

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Owego

Local Law No. 1 of the year 2024

A local law TO ADD CHAPTER 171 ENTITLED "STORAGE CONTAINERS"
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Owego as follows:

Section 1. § 171-1 Legislative intent.

It is the intention of the Village Board of the Village of Owego to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions which may endanger the health, safety and welfare of Village residents, spread disease, create fire hazards, reduce the value of property, interfere with the use and enjoyment of adjoining properties, and interfere with the comfort and well-being of the public.

Section 2. Authority.

The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the applicant/owner and tenants of the affected property by posting a copy thereof on the door to the property's building or structure or, if none, to the side of container. A copy thereof shall also be sent by registered mail or certified mail within one (1) day after the date of the Order to Remedy to such applicant/owner and tenants.

Section 3. TEMPORARY STORAGE CONTAINER (CONTAINER)

Any portable weather-resistant container, receptacle, or device of a type commonly used for the temporary storage of personal property, household goods, wares or other materials, designed to be used without a permanent foundation and located outside of an enclosed building which complies with all building codes and land use regulations. The term shall include, but not be limited to, trailers, shipping containers, portable on-demand storage units (PODS), and store-and-move units (SAMs). Such containers shall not be considered accessory structures. Such containers shall not be designed for occupancy. The term "container" shall not be construed to include roll-off containers, dumpsters, and travel trailers or campers, or containers having a capacity of less than 150 cubic feet.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)(Town)~~(Village) of Owego was duly passed by the Board of Trustees on February 5 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

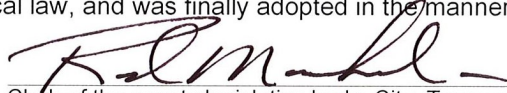
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

2/5/2024

Date: _____ 2/5/2024 _____



**VILLAGE OF OWEGO
LOCAL LAW NO. 1 OF THE YEAR 2024**

**A LOCAL LAW AMENDING THE VILLAGE CODE
TO ADD CHAPTER 171 ENTITLED "STORAGE CONTAINERS"**

Be it enacted by the Village Board for the Village of Owego as follows:

Section 1. The Village Code shall hereby be amended by adding the following:

Chapter 171 Storage Containers

§ 171-1 Legislative intent.

It is the intention of the Village Board of the Village of Owego to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions which may endanger the health, safety and welfare of Village residents, spread disease, create fire hazards, reduce the value of property, interfere with the use and enjoyment of adjoining properties, and interfere with the comfort and well-being of the public.

§ 171-2 Definitions.

Unless defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used herein, the following terms shall have the meanings indicated:

PROPERTY

Any parcel, lot or tract of land in the Village of Owego.

TEMPORARY STORAGE CONTAINER (CONTAINER)

Any portable weather-resistant container, receptacle, or device of a type commonly used for the temporary storage of personal property, household goods, wares or other materials, designed to be used without a permanent foundation and located outside of an enclosed building which complies with all building codes and land use regulations. The term shall include, but not be limited to, trailers, shipping containers, portable on-demand storage units (PODS), and store-and-move units (SAMs). Such containers shall not be considered accessory structures. Such containers shall not be designed for occupancy. The term "container" shall not be construed to include roll-off containers, dumpsters, and travel trailers or campers, or containers having a capacity of less than 150 cubic feet.

§ 171-3 Prohibited acts.

- A. No container shall be kept or maintained in the Central Business District, any residential zone or on residentially utilized property without a current written permit from the Village Code Enforcement Officer.
- B. Only one container may be placed on a property at any one time.
- C. Containers may only be placed in a driveway or parking area with an impervious surface,

and it will be placed at the furthest accessible point from the street or, if access exists at the side or rear of the property, in the side or rear yard.

- D. No container shall have a capacity of greater than 1,088 cubic feet, nor dimensions greater than 16 feet in length, eight feet in width, and 8 1/2 feet in height.
- E. One sign, no larger than six square feet, may be displayed on a container, except that the signs and marks that are pre-printed on or required by the owner of the container identifying ownership of the container are otherwise allowed.
- F. No container shall be located closer than five feet to any side or rear lot line, or closer than fifteen feet of any structure on a neighboring parcel owned by a person other than the owner of the property on which the container will be placed. Containers shall also be placed to comply with the front yard setback for that zoning district.

§ 171-4 Permit required, application requirements; fee required; reasons for rejection; limitations.

