and INDUSTRIAL ESTABLISHMENTS shall be collected at least once per week. RUBBISH collection from these sources shall be made as often as necessary to control health hazards, odor, flies and unsightly conditions. The BOROUGH reserves the right to require more frequent collection when deemed necessary. **[Amended 10-2-13 by Ord. No. 1058]**

104.5.6. Residential collection schedules shall be published, as deemed necessary, by the BOROUGH or its contracted HAULER.

104.5.7. The placement of garbage, rubbish and recycling containers may be no earlier than 3:00 p.m. on the day prior to the designated collection day and must be removed from curbside to the storage area no later than 8:00 p.m. on the day of collection. **[Amended 7-18-01 by Ord. No. 927; 4-17-02 by Ord. No. 946]**

104.5.8. All waste collection activity shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 5:00 p.m. or on Saturdays between the hours of 6:00 a.m. and 5:00 p.m., unless prior approval or any exception has been granted by the BOROUGH. No collection, hauling or transporting of SOLID WASTE shall be permitted on Sunday.

104.5.9. All licensed HAULERS and HAULERS under contract with the BOROUGH shall comply with the following standards and regulations:

104.5.9.1. All MUNICIPAL WASTE collected within the BOROUGH shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan, 1990, or in subsequent revisions thereto.

104.5.9.2. Any trucks or other vehicles used for the collection and TRANSPORTATION of MUNICIPAL WASTE must comply with the requirements of ACT 97 and any DEPARTMENT regulations adopted pursuant to ACT 97 and must be licensed by the Allegheny County Health Department.

104.5.9.3. All collection vehicles conveying domestic waste and GARBAGE shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

104.5.9.4. All SOLID WASTE shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

104.5.9.5. All SOLID WASTE collection vehicles shall be operated and maintained in a clean and sanitary condition.

§ 104.6. Collection and DISPOSAL charges.

104.6.1. The COUNCIL of the BOROUGH shall be authorized to make funds available, in accordance with the laws and procedures of the BOROUGH, for the establishment, maintenance and operation of a municipal SOLID WASTE collection and DISPOSAL system or for the contracting of such service to a PRIVATE COLLECTOR.

104.6.2. Annual costs shall be made available by the BOROUGH on any competitively bid residential collection service contract that may be awarded by the BOROUGH.

104.6.3. The BOROUGH shall be responsible for the payment of any fees for SOLID WASTE collection and DISPOSAL for residential customers receiving standard contracted service.

104.6.4. The BOROUGH'S contracted HAULER and other licensed HAULERS shall be responsible for the collection of any fees for private arrangement or private contract SOLID WASTE collection and DISPOSAL services provided to any individual, residential, commercial, institutional or industrial source within the BOROUGH.

§ 104.7. Appeals.

104.7.1. All appeals shall be made in writing to the SECRETARY/MANAGER of the BOROUGH.

104.7.2. Pending a reversal or modification, all decisions of COUNCIL shall remain effective and enforceable.

104.7.3. Appeals may be made by the following PERSONS:

104.7.3.1. Any PERSON who is aggrieved by a new standard or regulation issued by the BOROUGH may appeal within ten (10) days after the BOROUGH gives notice of its intention to issue the new standard or regulation.

104.7.4. The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within forty-five (45) days after receipt of the notice of appeal, COUNCIL shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail, with return receipt requested, at the last known address, in addition to publication in the local newspaper.

§ 104.8. Enforcement.

The BOROUGH may petition the appropriate court for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Article.

§ 104.9. Violations and penalties. *[Amended 10-03-01 by Ord. No. 935]*

Any PERSON who violates any provision of this Article shall, upon conviction, be liable to the maximum penalty provided by law. Each day of violation shall be considered a separate and distinct offense.

ARTICLE II
(Reserved)⁵

ARTICLE III
SCAVENGING
[Adopted 1-18-89 as Ord. No. 737]

§ 104.10. Definitions.

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

PERSON - Any individual, partnership, corporation, association, institution or cooperative enterprise.

REFUSE MATERIALS- All materials discarded as useless by any resident of the BOROUGH and placed at the curb for collection by the collector authorized by and contracted to the BOROUGH.

SCAVENGING - The unauthorized and uncontrolled sorting, removal, reclamation or disturbance of REFUSE MATERIALS placed at the curb for collection.

§ 104.11. Prohibited activities.

104.11.1. It shall be unlawful for any PERSON to dispose of any REFUSE MATERIAL in the BOROUGH except in accordance with the provisions of the rules and regulations adopted by the Commonwealth of Pennsylvania and the Allegheny County Health Department and the ordinances of the BOROUGH.

