

BOROUGH OF ALLENHURST

ORDINANCE 2017-14

AN ORDINANCE AMENDING CHAPTER IX, ENTITLED BUILDING AND HOUSING, OF THE BOROUGH OF ALLENHURST TO ADD A NEW ARTICLE ENTITLED PORTABLE STORAGE UNITS.

Offered By: Comm. Bolan

Seconded By: Mayor McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that the use of temporary portable storage container on residential properties has become a frequent practice, and

WHEREAS, the Borough Council has determined that it is in the best interests of the community to impose regulations on the location and duration of the placement of such containers to protect the appearance and good order of residential properties throughout the community, and

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that Chapter 9-3 of the Borough of Allenhurst Revised General Ordinances is hereby amended and supplemented as follows:

9-6 PORTABLE STORAGE CONTAINERS

9-6.1 DEFINITIONS

For the purpose of this section, the following meaning applies:

- a. Portable Storage Container (“Storage Container”) - A portable shed or storage container, storage unit, shed-like container or other portable structure that can or may be 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 structure.

9-6.2 PERMIT REQUIRED

- a. A Storage Container may be placed upon any property only upon the issuance of a permit by the Zoning Officer. The application fee is fifty (\$50.00) dollars. Permit extension fee is twenty-five (\$25.00) dollars.

9-6.3 STANDARDS

- a. The use of Storage Containers shall be allowed on residential properties on a temporary basis subject to the following conditions:

- 1. Storage Containers shall be placed on property located

within a residential zone for no more than ninety (90) days during the course of a calendar year.

2. A property owner may apply for an extension of the ninety (90) day limitation to the Zoning Office for good cause, but in no event for more than an additional ninety (90) days.

3. Under no circumstances will the placement/existence of Storage Containers be allowed during the Moratorium set forth in section 26-10 of the Borough Code entitled “Work Period Limitation”.

4. There shall be a limit of one (1) Storage Container on each property.

5. No Storage Container or portion of the Storage Container shall be placed in any area on a residential property in the front yard between the street and the extended line of the main body of the house, nor closer to any side yard property line than ten (10) feet unless placed on an existing driveway. Storage Containers may not be placed on a public right of way, or at any location that obstructs traffic visibility. All Storage Containers shall be placed on existing paved areas whenever possible and shall be placed to the rear of the extended line of the main body of the house.

6. The size of the Storage Container shall not exceed ten (10) feet in height, ten (10) feet in width and Twenty (20) feet in length.

7. The Storage Container and the area surrounding the Storage Container shall be kept in a neat and clean condition. The siding of the Storage Container shall be maintained free of rust and graffiti.

9-6.4 APPLICATION

a. A person or organization seeking issuance of a permit hereunder shall file an application with the Zoning Officer, on a form to be provided, by the Borough of Allenhurst, for that purpose, on which form the application shall furnish pertinent information to include but not limited to the following:

1. The name, address and telephone number of the applicant,
2. The proposed location and size of the Storage Container, and
3. Acknowledgment and acceptance that the holder of the permit agrees to indemnify and hold the Borough of Allenhurst harmless from any and all damage, costs, claims arising out of or in connection with the placement and usage of the Storage Container.

b. Upon verification that the application is complete, the Zoning Officer may require the applicant to supplement its application with any pertinent documentation that may be of assistance to the Zoning Officer in his/her review of the application.

c. All applications must be submitted to the Zoning Officer at least thirty (30) days prior to the placement of the Storage Container, unless the applicant receives a waiver of this requirement from the Zoning Officer.

d. The standards for denial of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings:

1. That the proposed Storage Container will disrupt traffic within the Borough beyond practical solutions.

2. That the location of the Storage Container does not adhere to the requirements set forth in this section or will cause undue hardship to adjacent property owners.

3. That the Storage Container is expected to be on the property at any time during the Moratorium set forth in section 26-10 of the Borough Code.

4. That the application contains incomplete or inaccurate information, or that the applicant has filed or refuse to provide necessary information upon request from the Borough.

5. That the application fails to comply with all the terms of this section, including the failure to remit all fees or the failure to execute an indemnification and hold harmless agreement, or for any other violation of the terms and conditions of this section.

e. All permits issued pursuant to this section shall be temporary and do not invest any permanent or continuing rights. Any permit may be revoked at any time by the Borough, for violation of the conditions for which the permit was issued, or for violation of any ordinance which relates to the Storage Container, or for violation of any of the terms of this section, or when the Storage Container is found not to be in the best interests of the Borough or for other good cause shown.

9-6.5 OFFENSES AND PENALTY

a. Offenses. A person commits an offense if he or she:

1. Places or utilizes a Storage Container which is subject to the requirements of this section without a permit, or

2. Fails to comply with any condition, requirement or provision of the permit, or otherwise violates any ordinance, rule or regulation that is applicable to the Storage Container.

b. Penalty. A person who violates a provision of this section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued and shall be liable, upon conviction, to the penalty as stated in section 7-4 of the Borough Code, or as provided by State Statute.

ORDAINED that except as herein above provided, the remainder of Chapter IX, BUILDING AND HOUSING, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin -AYE

APPROVED: November 28, 2017

ADOPTED: December 12, 2017