

ORDINANCE NO. 07-25

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 412 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY ADDING AND AMENDING THE PROVISIONS FOR TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, Section 412.21, shall be amended as follows:

§412.21 TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS

- A. Temporary trailers – Definition. A wheel-based non-commercial structure that is used for the transportation or storage of goods or materials, as a construction office, for temporary short-term habitation in case of calamity, or other occupancy subject to the provisions of this Ordinance. A box container which has been temporarily or permanently removed from a chassis or truck bed shall be considered a “trailer.”

Nothing in this section shall be construed to prohibit trailers hauling, loading or unloading merchandise in the course of their customary function. No trailer shall be used except as specified hereunder.

- B. Natural calamity. Trailers used for temporary residency by any occupant of a dwelling that is being reconstructed due to damage from a fire, flood, or other natural calamity shall be subject to the following provisions:
1. The trailer is placed only on the same lot which contains the dwelling that is being reconstructed.
  2. An approved zoning permit shall be obtained from the Director of Code Enforcement prior to the placement of such temporary trailer on the site. The Director of Code Enforcement, under the advisement of the Construction Code Official and Chief of the Fire Department shall be responsible for determining the most practical location for such trailer.
  3. The time period of occupancy of such trailer shall not exceed six (6) months, provided however, that the Director of Code Enforcement may extend the time period of occupancy for an additional time period of occupancy for an additional time period up to three (3) months due to exceptional circumstances that prevent the reconstruction and re-occupancy of the damaged building within the initial six (6) month time period. However, in no instance shall such trailer be occupied for a time period to exceed nine (9) months, unless extended by the Zoning Board of Adjustment.
- B. Construction and storage trailers. Trailers used for construction offices and for storage of materials and supplies on a job site may be used during the period of construction only. Such trailers may be used only during the construction phase of a development. All material storage and construction office trailers must be removed if no site work or construction activity has occurred on-site for forty-five (45) days or more, or if construction activity has substantially slowed. Such trailers must be removed upon the completion or final occupancy of the new structure(s).

- C. Trailers for the disposal of materials or for the storage of materials and supplies not related to the construction job undertaken shall be subject to the provisions below concerning dumpsters, PODS, mobile attics and like portable on-demand storage containers.
- D. Office and classroom trailers. Trailers for temporary use including but not limited to modified mobile homes for office use and classroom space may be placed on a lot in a non-residential zone provided that:
1. "Temporary use" means use prior to final occupancy of a permanent structure;
  2. The "temporary use" is in conjunction with a principal building and a permitted use being undertaken, or approved to be undertaken on the lot;
  3. Trailers are not to be located between a principal structure and the front street line and all required setbacks and yards specified for the respective zone are observed;
  4. On a corner lot, trailers shall not be located between a principal building and any adjacent street line and shall observe all required setbacks and yards specified for the respective zone;
  5. Site plan approval for a permanent principal structure on the same lot is obtained prior to placement of a trailer;
  6. Use of a trailer permitted under this section does not commence prior to site plan approval and does not exceed one year from the date of such site plan approval unless extended by the Planning Board;
  7. The time period of occupancy of such trailer shall not exceed six (6) months, provided however, that the Director of Code enforcement may extend the time period of occupancy for an additional time period of occupancy for an additional time period of up to three (3) months due to exceptional circumstances within the initial six (6) month time period. However, in no instance shall such trailer be occupied for a time period to exceed nine (9) months, unless extended by the Planning Board.
- E. Sales offices.
1. In subdivisions and site plans approved for residential construction, the Director of Code Enforcement may permit a temporary sales office, provided that, prior to issuance of a construction permit for such temporary sales office, final approval for the tract upon which the temporary sales office is to be located shall be effective. Only one (1) temporary sales office is permitted per tract.
  2. A site plan must be submitted to the Director of Code Enforcement for review for compliance with all area and yard requirements and all design standards required in the zone district where it is located. Any relief from the aforesaid requirements or standards may only be granted by the appropriate board of jurisdiction.
  3. Parking on other than accepted public roadways. The following

minimum on-site parking spaces must be provided:

- (a) One (1) space for each employee
- (b) One (1) space for each ten (10) units or portion thereof for the first fifty (50) units in any project
- (c) One (1) space for each twenty-five (25) additional units or portion thereof in any project greater than fifty (50) units.

The parking area surface may be gravel if maintained in a dust-free manner. However, the area of the driveway at least twenty-five feet from the street cartway shall be constructed on bituminous asphalt to prevent tracking of stone or dirt onto the public street

- 4. A zoning permit and a certificate of occupancy are required for all temporary sales offices.
  - 5. The temporary sales office may only be located on the site until the 15<sup>th</sup> or final certificate of occupancy is issued for the dwelling units, whichever occurs first. At that time, the developer shall have thirty (30) days to remove the temporary sales office and any appurtenances from the site and restore any area disturbed. If the developer desires to continue a sales office use, it must thereafter be from within a proposed dwelling unit.
  - 6. Sales shall be limited to dwelling units being marketed in the tract on which the temporary sales office is located; sales of off-tract dwelling units are prohibited. Building materials and all other materials except those directly related to the promotion and sale of dwellings in the tract, such as decorating samples, brochures and offices supplies, may not be stored in the sales office. Use of the sales office for living quarters is prohibited.
  - 7. The municipal agency may also approve a temporary sales office in conjunction with its review and approval of the site plan or subdivision application, provided that the site plan and traffic control plan therefore have been submitted.
- F. No trailer may be temporarily or permanently used for storage of materials in any zone district except to the extent permitted with regards to dumpsters, PODS, mobile attics and like portable on-demand storage containers to the extent permitted under Section G.
- G. Portable Storage Unit – Definition. 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 limited basis. Portable storage units include but are not limited to certain trade named units called “PODS”, “mobile attics” and like portable on-demand storage containers.

