

**At the 12/13/16 Mtg.
Ordinance was amended
and Re-advertised, as amended.
Will be heard again for final adoption on
1/10/17**

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 16-20

1st Reading 11-29-16 Date to Mayor 1-11-17
 2nd Reading & Public Hearing 12/13/16 (amended)
1-10-17 Date Returned 1-12-17
 Date Adopted: 1-10-17 Date Resubmitted to Council _____
 Approved as to Form of Legality _____
 Effective Date: 1-30-17 Township Attorney _____

AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING CHAPTER 354 TRAILERS TO PROHIBIT THE USE OF PORTABLE ON-DEMAND STORAGE OR PORTABLE STORAGE CONTAINERS ON RESIDENTIALLY ZONED PROPERTY EXCEPT IN CONFORMANCE WITH THE TERMS OF THE ORDINANCE.

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X				X	
Keyes-Maloney	X					
Steward	X					X
Wollert				X		
Schroth	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X				X	
Keyes-Maloney	X					
Steward	X					
Wollert	X					
Schroth	X					X

By _____ Date _____ Accepted _____ Rejected _____
 Mayor

Reconsidered
 By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

**TOWNSHIP OF EWING
ORDINANCE NO. 16-20**

AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING CHAPTER 354 TRAILERS TO PROHIBIT THE USE OF PORTABLE ON-DEMAND STORAGE OR PORTABLE STORAGE CONTAINERS ON RESIDENTIALLY ZONED PROPERTY EXCEPT IN CONFORMANCE WITH THE TERMS OF THE ORDINANCE.

“Interpretive Statement”

WHEREAS, the Mayor and Council of the Township of Ewing wish to enhance and create a sense of place that encourages economic vitality and community activity through well-designed land development that is consistent with established and planned land use patterns and preserves the community’s suburban and urban landscapes alike, which make Ewing Township a unique and desirable place to both live and work; and,

WHEREAS, the Township’s Master Plan and subsequent Reexamination Reports identify the need to analyze existing land use patterns and underlying ordinances and make recommendations for changes where incongruous land uses directly abut one another; and

WHEREAS, the Mayor and Council wish to further these goals by amending the Township’s Ordinances to be consistent with its Master Plan is within the purpose and intent of the Municipal Land Use Law, N.J.S.A. 40:55D- et.seq. and;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey that the Code of the Township of Ewing be amended to prohibit the use of portable on-demand storage or portable storage containers on residentially zoned property except in conformance with the terms Ordinance, as follows:

Section 1 Chapter 354, “Trailers” is hereby amended as follows:

Chapter 354. Trailers and ~~Camp Cars~~ Portable On-Demand Storage Structures, Portable Storage Containers

ARTICLE I: Recreational Vehicles, Trailers and Campers ~~Cars~~

354.1 Definitions -

"Automobile" includes all motor vehicles except motorcycles.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

“Intermodal container” means a large standardized shipping container, designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport – from ship to rail to truck – without unloading and reloading their cargo.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pole trailer" means every vehicle without motor power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as but not limited to boats, motorcycles, machinery, poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections, enclosed or otherwise.

Portable on-demand storage structures, and/or portable storage containers (Commonly known as a PODS, shipping containers, truck storage container, and the like) shall be defined to be; any container, storage unit, shed-like container, or other portable structure that can or is used for the storage of personal property, non-profit, or business-related activities 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, and being with or without axles.

"Recreation vehicle" means a trailer, camper ~~ear~~ or van self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

"Semitrailer" means every vehicle with or without motor power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shipping Container" means any container of strength suitable to withstand shipment, storage and handling.

~~"Trailer or Camp Car or Van. A vehicle, whether self-propelled or otherwise, having no permanent foundation, which may be used as a dwelling or sleeping place for one or more persons.~~

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles

§ 354-2. Parking restrictions; use as permanent dwelling prohibited. [Amended 5-28-2002 by Ord. No. 02-14]

No person shall park any trailer, ~~or~~ camper ~~ear~~, pole trailer or recreational vehicle in any street in the Township of Ewing for a period longer than ~~two~~ four hours and may not be parked overnight.

No trailer, van, camper ~~ear~~, or Recreational Vehicle, whether lawfully parked on a street or private property or kept in dead storage on private property, shall be used by any person as a dwelling or sleeping place, except as permitted in § 354-3. No pole trailer may be parked, hitched or otherwise, on a public street overnight. A request may be made, in advance, to the Construction Official, in writing, requesting temporary on-street parking of prohibited trailer, van, camper, Recreational Vehicles or Pole Trailers, but no such extension shall exceed 72 hours.

§ 354-3. Temporary trailer dwelling; permit. [Amended 5-28-2002 by Ord. No. 02-14]

- A. Upon application to the Construction Official ~~Director of the Department of Community Services~~, upon forms prescribed by the Municipal Clerk Construction Official and filed with the Municipal Clerk Construction Official, a person or persons may be permitted to dwell temporarily in a trailer or camper ~~ear~~ having sanitary facilities approved by the Health Official in cases of temporary displacement of a homeowner by fire or other destruction of premises or visitations to private residences by a person(s) whose driver's license residence is more than 25 miles from the Township of Ewing.
- B. Such permit shall be issued in the discretion of the Construction Official ~~Director of Community Services~~ and shall be valid for 30 days. Extensions for like periods, up to a maximum of five extensions, may be approved by the Construction Official ~~Director of Community Services~~. No such permit or extension shall be granted unless the Zoning Officer ~~Director of Community Services~~ first reviews the Zoning Official and Health Official's report and determines that the proposed location of the temporary site is on private noncommercial property and is inoffensive to the neighborhood. Applicant must make reasonable request in writing by justifying why such extension is being requested.

