



**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY**

TEMPORARY EXTERIOR STORAGE UNIT APPLICATION
(Code of Emerson, Chapter 290, Local Ord. # 1377-09)

NAME: _____

ADDRESS: _____

PHONE: _____ CELL: _____

STORAGE UNIT DESCRIPTION: _____

CONTRACTOR NAME, ADDRESS, PHONE (If applicable): _____

DATE (S) (Application is limited to one 14 day period): _____

LOCATION OF STORAGE UNIT ON PROPERTY: _____

Applicant signature attests all statements above are true:

Approval by Construction Official: _____

Fee: \$25.00 Pd. Cash _____ Check# _____

Date: _____

1377-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 290 , ENTITLED ZONING, ARTICLE II, DEFINITIONS AND USAGE AND ARTICLE VII, SUPPLEMENTAL REGULATIONS PROVIDING FOR THE DEFINITION, REGULATION AND FEES OF CONSTRUCTION DUMPSTERS, STORAGE TRAILERS, PORTABLE ON DEMAND STORAGE UNITS, TEMPORARY EXTERIOR STORAGE UNITS

Be it ordained by the Council of the Borough of Emerson as follows:

Section I. Chapter 290, Zoning, Article II, Definitions and Word Usage is hereby amended to include the following:

§ 290-6. Definitions

Construction Dumpsters- Roll-off waste containers transported to and from the place of use by trucks or trailers and positioned at a construction site for the collection and eventual disposal of construction waste.

Portable on Demand Storage Unit- A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

Storage Trailers –Trucks, trailers, and other vehicles or parts of vehicles designed to be hitched and attached to trucks, tractors or other vehicles for movement from place to place and used as Temporary Exterior Storage Unit.

Temporary Exterior Storage Unit- Any Storage Trailer, Portable on Demand Storage Unit, or similar unit or device designed to be placed outside of a building or structure and to temporarily store personal property, excluding construction Dumpsters, similar waste receptacles, and Storage Sheds.

Section II. Chapter 290, Zoning, Article VII, Supplemental Regulations, is hereby amended to add a new section regulating Temporary Exterior Storage Units as follows:

§ 290-42 Temporary Exterior Storage Units; placement, duration, maintenance, permit, fees

A. It shall be unlawful for any person to park, place or suffer placement of a Temporary Exterior Storage Unit which:

- 1) Is not secured or which is accessible to others not using the unit;
- 2) Lacks vermin-proof floors or otherwise permits rat and vermin harborage; or
- 3) Is not in a state of good repair and alignment and free from nuisance.

B. It shall be unlawful for any person to park, place, or suffer placement of a Temporary Exterior Storage Unit:

- 1) In or upon any street, highway, roadway, designated fire lane or sidewalk in the Borough;
- 2) On any lot or property in the borough other than on a concrete, asphalt or other improved surface;
- 3) On any lot or property in the Borough used for commercial purposes or containing three (3) or more dwelling units in such a way as to block or interfere with access to a garage or off-street parking areas;
- 4) In a manner that interferes with sight lines for motorists on adjoining streets or the driveways of adjacent properties;
- 5) In a manner that obstructs the light or air of any dwelling unit;
- 6) In a manner that obstructs safe means of access to or from any dwelling;
- 7) In a manner that creates fire or safety hazards;
- 8) That displays advertising, other than the identification of the manufacturer or operator of the unit; and

C. No Temporary Exterior Storage Unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the Temporary Exterior Storage Unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the Applicant, the Borough of Emerson may inspect the contents of the Temporary Exterior Storage Unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a Temporary Exterior Storage Unit be used for any of these purposes.

D. It shall be unlawful for any person to park, place, or suffer placement of a Temporary Exterior Storage Unit on any lot or property in the Borough without having obtained a permit, or in violation of permit conditions, as provided in this Section.

E. Permits; fees. No person shall park, place or suffer placement of a Temporary Exterior Storage Unit without first obtaining a permit from the Borough Clerk. The permit shall specify the time period, not exceeding fourteen (14) days, during which the unit may be kept on the property. The following conditions shall apply:

- 1) Permit shall be obtained prior to setting the unit on the property.
- 2) A maximum of one (1) unit per property at any time.
- 3) No more than three (3) permits may be issued for any lot or parcel of property in any twelve (12) month period.
- 4) The Permit shall specify where the unit is to be situated on the property, which shall be on a driveway or other paved surface at a point farthest from the street, preferably to the rear of the principal building lot.
- 5) The size of the unit shall not exceed:
 - a) A height of eight (8) feet; and
 - b) One hundred and thirty (130) square feet in size
- 6) The application fee for the permit shall be \$25 for a fourteen (14) day period. Extension of a permit will cost \$25 for each 14 day period granted.

F. Enforcement.

- 1) Any Construction Dumpster or Temporary Exterior Storage Unit located within the Borough of Emerson without approval pursuant to this ordinance shall be subject to the penalties as set forth below.
- 2) The Borough of Emerson Construction Code Enforcement Officer, Fire Prevention Officer and the Emerson Police Department shall be responsible for enforcing the provisions of this Ordinance.
- 3) Any Temporary Exterior Storage Unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such Unit for safety reasons, may be revoked by the borough immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the Temporary Exterior Storage Unit was located and may be filed as a lien against the property by the Borough Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property including the lien of a mortgage, and taxes.

G. Violations and penalties. Any person, person, corporation or partnership which violates any provisions of the article shall be subject to a fine of not less than \$500 nor more than \$1,000 or imprisonment for a term of 90 days, or both, for each violation.

Section III. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section IV. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section V. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.