Dumpster – Definition. A rigid container generally used for routine collection, temporary storage of solid waste, construction materials, industrial and other waste materials generally on a temporary basis which is a portable detachable device.

Placement of Dumpsters, portable storage units and like portable on-demand storage containers on private property:

1. Garbage containers often known as “dumpsters” as defined above, shall require a permit issued by the Director of Code Enforcement and a payment of a fee of Thirty (\$30.00) Dollars and shall be limited to use not to exceed ninety (90) days unless a longer period is granted by site plan approval before the Planning Board or Zoning Board. Portable storage units or like storage containers placed on private property shall be limited to thirty (30) days placement and shall require a temporary storage permit from the Director of Code Enforcement upon payment of a fee of Thirty (\$30.00) Dollars. Such dumpsters and portable storage units shall be placed either on vacant private property or located on the side yard or back yard of any existing building on private property and should the applicant require or request placement in the front of a building or private property said application shall be treated as the same as an application under Section H of this Ordinance. No property owner or agent for the property owner shall be allowed to apply for dumpster or portable storage unit permits in excess of two (2) permits per year per property. All dumpsters and portable storage units shall be appropriately labeled as to the date the permit was issued and the date of required removal representing the maximum time period for use under the permit.
2. Front yard shall be defined in accordance with the Zoning Code of the Township.

H. Prohibition of dumpsters, portable storage units or like portable on-demand storage containers in certain private property areas and in public areas.

1. It shall be generally unlawful for any person to construct or place a storage container for garbage, such as a “dumpster” or a storage container for portable on-demand storage, such as a portable storage unit as defined in this ordinance upon any front yard of private property or upon any Township owned or unaccepted dedicated street, avenue, highway, lane, alley or public place. No permit shall be issued for such use or storage of dumpsters, portable storage units or like portable on-demand storage containers unless the applicant establishes a hardship by satisfying one or more of the following criteria:
  - (a) Narrowness of distance between property lines making placement of the dumpster, portable storage units or like portable on-demand storage containers elsewhere other than at the front of said private property or at a public area difficult if not impossible.
  - (b) Parking needs affected.
  - (c) Traffic flow affected.
  - (d) Other reasons establishing the necessity of placement on the front of private property or on a public area.
2. Should the applicant demonstrate a hardship warranting placement of a dumpster, portable storage unit or like portable on-demand storage container on the front yard of private property or on a public area as defined above, the Director of Code Enforcement shall issue a permit with

regards to dumpsters, portable storage units or similar portable on-demand storage containers on a temporary basis, in the case of a dumpster for a period not to exceed ninety (90) days and in the case of a portable storage unit or like portable on-demand storage containers not to exceed thirty (30) days. Extensions cannot be granted for more than the aforesaid time period set unless a longer period is granted by site plan approval before the Planning Board or Zoning Board. Both a permit for a dumpster and a permit for portable storage container shall require a fee of Thirty (\$30.00) Dollars.

3. Any permit may be revoked by the Director of Code Enforcement if it is determined that the existence of the dumpster, portable storage unit or like portable on-demand storage container is affecting traffic flow or affecting the safety or welfare of the public.

I. Notice of Failure to Comply.

The Director of Code Enforcement is hereby authorized to notify, in writing, by mailing by certified mail, return receipt requested and regular mail or hand delivering to the owner, or person or entity in control of the property where the dumpster or portable on-demand storage container is located or person or entity that in the opinion of the Township controls, owns or leases the subject dumpster or container or the agent of the owner or person or entity in control therein of the particular violation. The person or entity shall have five (5) days from the date of receipt of the notice to cure the violation. Said notice shall be deemed to serve as a continuing notice for the remainder of the calendar year and the Township may, without further notice, correct any existing violation in accordance with this Ordinance.

J. Failure or refusal to comply.

Upon the failure, neglect or refusal of an owner, tenant, person or entity in control or his or her agent to comply with this Ordinance per the aforesaid notice within the time period prescribed by this Ordinance then the Township is authorized to either issue citations of violation as set forth more fully in this Ordinance and/or to remove the subject dumpster or storage container without further notice. The Township may act with regards to this provision without notice if it determines an emergency condition exists requiring action with regards to the dumpster or container.

K. Unpaid charges to constitute lien on property.

Should the Township be required to move the dumpster or container in order to correct any violation of this Ordinance, the Director of Code Enforcement shall certify the costs of removal and storage of said dumpster or container and shall be authorized to forward the bill to the property owner or person or entity in control of said property or dumpster or container for payment within thirty (30) days of the date of the bill and any continuing storage costs. The amount of the charge shall become a lien upon the lands and properties for which the dumpster or container was located or properties of the owner, tenant or controller of the dumpster or container where such container or dumpster served the benefit and use of in the opinion of the Township. Should the person or entity who owns, leases or controls the dumpster or container failed to pay all charges and remove the dumpster or container from Township custody within ninety (90) days of the Township removing and storing the same then the Township may sell the property at public auction. If

the dumpster or storage container identifies the owner of the dumpster or container, the same shall be notified of the proposed sale in writing ten (10) days prior to public sale.

L. Other violations: penalties.

In the event that any person or entity fails to comply with this Ordinance by committing an unlawful act, a fine not exceeding One Thousand Two Hundred Fifty (\$1,250.00) Dollars per violation, a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days or any combination thereof shall be imposed.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING: June 11, 2007

APPROVED, PASSED AND ADOPTED: July 09, 2007

ATTEST:

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Richard J. Cuttrell  
Municipal Clerk

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James W. Manning, Jr.  
Mayor