104.11.2. It shall be unlawful for any PERSON other than the owner to sort, remove, take possession of or otherwise disturb any REFUSE MATERIAL on public or private property within the BOROUGH without first securing written agreement or authorization to do so from the BOROUGH.

104.11.3. It shall be unlawful for any PERSON to SCAVENGE any materials from REFUSE MATERIAL stored or deposited for collection within the BOROUGH.

§ 104.12. Violations and penalties.

Any PERSON violating the provisions of this Article shall, upon conviction before a District Justice, be subject to the maximum penalties provided by law.

ARTICLE IV

⁵ Editor's Note: Former Art. II, Collection of Trash, was superseded 8-15-90 by Ord. No. 761.

BULK CONTAINERS
(Adopted 9-17-14 as Ordinance No. 1069)

§ 104.13. Definitions.

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

BOROUGH – The Borough of Whitehall.

BULK CONTAINERS- A portable container (i) designed to assist with moving and/or storage of household or commercial goods and materials, including but not limited to portable on-demand storage devices (“PODS”) and similar containers, (ii) designed for the collection of large amounts of garbage and/or refuse, including but not limited to dumpsters and bagsters, or (iii) designed for the collection of yard waste and debris. Containers, including dumpsters, used by commercial and multi-family properties for regular storage of refuse and garbage in connection with normal business activities shall not be considered Bulk Containers under this Article.

PERSON – Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignor, or any other legal entity.

§ 104.14. Use and Location of Bulk Containers.

104.14.1 Bulk Containers shall be used only in connection with maintenance, construction and/or moving/relocation activities taking place on the property upon which the Bulk Container is placed. It shall be unlawful and a violation of this Ordinance for any Person:

- 104.14.1.1. to cause permit a Bulk Container to be placed on public property, including but not limited to roads or streets within the Borough;
- 104.14.1.2. to cause or permit a Bulk Container to be placed in the Borough right-of-way;
- 104.14.1.3. to cause or permit a Bulk Container to be placed in such a location as to block visibly or access to a public street;
- 104.14.1.4. to cause or permit a Bulk Container to be placed in such a location as to block access to a public sidewalk; or
- 104.14.1.5. to cause or permit a Bulk Container to be placed less than six (6) feet from a curb of a street.

104.14.2. Bulk Containers shall not have any electrical wiring, lighting or heating elements.

104.14.3. No advertising shall be permitted on a Bulk Container except for the identity of the supplier of the Bulk Container.

§ 104.15. Registration and Permit Required.

104.15.1. No Person shall place upon, cause to be placed upon or allow to remain a Bulk Container without first registering with the Borough using a form to be hereafter prescribed. For any use of a Bulk Container in excess of thirty (30) days, a permit must be obtained from

the Borough by filing and application which shall identify the purpose, placement and proposed location of the Bulk Container.

104.15.2. A permit application filed under this Section shall be reviewed by the Borough Manager or his designee for approval. The Borough shall have the right to deny an application if it is deemed that the placement of the Bulk Container is contrary to the health, safety and public welfare of the Borough. The Borough may, at its discretion, reject the application or propose an alternate location for placement of the Bulk Container.

104.15.3. The maximum duration of a permit issued under this Section shall be sixty (60) days, and the continued validity of such permit shall be contingent upon full compliance with the regulations and requirements set forth in this Article and any other applicable rules adopted by the Borough. Any Person seeking to use a Bulk Container for a period greater than sixty (60) days shall re-apply for a new permit upon expiration of the original permit. Applications to use a Bulk Container beyond the initial sixty (60) day period shall be granted only where the applicant can show that such additional time is necessary to complete a maintenance or construction activity for which the original permit was issued. Bulk Containers shall not be permitted on a property in excess of one hundred fifty (150) days within any twelve (12)-month period unless a building permit has been issued for the property and the Bulk Container use is incidental to and necessary for the building project.

§ 104.16. Condition of Bulk Containers.

104.16.1. Any Person utilizing a Bulk Container shall be responsible to insure that the area in and around the Bulk Container remains free of all litter and debris.

104.16.2. Any Person utilizing a Bulk Container shall insure that the Bulk Container remains in a neat and clean condition and is at all times secure and safe.

104.16.3. The location and utilization of the Bulk Container shall be in compliance with all federal, state and local laws, rules and regulations applicable thereto.

§ 104.17. Violations and Penalties.

104.17.1. Any Person who violates this Article shall be subject to a fine not to exceed \$600.00 per occurrence. Each day that a violation of this Article continues shall constitute a separate offense.