

**TOWNSHIP OF UNION
COUNTY OF HUNTERDON**

NOTICE OF INTRODUCTION OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 21st day of February, 2024. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on the 20th day of March, 2024 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Hampton, NJ at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2024-4

**ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON, STATE
OF NEW JERSEY, AMENDING CHAPTER 30, LAND USE, OF THE TOWNSHIP
CODE TO REGULATE THE USE OF PORTABLE STORAGE CONTAINERS**

WHEREAS, the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Township of Union desires to amend Chapter 30, Land Use, of the Township Code, to regulate the use of portable storage containers in residential zones.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Chapter 30, Land Use, § 30-2, Definitions, paragraph b., is hereby amended to add the following definitions:

PORTABLE STORAGE CONTAINER

A portable self-storage container that is delivered to and retrieved from a residential property for the temporary storage of personal property, 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. Such containers are not on a chassis and do not have axles or wheels.

TEMPORARY STORAGE

Storage for a limited duration until a Township-issued permit for such use expires.

SECTION 2. Chapter 30, Land Use, § 30-2, Definitions, paragraph b., Mobile Home, paragraph 1, is hereby amended as follows:

Mobile Home: A transportable structure intended for permanent occupancy, office, or place of assembly which is constructed on a chassis and may be in one or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and which is constructed so that it may be used with or without permanent foundation.

For the purposes of this definition, travel trailers and campers are not considered as mobile homes ~~and storage containers such as "PODS@" are considered as mobile homes.~~

SECTION 3. Chapter 30, Land Use, § 30-5.3, Temporary Accessory Uses, is hereby amended to establish paragraph d. to read as follows in its entirety:

d. **Permitted temporary use of portable storage containers.** Portable storage containers may be utilized as a temporary structure in residential zones conditioned upon compliance with the standards of this subsection. Any use of such containers within the Township not in compliance with this subsection shall be unlawful.

1. **Permit required; application; fee; duration; appeals.**

- (a) Before a portable storage container is placed on any residential property, the owner, tenant or contractor must submit an application for a permit approving such placement to the zoning officer. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of the portable storage container on the property must be provided to the zoning officer before the permit is issued.
- (b) Permits shall be issued for a time period not exceeding 45 days from the time of delivery of the portable storage container to the time of its removal. Upon application to the zoning officer with good cause shown, the time period may be extended for up to an additional 30 days. No further extensions shall be permitted except under § 30-5.3d1(c) below.
- (c) In the event of fire or natural disaster causing substantial damage to a structure on the residential property, and provided building permits are obtained, the property owner may apply in writing to the zoning officer for permission to extend the time beyond what is permitted for a portable storage container in § 30-5.3d1(b) or § 30-5.3d4. The request shall provide sufficient information for the zoning officer to determine whether an extension will be granted. In the event of an adverse decision by the zoning officer, the applicant may appeal the decision to the Township Committee, whose decision shall be final.
- (d) In the event of high winds other weather conditions in which such container may become a physical danger to persons or property, the zoning officer may require the immediate removal of the container.
- (e) The fee for the initial permit/extension of permit due at time of application shall be \$75.00.

2. **Number.** Only one portable storage container may be placed at any residential property at one time. A portable storage container may not be located on the same property more than two times in any given one-year period.

3. **Size.** A portable storage container located in a residential zone shall not exceed 10 feet in height, 10 feet width, or 20 feet in length.

4. **Use with construction permit.** If a portable storage container is to be used in conjunction with a validly issued construction permit, said container shall be permitted to remain for the active duration of the construction permit, but in no event for more than 365 days from the date of the initial permit issuance. If construction at the site has not been actively and diligently pursued for a period of 6 months, the zoning officer may order the removal of any portable storage container from the property.
5. **Location.** Portable storage containers may be placed upon driveways, and in side and rear yards if such locations meet the requirements of this subsection. No portable storage container shall be placed or located in the rear- and side-yard setback requirements for accessory buildings in the zone district. No container may be placed in a front yard. Portable storage containers are prohibited from being placed in streets or public rights-of-way except by express permission of the zoning officer and Police Department. If approved, a container placed in a street or public right-of-way must have reflective markers and/or cones placed around it. Such temporary placement is permitted for no more than 72 hours.
6. **Condition.** Portable storage containers shall be free from rust, peeling paint, and other forms of deterioration. The container and area surrounding it shall be kept in a neat and clean condition. No material, goods, wares or debris is allowed to be placed on or under the portable storage container. Portable storage containers are to be left closed at all times except when loading or unloading.
7. **Contents.** No hazardous, toxic or dangerous material, organic waste, business inventory, commercial goods, or any personal property that is not owned by the owner or occupant of the property where the container is located, is permitted to be stored in said container. Upon reasonable notice to the permit holder, the Township may inspect the contents of any portable storage container for compliance with this subsection.
8. **Violations and penalties.**
 - (a) Any portable storage container placed in violation of this subsection or that is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the zoning officer or a law enforcement officer for removal for safety reasons, shall be punishable upon conviction thereof by a fine not to exceed \$2,000 for each violation committed hereunder. Any person violating this ordinance shall be subject upon conviction to the penalties in accordance with N.J.S.A. 40:49-5.
 - (b) The owner of the subject property shall be afforded a 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 to the property owner as shown on the latest tax duplicate shall be deemed a separate offense. The court may also order the removal of the violation by the Township, and the cost of such removal, together with the cost of administration of its removal, may be assessed against

the property on which the portable storage container was located and may be filed as a lien against such property by the Township Clerk.

SECTION 4. Chapter 30, Land Use, § 30-5.5, Use Regulations, h., Accessory Uses, 5., H-5 Temporary Structures and Vehicles, is hereby amended as follows:

H-5 Temporary Structures and Vehicles. Such use shall include a temporary structure, vehicle, or use, excluding portable storage containers governed by § 30-5.3d. A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

- (a) The time period of the initial permit shall be six months. This permit may be renewed for three-month time periods, subject to the limitations specified in § 30-7.2;
- (b) Temporary nonconforming structures or uses shall be subject to authorization by the Zoning Officer or governing body;
- (c) Such structure or use shall be removed completely within 30 days of the expiration of the permit without cost to the municipality;
- (d) Campers, recreational vehicles, and boats shall be stored on the premises by the occupant of the premises only and then only behind the front line of the house;
- (e) Tractor-trailers shall not be permitted to be parked in residential districts.

SECTION 5. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Ella M. Ruta, Municipal Clerk

David DeGiralamo, Mayor

First Reading: February 21, 2024
Publication/Full: February 29, 2024
Second Reading: March 20, 2024
Publication/Title: March 28, 2024