- A. Every person, firm, corporation or legal entity who wishes to place a container in the Central Business District or any residential zone or on residentially utilized property is required to obtain a permit therefor from the Code Enforcement Officer. Obtaining said permit shall be the responsibility of the person, firm, corporation or legal entity that owns or occupies the property on which the container is to be placed. The application for such permit shall be made on forms provided by the Code Enforcement Officer. Each application shall state:
 - (1) The name, address and phone number of the applicant, and of the owner of the property on which the container will be placed, if not the applicant;
 - (2) If the applicant is an agent, the name, address and phone number of the person, firm, corporation or legal entity that applicant represents;
 - (3) The property within the Village where the applicant wishes to place a container;
 - (4) A detailed description of each container applied for, including each container's height, width, cubic footage and length;
 - (5) The location of each container, including a drawing or map of the property showing the location of nearby buildings, driveways, sidewalks, streets, alleys and other public ways;
 - (6) The period of time each container shall remain in place;
 - (7) Any other information as may be required by the Code Enforcement Officer and adequately review the application.
- B. Each application shall be accompanied by the required permit fee.
- C. The Code Enforcement Officer shall have the authority to reject any incomplete

application, any application that conflicts with the legislative intent of this chapter, or any application that presents, in his/her judgment, a dangerous or hazardous condition or situation to any person or persons. In rejecting any such application, the Code Enforcement Officer shall state the reasons for the rejection.

- D. No permit shall be approved if two permits have been granted for the same property within the last 365 days.
- E. No permit shall be issued authorizing placement of a container for a period greater than 60 days.

§ 171-5 Permit fees.

The following fees shall be required for permits issued under this chapter:

Containers Placed

(Number of days)	Fee
1 to 7 days	\$50
8 to 30 days	\$100
31 to 60 days	\$200
Surcharge for any container placed on public property	Double the applicable fee

§ 171-6 Issuance of permit; authorization to inspect and remove container.

- A. Upon a finding that all requirements under this chapter have been met, the Code Enforcement Officer may issue a permit to the applicant. The Code Enforcement Officer shall have the authority to impose reasonable conditions upon the placement, duration of placement, and/or use of any container.
- B. Each permit shall contain a statement that the applicant/owner authorizes Village employees/agents to enter upon the property where the container is or is to be placed to inspect the same and to remove the container without notice to the applicant/owner in an event of public emergency.

§ 171-7 Exemptions.

The prohibitions contained herein shall not apply when:

- A. The container is placed by an agency of federal, state or local government;
- B. The container is placed on private property during the specific period of time that a valid building or demolition permit remains in force for construction or demolition, and the container is used solely for the containment and disposal of materials resulting from such construction or demolition.

§ 171-8 Placement on public property; impoundment; liability of owner; disposal of container.

- A. No container shall be placed in any public street, sidewalk, highway, public place, or public way, or on property owned by the Village of Owego without the written approval

of the Director of Public Works. The Director of Public Works shall have authority to impose such restrictions and conditions on such placement as will, in the Director of Public Works' judgment, reasonably protect the public street, highway, sidewalk, public place, public way, or property and will not be unduly disruptive of the use of the public property for its ordinary and customary usage.

- B. Any container placed, located or maintained on any public street, sidewalk, highway, public place, or public way, or on property of the Village without the written approval of the Director of Public Works or outside of a period of time approved for such placement shall be deemed abandoned and a hazard to the general public. The Director of Public Works is authorized to cause impoundment of such container without prior notice to the applicant/owner or occupier of the property and/or the owner of the container. Such applicants/owners and/or occupiers shall be jointly and severally liable to the Village for the costs of moving and impounding each unit and a storage fee of \$45 per unit for each day or part thereof the unit(s) is stored by the Village, together with any and all costs of disposal of the container and/or the contents thereof. The Director of Public Works shall provide to the applicant/owner and occupier of the property as soon as reasonably practicable a notice of the impoundment, the costs for moving, and the daily storage fee, along with their right to contest such impoundment by requesting an administrative hearing in writing within ten days of the date of the notice. The request for a hearing must be directed to the Village Mayor, who shall either conduct such hearing directly, or appoint a hearing officer to make a recommendation to the Village Mayor. Said hearing shall be conducted informally, and any hearing officer may be another employee or elected official of the Village. In the event that the applicant/owner and/or occupier of the property does not request a hearing, or if, after such hearing, the Village Mayor determines that such impoundment was done in accordance with law, then the Director of Public Works shall have the authority to discard, destroy or sell the container and/or its contents at public auction.

