

ORDINANCE 2019-04

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROVIDING REQUIREMENTS FOR THE USE OF PORTABLE STORAGE CONTAINERS WITHIN THE BOROUGH AND PROVIDING FOR VIOLATIONS OF SAID STANDARDS

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey, as follows:

SECTION 1. PURPOSE. The purpose of the within Ordinance is to address the use and placement of portable storage containers within the Borough of Beachwood. The Ordinance shall apply to tenants and/or the owners of real property within the Borough.

SECTION 2. DEFINITIONS. The following terms to be used in the within Ordinance are defined as follows:

TEMPORARY STORAGE STRUCTURES: A portable storage container or unit 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.

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 are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

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.

BULK SOLID WASTE CONTAINER: A container intended for construction waste material or other refuse, excluding garbage, for the purpose of removing said material from a site

SECTION 3. The within Ordinance shall apply to all trailers and storage containers that are adaptable or suitable to be used for storage.

SECTION 4. PERMIT REQUIRED; APPLICATION; FEE. Before a portable storage container is placed on any property, the owner, tenant or contractor working on the subject property must submit an application for a land use permit approving such placement from the Zoning Department. 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 Department of Community Development before a permit is issued. Permits shall be issued for a time period of forty-five (45) days. The fee for the portable container permit shall be ten dollars (\$10.00).

SECTION 5. NUMBER OF PORTABLE STORAGE CONTAINERS. Only two (2) portable storage containers may be placed at any residential property at one time.

SECTION 6. SIZE OF PORTABLE STORAGE CONTAINER. A Portable Storage Container may not exceed 10 feet in height, 10 feet in width or 20 feet in length in residential used land.

SECTION 7. DURATION.

a. Portable storage containers may be located as a temporary storage container on property within the Borough for a period not exceeding forty-five (45) days in duration from time of delivery to time of removal. Such temporary container may not be located on the same specific property more than two times 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 or their designee may require the immediate removal of such temporary container.

SECTION 8. 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 Zoning Department and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Officer or his or her designee 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 Zoning Officer or his or her designee, the applicant may appeal such decision to the Borough Council. In the event of such appeal, the decision of the Borough Council shall be final.

SECTION 9. LOCATION. Portable storage containers 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, side and rear yards, if such locations meet the requirements of this section. All locations on off-street surfaces must be located at the furthest 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. If the property does not have a driveway, or cannot meet the standards described herein, the Zoning Officer or his/her designee may, as part of the permit approval process, approve the placement of a container in the front yard. If such portable storage container is to be permitted to be located in the front yard, it must be kept at the furthest accessible point from the street and the surrounding area must be maintained in a weed-free condition. 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.

SECTION 10. TOXIC OR HAZARDOUS MATERIAL. No toxic or hazardous material may be stored in any storage structure or container within the Borough.

SECTION 11. VIOLATIONS AND PENALTIES.

a. Any portable storage container placed in violation of this section 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 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 \$2000 for each violation committed hereunder.

b. The owner of the subject property shall be afforded a fifteen (15) 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.

SECTION 12. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 13. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 14. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

INTRODUCED ON APRIL 17, 2019 BY VOICE VOTE

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>		X	X			
<i>Councilman LaCrosse</i>			X			
<i>Councilman Zakar</i>	X		X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve all bills and claims adopted by the Mayor and Borough Council of Beachwood Borough on April 17, 2019.

Susan A. Minock, RMC
Municipal Clerk – Beachwood Borough

ADOPTED ON MAY 1, 2019 BY VOICE VOTE

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilman Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>						X
<i>Councilman Zakar</i>	X		X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve all bills and claims adopted by the Mayor and Borough Council of Beachwood Borough on May 1, 2019.

 Susan A. Minock, RMC
 Municipal Clerk – Beachwood Borough

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 17th day of April, 2019 and was considered for second reading and final passage at a regular meeting of said governing body held on the 1st day of May, 2019 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same was given an opportunity to be so heard.

 SUSAN A. MINOCK, RMC

MAY 1, 2019

ATTESTED BY:

 Ronald F. Roma, Jr.
 Mayor

 Susan A. Minock, RMC
 Municipal Clerk