

*****ADOPTED JULY 13, 2020*****

TOWNSHIP OF DELANCO

ORDINANCE 2020-9

**AMENDING THE TOWNSHIP CODE TO CREATE
CHAPTER 259 GOVERNING “TEMPORARY STORAGE UNITS”
AND AMENDING CHAPTER 110-12 GOVERNING
“ACCESSORY USES, BUILDINGS, AND STRUCTURES”**

WHEREAS, the Township has consistently interpreted the Code to prohibit temporary storage units; and

WHEREAS, in response to recent inquiries, the Township Administration and Zoning Officer are recommending that the Code be amended to more clearly regulate temporary storage units; and

WHEREAS, the Township enacts this amendment in the best interests of public health, safety and welfare.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco that the Township Code be and hereby is amended to create Chapter 259 governing “Temporary Storage Units”:

Section 1. Chapter 259 is hereby created governing “Temporary Storage Units”:

§259. Temporary Storage Units.

§259-1. Definition.

Temporary Storage Unit

A unit greater in dimension than three feet in length by three feet in width by three feet in height, rented or owned or for use by the property owner or occupant for storage of personal, business, or commercial items or used for the packing or storage of items for permanently moving to or from the residence or for temporarily storing items during a renovation to the main residence. Temporary storage units include, but are not limited to, sea boxes, bulk storage containers, portable on-demand storage containers, store-to-door mobile transportation storage containers, roll-off containers, trailers, or other such similar containers.

§259-2. General Regulations.

A. Public property. No temporary storage unit shall be placed or maintained by any private party in or on any Township property, street, or right-of-way. Notwithstanding the above, if upon review of the Chief of Police or his designee, there is no available space on the private property to place the temporary storage unit and the temporary storage unit can be placed within municipal right-of-way safely, the property owner may apply for a permit in accord with the below, except that the time limit for such placement shall be reduced to ten days, with the potential for one five day extension.

B. Private property. No temporary storage unit shall be placed or maintained on any private property except upon the issuance of a permit. Such containers may be placed or maintained on a driveway or other suitable area for purposes of storing the goods and materials of the owner or occupant of the property when necessary for a period of not more than 30 consecutive days. Under no circumstances are temporary storage units to be used for permanent storage as a shed or the like. Commercial properties shall be required to obtain site plan approval if temporary storage units are desired to be permitted on site as part of the on-going operation of the business.

C. Extension. Upon showing of continued need for the container, permits may be renewed one time for an additional 30 days per renewal upon application ~~for renewal and payment of an additional permit fee in accordance with the Township's fee schedule.~~

D. Certain Storage Prohibited. No temporary storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory or commercial goods. No temporary storage unit shall be used to store personal property other than personal property being stored consistent with the provisions of Subsection B.

E. Hazardous Material. Storage of hazardous material within the temporary storage unit is prohibited.

F. Security. Temporary storage units shall be locked and secured by the property owner, tenant or property manager at all times when loading or unloading is not taking place.

G. If the container for any reason becomes a physical danger to persons or property, as determined by the Township Police Chief or his designee, the Township may require the removal of the storage unit by a date certain.

§259-3. Permit Required.

Prior to the placement of any temporary storage unit on any Township property, street, or right-of-way, or on any private property (not covered by a duly approved site plan), the owner or user of such container shall apply for and receive a permit from the Township pursuant to the provisions and standards set forth herein.

A. Application for the permit shall be made to the office of the Code Enforcement Officer or such other office as the Township Administrator may from time to time designate on a form provided by the Township. The application shall require, among other things, the full name, address, and other contact information for both the owner of the container and the owner of the property with which the use of the container is associated. The application shall be accompanied by a permit fee of \$30.

B. The owner of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this chapter.

§259-4. Occupancy of Containers Prohibited.

No human or animal shall occupy any temporary storage container except for the express purpose of loading or unloading the container. No heat or electrical source of any kind shall be placed in the container.

§259-5. Violations and penalties.

Violations of this chapter or any conditions of a permit issued pursuant to this chapter shall be subject to a fine of not less than \$100 nor more than \$500. Each day or portion thereof that a violation continues shall be considered a separate violation. Any storage container, storage device, pod, trash dumpster, roll-off container, or similar container placed or maintained on Township property, streets, or rights-of-way, or left in such a location after expiration of the permit for more than seven days after the mailing of written notice to the owner of the affected property may be removed by the Township at the applicant's, affected property owner's and/or owner's expense. Such charge for removal and storage of the container shall be in addition to any fines that might otherwise be imposed pursuant to this section.

Section 2. Chapter 110-12 governing “Accessory uses, buildings and structures” is hereby amended to add a new section “D” as follows:

§ 110-12 Accessory uses, buildings and structures.

Prior to the construction or placement of an accessory use, building or structure, a zoning permit shall be issued by the Zoning Officer.

D. Trailers, campers, recreational vehicles, sea boxes, and temporary storage units and the like are specifically prohibited and shall not be permitted as accessory uses, buildings or structures. Temporary placement of temporary storage units shall be governed by Chapter 259.

Section 3. Repealer, Severability, and Effective Date.

Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it's intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the ordinance.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.