

Article III — Standards and Requirements

§ 59-301 In General..... 59-12

§ 59-302 Qualified Applicant 59-13

§ 59-303 Aerial Facilities..... 59-13

§ 59-304 Clear-Sight Triangle..... 59-13

§ 59-305 Conditions..... 59-14

§ 59-306 Dumpsters and Portable Storage Containers..... 59-14

 (a) In General..... 59-14

 (b) Application Fee..... 59-14

 (c) Chief of Police..... 59-14

 (d) Denial; Conditions..... 59-14

 (e) Safety Features..... 59-14

 (f) Limited Time..... 59-14

 (g) Size and Density..... 59-14

 (h) Condition..... 59-14

 (i) Qualified Applicants..... 59-15

 (j) Removal; Costs..... 59-15

Article III — Standards and Requirements

§ 59-301 In General.

No Right-of-Way Use Permit or Mailbox Permit shall be issued under this Chapter for a use other than a State-Authorized Use if the proposed usage of the right-of-way, in the opinion of the Borough Manager or Council responsible for considering the application,—

(a) would be injurious to the public health, safety, or welfare as reasonably articulated by the Borough Manager or Council; or

(b) does not provide a sufficient benefit to the residents and taxpayers of the Borough compared to the detriments to the public health, safety, and welfare caused by the use.

[Ords. 534 08-10-2016, 586 05-29-2024]

§ 59-302 Qualified Applicant.

In addition to all other requirements contained in this Chapter, each applicant for a Right-of-Way Use Permit under this Chapter shall demonstrate—

(a) that it has a history of compliance with applicable laws and regulations relating to the management, construction, and maintenance of facilities in streets and rights-of-way, wherever located, or, in the case of a person with no historical use of rights-of-way, that it has employed or engaged qualified persons with a history of compliance with applicable laws and regulations relating to the management, construction, and maintenance of facilities in streets and rights-of-way to assist it in its operations under the proposed permit; and

(b) that it possesses all licenses, permits, authorizations, and other permissions required by any applicable regulatory agency (including, but not limited to, the Federal Communications Commission, the Pennsylvania Public Utility Commission, other agencies of the United States or the Commonwealth of Pennsylvania, and the Borough) to allow it to use the right-of-way, to operate the facilities to be placed in the right-of-way, and to furnish the services to be provided utilizing such facilities.

[Ord. 534 08-10-2016]

§ 59-303 Aerial Facilities.

(a) Whenever practicable, facilities in the right-of-way shall be installed underground.

(b) No new aerial facilities shall be constructed or installed in the right-of-way to the extent that existing aerial facilities within the right-of-way can be utilized under reasonable terms and conditions to provide the Permittee's services.

(c) No aerial facilities shall extend more than forty-five (45) feet above ground level.

[Ord. 534 08-10-2016]

§ 59-304 Clear-Sight Triangle.

No facilities shall be placed at a height greater than two and one-half (2 $\frac{1}{2}$) feet and less than seven (7) feet above ground level within any clear-sight triangle. There shall be clear-sight triangles at every intersection of two or more streets and/or alleys. (In the case of the intersection of two streets which cross each other, for example, there are four such triangles, one for each of the four corners of the intersection.) The first leg of each triangle shall begin at the intersection of the two curblines which form that corner of the intersection (using the definition of "curbline" provided in § 41-105), and extend a distance of fifteen (15) feet along one curbline; the second leg of each triangle shall begin at the intersection of the two curblines and extend a distance of fifteen (15) along the other curbline; and the third leg of each triangle shall connect the ends of the other two legs.

[Ord. 534 08-10-2016]

§ 59-305 Conditions.

If a proposed usage of the right-of-way does not satisfy all of the requirements of this Chapter, but can be made acceptable to the public health, safety, and welfare and can satisfy the purposes of the requirements of this Chapter by the imposition of additional terms and conditions, then the Borough Manager or Council responsible for considering the application may offer to approve the application subject to the additional terms and conditions, rather than deny the application

[Ord. 534 08-10-2016]

§ 59-306 Dumpsters and Portable Storage Containers.

(a) **In General.** No Right-of-Way Use Permit shall be issued under this Chapter for a Dumpster or Portable Storage Container unless it is not possible to locate it on private property.

(b) **Application Fee.** In lieu of the Review Fees provided under § 59-206, an applicant for a Right-of-Way Use Permit for a Dumpster or Portable Storage Container shall pay a non-refundable application fee of One Hundred Dollars (\$100.00). No application shall be accepted or processed until the fee has been paid in full.

(c) **Chief of Police.** The Borough Manager shall consult with the Chief of Police as to the propriety of such a Right-of-Way Use Permit and the conditions to be imposed.

(d) **Denial; Conditions.** The Borough Manager or Council may deny the application if they determine the proposed Dumpster or Portable Storage Container would be injurious to the public health, safety, or welfare, including, but not limited to, concerns related to traffic congestion, interference with vehicular or pedestrian movement, inadequate parking, or the requirements of this Chapter. They may impose such conditions in the Right-of-Way Use Permit as they deem would make the proposed Dumpster or Portable Storage Container acceptable to the public health, safety, or welfare and consistent with the requirements of this Chapter.

(e) **Safety Features.** All Dumpsters and Portable Storage Containers placed in the right-of-way shall be properly marked with reflectors, reflective tape, and/or flashing yellow lights.

(f) **Limited Time.** No Right-of-Way Use Permit or extension or renewal thereof shall authorize a Dumpster or Portable Storage Container to be placed in the right-of-way for longer than a continuous period of twenty-one (21) days, or the same or similar Dumpsters or Portable Storage Containers to be placed in approximately the same location for more than thirty (30) days within a three (3) month period, without the approval of Council.

(g) **Size and Density.** All Dumpsters and Portable Storage Containers placed in the right-of-way shall be no larger than sixteen (16) feet in length, eight (8) feet in width, and eight and one-half (8.5) feet in height, or such smaller size specified in the Right-of-Way Use Permit. No Dumpster or Portable Storage Container may be permitted in the right-of-way within one thousand (1,000) feet of another Dumpster or Portable Storage Container in the right-of-way without the approval of Council.

(h) **Condition.** All Dumpsters and Portable Storage Containers placed in the right-of-way shall be free from rust, peeling paint, and other forms of deterioration.

(i) **Qualified Applicants.** The requirements of § 59-302 (relating to Qualified Applicants) shall not apply to persons granted a Right-of-Way Use Permit for a Dumpster or Portable Storage Container.

(j) **Removal; Costs.** Any Dumpster or Portable Storage Container found in the right-of-way which is not authorized by or in compliance with a current Right-of-Way Use Permit may be summarily removed by the Borough to another location and may, if not re-possessed within thirty (30) days thereafter, be disposed of by the Borough. In addition to the penalties provided in § 59-601, any person claiming the Dumpster or Portable Storage Unit shall reimburse the Borough for all costs of removal and storage incurred by the Borough plus a ten percent (10%) charge for administration expenses.

[Ord. 602 12-29-2025]