

ORDINANCE #1084

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING LAND DEVELOPMENT CHAPTER 390, SECTION 27 "PORTABLE ON DEMAND STORAGE"

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey that the following ordinance amendment be and the same is hereby enacted:

Note: Additions are noted in bold with underline. Deletions are noted in bold with crosshatch.

Chapter 390. Land Development
Article IV. General Zoning Regulations

§ 390-27. Portable on-demand storage structures.

A portable on-demand storage structure may be utilized as a temporary structure within the Borough when in compliance with the standards of this section. Any use of such structures within the Borough not in compliance with this section shall be unlawful and subject to fines and penalties as permitted under this Code.

§ 390-27.1 Definitions

PORTABLE STORAGE UNIT

A transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies, and other materials which are placed on a site for the use of occupants of a dwelling or building on a temporary or limited basis. Portable storage units include, but are not limited to "PODS," "mobile attics" and other similar portable on demand storage containers. A dumpster is not considered a temporary storage structure.

STORAGE

Shall mean the act of storing goods or the state of being stored; a space for storing goods.

§ 390-27.2 Permit Required.

Use of a portable on-demand storage structure shall only be permitted where **a zoning** permit has been issued by the Borough Zoning Officer.

- (1) Applications for the permitted use of a portable on-demand storage structure may be obtained **from the Zoning Officer through the Borough's online application portal available on the website.** Failure to obtain permission for placement of such temporary structure shall result in the issuance of an after-the-fact permit with a fee set at 10 times the amount of a permit issued prior to erection of such structure ~~(\$200).~~
- (2) The application shall be submitted ~~when completed~~ by the **party property owner** 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 copy of the property survey** showing the location of the structure on the site and detailing the distance of the structure(s) ~~trailers~~ from other buildings, fire hydrants, Fire Department connections and/or utilities.
- (3) All portable on-demand storage units shall be placed in driveways **or side yard** unless otherwise approved by the Zoning Officer, but in no case shall the portable on-demand structure be located in the street or right-of-way.
- (4) **Front yards: No temporary storage unit/structure shall be located within a front yard unless located on an existing driveway and shall be at least fifteen (15') feet back from the street line and not set on the driveway apron**
- (5) **Side and Rear Yards: All temporary storage unit/structures must be located at least five (5') feet from any rear or side yard line of the property.**
- (6) **The maximum size of a temporary/portable structure shall be eight feet in height, 10 feet in width and 20 feet in length.**
An application fee of \$20 shall accompany the form requesting such permission. Failure to obtain permission for placement of such temporary structure shall result in the issuance of an after the fact permit with a fee set at 10 times the amount of a permit issued prior to erection of such structure ~~(\$200).~~

§ 390-27.3 Length of time structures may be on property; extensions.

(1) A portable on-demand storage structure may be located as a temporary structure on property within the Borough for a period not exceeding ~~30-60~~ days in duration from time of delivery to time of removal in circumstances where a construction permit for the property has not been issued. Where exceptional circumstances exist, the ~~Code Enforcement~~ **Zoning** Officer may alter the permit to extend the time where these structures may be permitted on property.

(2) In such circumstances 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 90 days, with the right to three thirty-day extensions if deemed necessary and appropriate by the ~~Code Enforcement~~ **Zoning** Officer. In no event may a portable on-demand storage structure be located on property for a period in excess of 180 days in any twelve-month period. Extensions beyond 180 days may be granted by resolution of the Borough Council. The property owner seeking said extension must **submit their request through the Borough Clerk** ~~apply to the Council~~ at the time that the last thirty-day extension is applied for.

(3) An application for an extension of time shall be accompanied by a \$25 fee.

§ 390-27.4 Number of Units.

No more than two portable on-demand storage structures may be located on a specific piece of property within the Borough at one time; such structures shall be individually limited to the duration time period established herein.

§ 390-27.5 Toxic or Hazardous Materials.

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

§ 390-27.6 Enforcement Provisions.

(1) The Zoning Officer shall notify the person or entity in control of the property upon which the portable storage container is located, the person or entity that controls, owns or leases the subject container, or the agent thereof in the event of a violation. Notice shall be made in writing by certified mail, return receipt requested and regular mail or hand delivery.

(2) Failure to comply. If the owner, tenant, person or entity or the agent thereof fails, neglects or refuses to comply with this section upon notice of any violation, the Borough may remove the subject storage structure without further notice.

§ 390-27.7 Fines.

Failure to comply with any section of this section may result in a fine not to exceed \$1,000 per violation, a term of imprisonment not to exceed 90 days or any combination thereof.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: October 19, 2023

ADOPTED ON SECOND READING

DATED: November 2, 2023

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY of OCTOBER, 2023

JOHN F. COFFEY, II

Mayor