

ORDINANCE 2022-12

AN ORDINANCE ADDING NEW CHAPTER 8.09- TEMPORARY DUMPSTER AND PORTABLE STORAGE DEVICES WITHIN PUBLIC RIGHT-OF-WAY

WHEREAS, there are occasions when Temporary Dumpsters or Portable Storage Devices cannot be placed on private property and are placed in the public right-of-way;

WHEREAS, it is the best interest of the City and its citizens to regulate the placement of Temporary Dumpsters or Portable Storage Devices within the public right-of-way in order to preserve the safety, cleanliness and condition of public right-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, AS FOLLOWS:

1. New Chapter 8.09 – Temporary Dumpster and Portable Storage Devices Within Public Right-of-Way is hereby added to the City of Lafayette Municipal Code and shall read as follows:

CHAPTER 8.09 – Temporary Dumpster and Portable Storage Devices Within Public Right-of-Way

8.09.010 – Definitions

A. Temporary Dumpster – Any metal storage receptacle used to temporarily store debris or garbage intended as a disposal facility for construction, renovation, or demolition projects, special events, seasonal use or other purposes not permanent in nature including, but not limited to, dump trailers.

B. Portable Storage Container – Any storage receptacle used to pack and store personal belongings and subsequently moved to an off-site storage facility or other place for unloading.

8.09.020 – Prohibition of Placement within Public Right-of-Way Without Permit

A. No person shall park, place or leave unattended any Temporary Dumpster or Portable Storage Container on any public street, sidewalk or other right-of-way without first obtaining a permit from the Engineering Department. This provision shall not apply to a dump trailer while coupled to a vehicle capable of towing the trailer and parked in compliance with any parking restrictions contained in Chapter 7.06.

8.09.030 – Permits

- A. Applications for a permit to place a Temporary Dumpster or Portable Storage Container shall be made on the forms prescribed by the Engineering Department which will include, at a minimum, the following information:
 - 1. Name and contact information of applicant;
 - 2. Name and contact information of dumpster/portable storage container provider;
 - 3. Temporary Dumpster/Portable Storage Container location information; and
 - 4. A site plan showing the location and dimensions of the Temporary Dumpster or Portable Storage Container.
- B. The permit application fee shall be Fifty Dollars (\$50.00).
- C. A permit is valid for a period of Seven (7) days and must be displayed on or near the Temporary Dumpster or Portable Storage Container.
- D. A permit may be extended for additional seven (7) day periods upon submission of a request for renewal. A Fifty Dollar (\$50.00) permit renewal fee shall be due upon the submission of a request for renewal. The renewal of a permit shall be at the discretion of the Engineer's Office.
- E. The Engineer's Office may deny a permit application if placement of the Temporary Dumpster or Portable Storage Container shall constitute a public nuisance or hazard because of contour, narrow width, traffic or other conditions peculiar to the street, sidewalk, or right-of-way at or near the proposed location or in the event there are viable alternative locations not within the public right-of-way.

8.9.40 – Insurance and Indemnification

- A. Permittee, or the temporary dumpster/portable storage container provider, shall procure and maintain in full force and effect, at the Permittee's sole cost and expense General Liability with a combined single limit of \$1,000,000 and which names the City as an Additional Insured.
- B. Permittee, or the temporary dumpster/portable storage container provider, shall execute and deliver to the City an agreement wherein Permittee shall indemnify, save and hold harmless the City, its officers, boards, commissions, employees and agents, and defend them against all claims, suits, causes of actions, judgments, and all expenses and attorney fees pertaining thereof, for injuries or death to persons and damage to property attributable to the placement and use of the Temporary Dumpster or Portable Storage Container.

8.09.050 – Restrictions for placement upon public street, sidewalk or other public right-of-way

A. Placement of a Temporary Dumpster or Portable Storage Container shall be subject to the following restrictions:

1. Placement must be within the area so designated on approved site plan.
2. Temporary Dumpster or Portable Storage Container may not exceed the following dimensions: Length 22 feet; Height 8 feet; Width 8 feet.
3. If the Temporary Dumpster or Portable Storage Container has a door, the door must be placed facing traffic.
4. Reflective tape, signs and cones shall be placed in appropriate locations to warn drivers of the hazard. If needed, items can be placed upon the equipment.
5. The Temporary Dumpster or Portable Storage Container must be maintained in good condition and should not leak, overflow or be filled such that debris can fall into the roadway or blow away.
6. No materials in a Temporary Dumpster or Portable Storage Container shall emit any noxious or offensive odor or otherwise create a hazard or risk to public health.
7. The use of plywood or board under the Temporary Dumpster or Portable Storage Container if deemed necessary by the City Engineer.

8.09.060 – Removal of Temporary Dumpster or Portable Storage Container

- A. In the event the Temporary Dumpster or Portable Storage Container shall become dangerous, unsafe or not operated in accordance with the provisions of this Chapter, the permit may be revoked by the City Engineer and the Temporary Dumpster or Portable Storage Container ordered removed. If the Permittee fails to remove the Temporary Dumpster or Portable Storage Container as required by the City Engineer, the City may remove the Temporary Dumpster or Portable Storage Container with the costs of removal and storage to be charged to the Permittee.
- B. Upon removal of the Temporary Dumpster or Portable Storage Container, the condition of the street must be in the same condition as before placement and free from any debris. In the event of damage, the Permittee shall be liable for any and

all costs incurred by the City to repair the street, sidewalk or other public right-of-way.

- C. Failure to remove Temporary Dumpster or Portable Storage Container upon permit expiration or order of the City Engineer shall result in a fine of Fifty Dollars (\$50.00) per day for each day the Temporary Dumpster or Portable Storage Container remains in violation of this Chapter.

8.09.990 – Penalty

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than one thousand dollars (\$1,000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

- 2. This Ordinance shall be in full force and effect upon passage and publication as required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this _____ day of _____, 2022.

Perry E. Brown, President

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, for his approval and signature this _____ day of _____, 2022.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on this _____ day of _____, 2022.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, City Clerk

Sponsored by: Jacque Chosnek, City Attorney