Ordinance 8:13-22

Ordinance of The Borough of Bellmawr regulating the use of personal portable storage container

PORTABLE STORAGE CONTAINERS

§ **Intent.**

A. The governing body of the Borough of Bellmawr deems the use of portable storage in need of clear regulation; the governing body expressly requires that all the provisions of this chapter be complied with by the tenant and/or owner of the property upon which storage containers are used.

B. The governing body intends that this chapter is to cover all storage containers that are adaptable or suitable to be used for storage. The placement of same upon property requires obtaining a permit at the time of placement.

§ **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CONSTRUCTION TRAILER/CONTAINER/PORTABLE STRUCTURE

A trailer, portable temporary container, or portable structure, with or without axles and wheels, intended to support construction activity at a site with an active building permit.

PORTABLE STORAGE CONTAINER

A self-storage container that is delivered to and retrieved from a home or business for long-term off-site or on-site storage. Portable Storage On Demand or PODS® is a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels. Portable storage containers are containers loaded with materials and placed on a property authorized for residential use for the purpose of temporarily storing materials, including any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

TEMPORARY STORAGE STRUCTURE

A portable storage container or trailer that does not have a permanent foundation or footing and which includes portable storage containers, construction trailers, and bulk solid waste containers. Such structures shall not be considered a building or accessory structure.

§ **Permitted temporary uses.**

Portable storage containers may be utilized as a temporary structure within the Borough when in compliance with the standards of this section. It shall be the obligation of the owner and/or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary container. No human or animal shall occupy any portable storage container except for the express purpose of loading or unloading the container. No heat source of any kind shall be placed in any portable storage container. No toxic or hazardous materials shall be placed in any portable storage container. Any use of such containers within the Borough not in compliance with this section shall be unlawful. No person shall place or utilize a portable storage structure or permit a portable storage structure to be placed on or along a public area in the Borough of Bellmawr without first having obtained a permit from the Code Enforcement Officer upon approval from the Police Department.

§ **Permit required; application fee.**

A. Use of a portable on-demand storage structure shall only be permitted where a permit has been issued by the Code Enforcement Officer. An application for the permitted use of a portable storage structure may be obtained from the Code Enforcement Department, and the application shall be submitted when completed by the party requesting use of a portable on-demand storage structure on that form provided by the Borough of Bellmawr to the Enforcement Officer with a sketch showing the location of the structure on the site and detailing the distance of the structure from other buildings, fire hydrants and/or utilities. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of such portable storage container on the subject property must be provided to the Code Enforcement Department before a permit is issued. Application for a storage structure shall be made by submission of the following information:

(1) Name and address of the applicant and the owner of the property, if different;

(2) Street address where the portable storage container will be located;

(3) Size of the portable storage structure to be placed at the site and the proposed location of the portable on-demand storage structure; and

(4) Anticipated length of time the portable on-demand storage structure will be located at the site.

(5) The Particular use of the portable on-demand storage unit.

B. Permits shall be issued for a time period of 30 days. There shall be a permit application fee charged in the amount of $25 for every request for initial portable storage container permit and/or extensions for residential usage and $50 for initial portable storage container permit and/or extensions for nonresidential properties.

C. Permit shall be displayed by the resident or business in a manner so that it is visible by the enforcement official.

§ **Number and size of portable storage containers.**

A. Residential.

(1) Only one portable storage container may be placed at any residential property at one time.

(2) A portable storage container in residential-used land may not exceed 10 feet in height, 10 feet in width, or 20 feet in length.

B. Nonresidential.

(1) Portable storage structures may be allowed in nonresidential zoning districts. The units shall be placed only in the rear or side portion of a site. Under no circumstances shall a portable storage unit be placed in an area fronting a street or road, or in a grass/landscaped area, or in the front parking lot of a commercial establishment. The placement of portable storage units in fire lanes, passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited.

(2) The allowable number of units shall be determined by the Zoning Officer pending site characteristics, lot area and location of unit/units.

(3) Portable storage units in nonresidential zoning districts must also demonstrate, to the satisfaction of the Enforcement Officer, that the specific location/complex has sufficient space to place a portable storage unit and continue to provide adequate parking, public safety access and comply with all health, safety and welfare concerns.

(4) A portable storage container in nonresidential-used land may not exceed 10 feet in height, 10 feet in width, or 40 feet in length.

(5) Portable storage units in nonresidential-used land may not be stacked on top of each other and the storage of material on top of any portable storage unit is prohibited.

§ **Duration of placement; immediate removal; extensions.**

A. Portable storage containers may be located as a temporary storage container on property within the Borough for a period not exceeding 30 days in duration from time of delivery to time of removal. One extension of 30 days may be applied for, but must be previously approved by the Code Enforcement Department prior to the expiration of their initial thirty-day period. Such temporary container may not be located on the same specific property more than once in any given one-year period.

B. In the event of high winds or other weather conditions in which such container may become a physical danger to persons or property, the Zoning Officer or a Code Enforcement Officer may require the immediate removal of such temporary container.

C. In the event of fire, hurricane or natural disaster causing substantial damage to a structure, the property owner may apply to the Borough for permission to extend the time that a portable storage container may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Code Enforcement Department and shall give sufficient information to determine whether such extended duration should be granted. The Code Enforcement Department shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Code Enforcement Department, the applicant may appeal such decision to the Borough Committee. In the event of such appeal, the decision of the Borough Committee shall be final.

§ **Location restricted.**

A. Portable storage containers for use on residential properties are prohibited from being placed in streets, public rights-of-way, or on unimproved surfaces in the front yard of a property and may only be placed upon driveways and side or rear yards if such locations meet the requirements of this section. All such locations must be paved, off-street surfaces at the farthest accessible point from the street, and all must comply with the side yard accessory structure setback requirements for any accessory structures in the zone in which such portable storage container is located.

B. If the property does not have a driveway, or cannot meet the standards described herein, the Code Enforcement Department may, as part of the permit approval process, approve the placement of a container in the street with the approval of the Police Department.

C. In the case of nonresidential zones, such as commercial or industrial sites, portable storage units shall be placed only in allotted parking spaces on the site unless otherwise approved by the Code Enforcement Officer.

D. Wherever portable storage containers may be placed, they shall be subject to all property maintenance standards applicable to accessory structures. No portable storage container shall be allowed to remain outside in a state of disassembly or disrepair.

§ **Violations and penalties.**

A. Any portable storage container placed in violation of this article or which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Director of Land Use, Code Enforcement Officer, Zoning Officer or a law enforcement officer for removal

of such temporary structure for safety reasons, shall be punishable, upon conviction thereof, by a fine not to exceed $2,000 for each violation committed hereunder.

B. The owner of the subject property shall be afforded a ten-day period to cure or abate such violation. Every day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest tax duplicate shall be deemed a separate offense. The court may also order the removal of the violation by the Borough, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary storage structure was located and may be filed as a lien against such property by the Borough Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes.

Introduction: August 25, 2022
Adoption: September 22, 2022

BOROUGH OF BELLMAWR

Charles J. Sauter, III

Charles J. Sauter, III, Mayor

ATTEST:

Francine M. Wright, RMC

Francine M. Wright, RMC
Borough Clerk

CERTIFICATION

I, Francine M. Wright, Clerk of the Borough of Bellmawr, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Mayor and Borough Council at their meeting of September 22, 2022, in the Municipal Building, 21 East Browning Road, Bellmawr, New Jersey.

Francine M. Wright, RMC

Francine M. Wright, RMC
Borough Clerk