

CITY OF UTICA PERMIT CODE 001

FOR THE PLACEMENT OF TRANSFER TRAILERS, DUMPSTER AND OTHER LARGE WASTE OR SIMILAR RECEPTACLES WITHIN THE CITY OF UTICA STREETS, SIDEWALKS, AND OTHER RIGHT-OF-WAYS

APPLICATION

(FEE \$ 15.00 NON REFUNDABLE - CHECKS MADE TO "CITY OF UTICA")

APPLICANT (ALSO SIGN PAGE 4 OF ATTACHED ARTICLE VI)

PHONE #

APPLICANT ADDRESS & PHONE NUMBER

EXACT LOCATION FOR PLACEMENT

DURATION OF TIME RECEPTACLE AT LOCATION (INCLUDE DATES)

SAFETY DEVICES:

REFLECTIVE TAPE

LIGHTS

CONES

NAME OF INSURANCE COMPANY AND AMOUNT OF POLICY (\$500,000 minimum attach copy of certificate of insurance)

RECEPTACLE DIMENSIONS (Length, Height, Width, Capacity)

Place sketch in above space showing location and placement of receptacle. Show streets, buildings, sidewalks, any cross streets and other pertinent information

SIGNATURE/ TITLE/ DATE

COMMISSIONERS RECOMMENDATION: APPROVE _____ DISAPPROVE _____ DATE _____

TRAFFIC BUREAU RECOMENDATION: APPROVE _____ DISAPPROVE _____ DATE _____

COMMENTS: _____

PERMIT DURATION: _____

CHARGE: \$ _____

TOTAL COST OF PERMIT: \$ _____

PERMIT #: _____

ARTICLE VI

THE PLACEMENT OF LARGE WASTE RECEPTICLE AND OTHER OBJECTS ON CITY RIGHT-OF-WAYS

Section 2-22-135 - Prohibited - Permit Required.

(a) The placement of large waste receptacles, which shall include transfer trailers, and other large waste or similar receptacles with a capacity of one cubic yard or more on City streets, sidewalks, and other areas within the City right of way is hereby prohibited unless authorized by issuance of a permit under this article

(b) The Commissioner of Solid Waste Management, or in his absence, the City Engineer, is authorized to issue permits to place receptacles on City streets, sidewalks and other City right of way. Such permits shall be issued only upon compliance with all the terms and conditions of this article.

Section 2-22-136 – Temporary Use

A permit for the temporary location of such receptacles on City streets, sidewalks and other City right of way be issued by the Commissioner only upon compliance with all of the following term and conditions:

(a). The applicant must be the owner of the premises adjacent to the City property or right-of-way or his duly authorized agent. This, however, shall in no manner relieve the owner and the user of the receptacle from compliance with the requirements set forth herein

(b) The applicant must specify the exact location where the receptacle is to be placed.

(c) The applicant must specify the exact time period during which the receptacle is to be placed at that location.

(d.) A determination must be made by the Commissioner, upon consultation with the Traffic Division. of the Utica Police Department, that the placement of the receptacle on the City street, sidewalk or other right-of-way does not constitute a hazard to vehicular or- pedestrian traffic, or that, if such hazards exist, reasonable steps can be taken to protect pedestrian and vehicular traffic. Such steps shall include but are not limited to : display of reflective safety markings such as tape, and/or lights and other safety devices, such as cones, barrels or barricades that shall be approved by the Commissioner of Solid Waste Management.

(e) The owner of the receptacle shall maintain a policy of public liability insurance for the use and operation of said receptacle in amount of not less than.

\$ 500,000.00. The policy of insurance shall name the City of Utica as an additional insured.

(f) The owner of the premises, user and owner of the receptacle shall release, defend, indemnify and otherwise hold harmless the City of Utica, it agents, and employees from any claim for personal injury or property damage arising from the placement and/or use of the receptacle.

(g) The owner of the premises, user and owner of the receptacle shall at all times comply with all laws, ordinances, rules and regulations regarding the accumulation and storage of waste materials.

(h) The owner of the premises, user and owner of the receptacle shall take such reasonable steps as may be necessary to prevent illegal disposal of waste material therein and prevent spillage of waste from the receptacle.

(i) No permit shall be issued for a period greater than thirty (30) consecutive days. The Commissioner may issue renewal permits for additional thirty (30) day periods upon reapplication and payment of the appropriate fees.

(j) The permit shall, at all times be prominently displayed on the premises so as to be visible from the receptacle location

(k) The applicant shall be responsible for any and all damage caused to the City-owned roadway, curbing, sidewalk or other property owned by the City of Utica as a result of placement or use of the receptacle.