§ 354-4. Violations and penalties.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty, §1-17, subsection B.

ARTICLE II: Temporary Construction and Sales Trailers

[Adopted 2-14-2006 by Ord. No. 06-03]

§ 354-5. Permit required.

Any person expanding an existing building or structure located within the Township of Ewing will be required to obtain a permit to use temporary construction and/or sales trailers pending the completion of construction. Applications will be made to the Construction Office. Such permits shall be issued at the direction of the Township Construction Official and shall be valid for a period of six months, with one extension for up to six months to be granted in the discretion of the Township Construction Official. Any additional application for extension beyond one year must be made to the Township Council, which, in its discretion, may grant an additional extension.

§ 354-6. Temporary construction trailers.

A temporary construction trailer may be at the site for the period of construction beginning with the issuance of a construction permit and concluding before the final certificate of occupancy is granted.

§ 354-7. Temporary sales trailers.

A temporary sales trailer may be at the site for the period beginning with the posting of bonds for the project and concluding before a certificate of occupancy is granted (or the last certificate of occupancy in the case of a residential project).

§ 354-8. Removal of trailers; assessment for non-removal.

When a permit for a construction and/or sales trailer expires, the business, person or persons who applied for the permit must remove the trailer from the property within five business days of such expiration. If a temporary construction or sales trailer remains on the property after the five business days allowed for removal, the business person or persons shall be assessed, at the current tax rate, as if the trailers were permanent fixtures.

§ 354-9. Violations and penalties.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty, §1-17, subsection B.

NEW SECTION

ARTICLE III: Portable on-demand storage structures, and/or portable storage containers

§ 354-10. Use of On-Demand Structures: A portable on-demand storage structure may be utilized as a temporary structure within the Township when in compliance with the standards of this subsection. Any use of such structures within the Township not in compliance with this subsection shall be unlawful. No portable on-demand storage structure or containers may be utilized for commercial purposes in a residential zone unless permitted through the Zoning Official or Board of Adjustment. Intermodal containers are prohibited.

§ 354-11. Registration: Prior to or within 24 hours following the initial delivery of the portable on-demand storage unit, portable storage container, or shipping container, the applicant or supplier shall register the placement of the temporary storage unit, portable storage container, or shipping container with the Township Code Enforcement Department. The registration shall require the completion of a “Code Enforcement Application” form, payment of a \$50 25 nonrefundable registration fee in residential zones and \$200 100 in commercial zones, and the Code Enforcement Department’s written approval of the application

§ 354-12 . Such temporary structure, container, or trailer may not exceed 8.5 feet (eight feet, six inches) in height, 10 (ten) feet in width or 20 (twenty) feet in length.

§ 354-13. Requirements for Placement and Location of On-Demand Structures or Portable Storage Containers:

- A. It shall be unlawful for any person or entity to place or permit the placement of portable on-demand storage structures or portable storage containers within a residentially-zoned location in the Township without properly registering the on-demand storage unit or portable storage container with the Code Enforcement Department or Zoning Office as provided above
- B. On-demand storage structures or portable storage containers shall only be placed on the property owner’s driveway or a parking area, or if access exists, to the rear of the site. Required parking space(s) shall at all times be maintained if temporary storage units are placed in parking areas.
- C. No temporary storage structure or container shall be used at any time to store solid waste, construction debris, recyclable materials, business inventory, commercial goods, goods for property other than the residential property where the temporary storage unit or container is located (i.e., used for retail sales or non-profit sales distribution), or any other illegal or hazardous material. The Township may inspect the contents of any portable on-demand storage unit or portable storage container at any reasonable time to ensure it is not being used to store said materials.

§ 354-14. Duration of Time Storage Structures or Containers May Be on Property; Extensions

- A. A portable on-demand storage structure or portable storage container may be located as a temporary structure on a residentially-zoned property within the Township for a period not exceeding ~~72 hours~~ 14 days in duration from time of delivery to time of removal. No more than one (1) portable on-demand storage structure or portable storage container may be located on the specifically permitted property within the Township at one time; such structures or containers shall be individually limited to the duration time period established within. Such temporary structure or trailer may not be located on the specifically permitted residentially-zoned property more than ~~two~~ one times in any given one hundred and eighty ~~ninety (90)~~ (180) day period.
Extensions to the ~~72 hour~~ 14 day limitation on placement of the structures or containers in residentially-zoned properties may be granted to the Applicant, subject to conditions, for a reasonable time period, and not to exceed ~~48~~ 72 hours. Applicant must make reasonable request in writing by justifying why such extension is being requested. Any further length of time will require a Zoning Permit as may be allowable after application and, if necessary, approval by the Zoning Board of Adjustment.

- B. Exceptions to these limits may occur for up to 2 weeks, but limited to the following conditions:
1. When a homeowner is in the process of relocating to another location or locating to the subject premise;
 2. Upon fire/natural disaster damage.
- C. Any portable on-demand structure or portable storage 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 a law enforcement officer for removal of such temporary structure for safety reasons, may be removed by the Township immediately, without notice, 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 structure was located and may be filed as a lien against such property by the Township 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.

§ 354-15. Violations and penalties.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty, §1-17, Subsection B.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law, except that the Township shall afford all parties who are in violation of the terms of this amended ordinance at the time of its adoption 120 days in which to comply with the terms of this amended Ordinance.

Adopted:

STATEMENT

An Ordinance amending Chapter 354 Trailers, of the Code of the Township of Ewing to prohibit the use of portable on-demand storage or portable storage containers on residentially zoned property except in conformance with the terms of the Ordinance.