§ 171-9 General provisions.

- A. Containers already placed are subject to the provisions of this chapter. It shall be the obligation of the owner of the property and of the container to conform to the requirements set forth herein within sixty (60) days of adoption of this local law.
- B. It shall be the obligation of the applicant/owner of the property and of the container to secure it in a manner that does not endanger the safety of the persons or property within the vicinity. In the event that the container and/or its contents may become a danger to persons or property, the Code Enforcement Officer may require its immediate removal.

Any container 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 Code Enforcement Officer for removal of a container for safety reasons, may be removed and impounded by the Village immediately, without prior notice. The applicant/owner and/or occupiers shall be jointly and severally liable to the Village for the costs of moving and impounding each unit, and a storage fee of \$45 per unit for each day or part thereof the unit(s) is stored by the Village, together with any and all costs of disposal of the container and/or the contents thereof. The Code Enforcement Officer shall provide to the applicant/owner and

occupiers as soon as reasonably practicable a notice of the impoundment, the costs for moving, and the daily storage fee, along with their right to contest such impoundment by requesting an administrative hearing in writing within ten days of the date of the notice. The request for a hearing must be directed to the Village Mayor, who shall either conduct such hearing directly, or appoint a hearing officer to make a recommendation to the Village Mayor. Said hearing shall be conducted informally, and any hearing officer may be another employee or elected official of the Village. In the event that the applicant/owner and/or occupiers do not request a hearing, or if, after such hearing, the Village Mayor determines that such impoundment was done in accordance with law, then the Code Enforcement Officer shall have the authority to discard, destroy or sell the container and/or its contents at public auction. Any costs in excess of any amount recovered by the Village pursuant to any sale of the container and/or its contents may be assessed against the property on which the container was located and may be filed as a lien against such property.

- C. All containers shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, at all times. In the event that the container fails to comply with this requirement, the Code Enforcement Officer may require its immediate removal.
- D. No container shall be used to store biodegradable waste, food and kitchen waste, household hazardous waste, solid waste, garbage or illegal, toxic, or hazardous materials as defined by federal, state or local rules, laws or regulations. Toxic or hazardous materials shall include, but not be limited to, petroleum products, including fuels and waste oil, organic solvents, and heavy metal sludges.
- E. All containers shall be subject to inspection by the Code Enforcement Officer on an intermittent basis to ensure compliance.
- F. The Board of Trustees may revise the fees and charges set herein from time to time by resolution.
- G. The Board of Trustees reserves the right to waive the permit fee for not-for-profit and charitable organizations.
- H. If site conditions prevent locating a container in conformity with this chapter, application can be made to the Director of Public Works for a variance. The granting of a variance shall be in the reasonable discretion of said Director of Public works, taking into account all requirements of this chapter, its legislative intent, and in the overall interests of the public's health and safety. Any variance granted shall be the minimum variance necessary to allow the placement of a container and at the same time achieve maximum compliance with the intent of this chapter.

§ 171-10 Violations.

- A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any apparent violation of this Chapter. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the

condition or activity that violates this chapter; shall specify the provision or provisions of this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is three (3) days after the date of this Order to Remedy.”

The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the applicant/owner and tenants of the affected property by posting a copy thereof on the door to the property's building or structure or, if none, to the side of container. A copy thereof shall also be sent by registered mail or certified mail within one (1) day after the date of the Order to Remedy to such applicant/owner and tenants.

- B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. Penalties. In addition to such other penalties as may be prescribed by State law,
 - (1) any Person who violates any provision of this chapter or any term, condition, or provision of any notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both; and
 - (2) any Person who violates any provision of this chapter, or any term or condition of any notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Village.
- D. Injunctive Relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter, or any term or condition of any notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the use of a property, building or structure is in violation of any provision of this chapter, or any Order to Remedy or other order obtained under this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of this Village.
- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in

substitution for or limitation of, the other remedies or penalties specified in this chapter or in any other applicable law. Any remedy or penalty may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Owego shall remain in full force and effect.

Section 3. Severability

Should any section or provisions of this Local Law be declared by any Court to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law in whole or any thereof, other than the part so declared unconstitutional or invalid.

Section 4. Effective Date

This Local Law shall become effective upon filing with the Secretary of State.