

**Ordinance No. 563**

**AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL CODE, CHAPTER 140 (HOUSING AND PROPERTY MAINTENANCE) TO ALLOW FOR THE TEMPORARY USE OF DUMPSTERS IN A RESIDENTIAL DISTRICT.**

**WHEREAS**, the Council of the City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal The City of New Castle Municipal Code (“City Code”); and

**WHEREAS**, Whereas the current code of the City of New Castle does not address the use of dumpsters in residential areas and Council wishes to clarify their use; and

**WHEREAS**, City Council recognizes that property owners within residential districts may need to utilize dumpsters from time to time for matters related to trash and construction; and

**WHEREAS**, by the adoption of this Ordinance, the City Council intends to: Amend and restate Chapter 140, Section 19 (Accumulations of Trash) of the City Code Housing and Property Maintenance);

**WHEREAS**, the City Council finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate governmental interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life.

**NOW, THEREFORE**, making the express finding that the proposed changes outlined below enhance the health, safety, and welfare of the City of New Castle, be it ordained by the Council of the City of New Castle as follows:

**SECTION 1.** City Code Chapter 140, Housing and Property Maintenance, Section 104-19, Accumulations of Trash, is hereby amended as follows (with new

language identified by bold, underlined text):

- A. No person being the owner or possessor of a developed or undeveloped parcel of land shall permit refuse, rubbish, trash, or other waste material to be placed or to accumulate upon such parcel or right-of-way abutting such parcel so as to create a nuisance detrimental to adjoining property or to the health or safety of other persons.
- B. An outdoor trash compactor used for the collection of garbage, refuse, trash, rubbish and other waste shall be maintained in such a manner so as not to create a nuisance detrimental to adjoining property or to the health or safety of other persons. Trash compactors shall, if necessary, be equipped with facilities for deodorizing, sanitation, and disinfecting. Trash compactors shall be maintained and shall be emptied so as to avoid accumulation of odors and the attraction of rats, mice, or other vermin.
- C. Dumpsters and/or roll off containers (collectively “Containers”) for the purpose of trash collection, remodeling, cleanup of debris, etc. in residential areas noted in the City’s Comprehensive Plan (R, R-1A, R-2 & R-3 are permitted by the City for a stated period of time not to exceed thirty (30) days with the opportunity to extend an additional thirty (30) days. Such dumpster(s) or roll off containers are subject to the following limitations:
  - 1. Dumpster(s) and/or roll of containers must be placed in an area which does not impede the flow of pedestrians or motor vehicle traffic. Containers may be placed on the shoulder of a roadway only where (i) no portion of the Container protrudes onto the travel portion of the roadway, and (ii) no portion of the container sits directly in front of neighboring property unless such neighbor consents. Where containers are placed in the front of a property, they shall be placed on hard concrete or asphalt surface of, if unavailable, soft surfaces shall be covered with sufficient plywood or other hard material to prevent excessive disturbance of the earth underneath the Container. The location shall not affect the health, safety, and/or welfare of the neighborhood in accordance with Chapter 140 (Housing and Property

Maintenance) or Chapter 230 (Zoning) of the City of New Castle City Code.

2. Footings for the dumpster are to be sufficient as to prevent damage to the public asphalt or ground the dumpster is placed on. Footings are for example plywood or other sufficiently durable material.
3. No dumpster shall be overfilled and shall be removed and replaced if filled prior to the end of the permitted period, and permanently removed at the end of the permitted period.
4. Every Dumpster container shall conform to all local, state and federal specifications.
5. Fees for Dumpster Permits shall mirror the fees for temporary storage units as found in §140-15, and as updated from time to time, with the fee for a “permit obtained in advance of a unit being placed” being the initial fee and the fee for “permit obtained after placement of the unit” being the fee for obtaining a thirty (30) day extension of the initial permit.
6. Definitions:
  - a. Dumpsters are to be defined as; “A steel container with a capacity of not less than two (2) cubic yards, or more than nine (9) cubic yards, designed to facilitate collection services either by hydraulic lift or cable winch pull-off mechanism.
  - b. Roll off Container is to be defined as; “A large metal container (i.e., typically with a capacity of ten (10), twenty (20), thirty (30) or forty (40) cubic yards) used for the collection of solid waste, which is rolled-off of a motor vehicle when the container is placed at a site and then rolled onto the vehicle when the container is ready to be transported to another location.

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Suzanne Souder, President of City Council

Attest: \_\_\_\_\_  
Courtaney Taylor, City Clerk

Approved: \_\_\_\_\_  
Valarie Leary, Mayor