Section 2-22-137 - Same - Fees.

The application fee shall constitute the permit charge for a permit issued for not greater than fourteen (14) days. There shall be an additional charge of \$ 10.00 for any permit period greater than fourteen (14) days up to and including thirty(30) days. For any renewal permit issued after an initial thirty (30) day period, the permit fee shall be \$ 50.00 for each thirty (30) day period or any portion thereof, provided, however, that there will be no additional application fee for the renewal application.

Section 2-22-138 – Permanent Use

For purposes of this ordinance, “permanent use” means the placement of a receptacle on the City street, sidewalk or other city right-of-way when the duration of use can reasonably be expected to exceed ninety (90) days. A permit for the permanent location of such receptacles on City streets, sidewalks and other City-owned right-of-way may be issued by the Commissioner only

upon compliance with all of the terms and conditions for temporary use set forth above. In addition, no permit or permanent use shall be granted unless the following additional conditions are met.

(a) Placement of receptacles on City-owned streets, sidewalks, or right-of-way shall be permitted only as a last resort. The applicant must demonstrate that the receptacles cannot be placed on private property including not only the premises for which the receptacle is to be used but other premises within a reasonable distance therefrom. Preference or inconvenience shall not be sufficient reason for a placement within a City right-of-way. The Commissioner is authorized to make such reasonable arrangements, such as providing for public collection of solid waste in greater volume than is ordinarily allowed, as may make the permanent use of the receptacle unnecessary.

(b) The applicant must demonstrate that vehicles servicing said receptacle shall have access to the receptacle at all times over legally existing curb cuts so as to minimize damage to City property.

(c) All such receptacles must be kept clean, water tight and the lid must be closed and locked at all times that the receptacle is not being used or emptied.

(d) All permits issued under this section shall be valid for a period of one year from the date of issue. All applications for renewal must be made at least one month prior to the expiration of the permit and shall be made in the same manner as the original permit.

Section 2-22-139 – Fees

In addition to the application fee, the fee for such permit shall be \$ 100.00 for one year or any part thereof due and payable at the time of filing the application. If the application is not granted, the permit fee shall be refunded.

Section 2-22-140 – Administration

The following procedure shall be used in issuing permits.

(a) Application must be made on a form to be determined by the Commissioner of Solid Waste Management and must include a drawing to scale showing the exact proposed location of placement of the receptacle, dimensions of the receptacle, and a period of time for which the receptacle is to be placed at that location. A non-refundable application fee of \$ 15.00 must accompany the application.

(b) Upon receipt of the application, the Commissioner of Solid Waste Management shall examine the premises and consult with other City Departments, if necessary.

(c) If satisfied that the receptacle location is acceptable and all requirements as set forth in this article have been met, the Commissioner of Solid Waste Management shall issue a permit

(d) Such permit shall specify the exact location for placement of the receptacle as well as the exact time period permitted for placement.

(e) At the expiration of the approved period the receptacle shall be immediately removed

(f) If, after issuance of the permit, the Commissioner of Solid Waste Management determines that the application has not substantially complied with the conditions set forth in the permit, the applicant shall immediately remove the receptacle from the City street, sidewalk or right-of-way.

(g) Any- person affected by the revocation of the permit issued herein shall be entitled to a hearing before the Commissioner of Solid Waste Management provided that such person shall file, in the office of the Commissioner a written request for such hearing, setting forth a brief statement of the grounds therefore and designating the person and address upon whom notices may be served. A hearing shall be held within ten (10) days following service of the notice on the Commissioner. A decision shall be rendered no later than (10) days there after.

(h) The owner or user of the receptacle shall at all times allow City inspectors, or those responsible for the enforcement of this ordinance, upon the premises wherein the receptacle is located for inspection

Section 2-22-141 – Penalty

Any person who violates any provision of this article shall, upon conviction thereof be subject to a fine of not less than Fifty (\$ 50.00) Dollars and not more than Two Hundred and Fifty (\$ 250.00) Dollars per violation or a term of imprisonment not to exceed fifteen (15) days or both. Each day that the violation exists shall be deemed a new violation.

FURTHER ORDAINED, this ordinance shall become effective on January 11, 1991

BY MY SIGNATURE I DECLARE THAT I UNDERSTAND ALL THE RULES AND REGULATIONS ASSOCIATED WITH THIS CONTAINER PERMIT; AGREE TO THESE CONDITIONS AND UNDERSTAND AND AGREE TO HOLD THE CITY OF UTICA HARMLESS.

SIGNATURE

DATE