

Mr. Nolan offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O- 07- 08

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "GENERAL POLICE REGULATIONS TO ADD A NEW SECTION 22 ENTITLED: REGULATION OF PORTABLE ON-DEMAND STORAGE STRUCTURES (PODS).**

[additions shown in underline, deletions shown by ~~strikeout~~]

WHEREAS, the unregulated placement and use of portable on demand storage structures presents a variety on conditions which present hazards to the health, safety and general welfare of the community, including but not limited to the obstruction of site triangles and traffic, as well as the creation of public and private nuisances and health concerns;

WHEREAS, it has been determined by the Governing Body of the Borough of Highlands that it is reasonable, necessary and proper to establish reasonable rules and regulations pertaining the placement and use of portable on-demand storage structures (PODS) within the Borough of Highlands, and providing a procedure to issue permits authorizing their lawful use within the Borough, so as to minimize these health and safety concerns to advance the general welfare of the residents of the Borough of Highlands, and also to advance issues pertaining to the aesthetic value of the Borough's residential and commercial neighborhoods;

**NOW, THEREFORE, BE IT ORDAINED THAT SECTION 22 of CHAPTER 3 of THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS BE AND HEREBY IS ESTABLISHED TO READ AS FOLLOWS:**

**Section 22: REGULATION OF PORTABLE ON-DEMAND STORAGE STRUCTURES.**

**Section 3-22.1 Definitions:**

Portable On-Demand Storage Structures (hereinafter "PODS"), shall be defined as any container, storage unit, shed-like container or other portable structure that can 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.

**Section 3-22.2 Permit Required.**

a. PODS may only be utilized as a temporary structure within the Borough when the Borough Code Enforcement Officer has issued a permit, and in compliance with all other standards of this section. Any use of such structures within the Borough not in compliance with this subsection shall be unlawful and subject to fines and penalties as permitted under this Code.

b. Applications for the permitted use of a portable on-demand storage structures may be obtained from the Code Enforcement Officer, 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 Code Enforcement Officer to the Code Enforcement Officer with a sketch showing the location of the trailer on the site and detailing the distance of trailers from other

buildings, fire hydrants, Fire Department connections and/or utilities. The township will approve or reject within 72 hours of the completed application

c. An application fee of \$20.00 shall accompany all applications for a permit

### **Section 3-22.3 Duration of Permit, Applications for Extensions.**

#### **a. Permits Issued by Code Enforcement Department/Police Department.**

(1). A permit issued pursuant to Section 3-22.2 above shall be valid for a period of seven (7) days after issuance and may be extended by application to the Code Enforcement subject to the discretion of the Police Department for additional seven (7) day period, if necessary. The cost for each initial or renewal permit shall be \$20.

(2). Where a construction permit for the property has not been issued, a portable on-demand storage structure may be located as a temporary structure on property within the Borough for a period not exceeding 30 days in duration from time of delivery to time of removal where exceptional circumstances exist.

(3). Where a construction permit has been issued for the property, the portable on-demand storage structure may be located as a temporary structure on property for a period not exceeding ninety (90) days. Applications may be made for no more than to three (3), thirty (30) day extensions, if deemed necessary and appropriate by the Code Enforcement Office. In no event may a portable on-demand storage structure be located on property for a period in excess of one hundred eighty (180) days in any twelve-month period.

#### **b. Permits Issued By Borough Council**

Extensions beyond the one hundred eighty days (180) may be granted by the Borough Council. The property owner seeking said extension must apply to the Council least thirty days prior to the expiration of the last permit issued by the Code Enforcement Officer.

### **Section 3-22.4 Regulations**

a. All portable on-demand storage units shall be placed in driveways unless otherwise approved by the Code Enforcement Officer, upon a showing of exigent circumstances, and upon compliance with all safety requirements imposed by the Uniform Traffic Safety Manual, and the Police Department of the Borough of Highlands.

b. No person shall park or leave an unattended POD on or along any street, highway or public property in the Borough without having first obtained a permit from the Borough Highlands, Code Enforcement Officer subject to Police Department approval, upon a showing of exigent circumstances, and upon compliance with all safety requirements imposed by the Uniform Traffic Safety Manual, and the Police Department of the Borough of Highlands.

c. Failure to obtain permission for placement of such temporary structure shall subject to violator to the fines specified in Section 3-22.5 set forth below. Each day that the structure remains without a valid permit shall constitute a separate violation of this ordinance.

d. No applicant may place more than one portable on-demand storage structures on a specific lot and block within the Borough at one time.

e. No portable on-demand storage structure located within the Borough shall contain toxic or hazardous materials.

f. All PODS are subject to periodic inspection by the Borough of Highlands Fire Marshall to insure compliance with all regulations applicable to PODS, under Federal and State Law, local ordinances, health codes, and regulations promulgated pursuant thereto.

**Section 3-22.5 Violations and Penalties.**

Any person, persons, corporation, or partnership that violates any provisions of this article shall be subject to a fine not less then \$500.00 nor more than \$1,000.00.

Seconded by Miss Thomas and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Date: May 16, 2007**

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**NINA LIGHT FLANNERY, Borough Clerk**

**CAROLYN CUMMINS, Deputy Clerk**

Introduced; May 2, 2007

Publication: May 8, 2007, The Asbury Park Press

Public Hearing: May 16, 2007

Adoption: May 16, 2007

Publication:

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on May 16, 2007.

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**BOROUGH CLERK/DEPUTY CLERK**