

ORDINANCE 55-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE, LAND DEVELOPMENT ORDINANCE, TO ADD SECTION 30.5E REQUIREMENTS FOR TEMPORARY EXTERIOR STORAGE UNITS

WHEREAS, the Borough Council has determined to amend Chapter 195 of the Borough Code, the Madison Land Development Ordinance, Section 195-30.5, entitled “Accessory structures and uses” in accordance with a recommendation from the Madison Borough Planning Board; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance”, shall be amended as follows:

SECTION 1: Section 195-30.5, entitled “Accessory structures and uses” is hereby amended to add the following section:

§195-30.5. Accessory structures and uses.

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E. Requirements for Temporary Exterior Storage Units.

- (1) Definitions. For the purposes of this section, the following terms wherever used or referred to shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context.

CONSTRUCTION DUMPSTER – A roll off waste container 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.

CONSTRUCTION TRAILER – A shipping container, roll off or mobile trailer at a construction site utilized for storage, construction management, or residential sales offices purposes for the duration of the construction activities associated with and in sole support of an approved development.

MOBILE STORAGE TRAILER – Any non-habitable portable enclosure without a permanent foundation designed to be hitched and/or attached to tucks, tractors or other vehicles for movement from place to place with the purpose to store tangible property and not for occupancy by persons. Mobile storage structures shall only be allowed on commercial sites undergoing active construction activities associated with and in sole support of an approved development.

PORTABLE HOME STORAGE UNIT - Portable sheds and/or enclosures that are designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property on a residential property supporting the principal permitted use.

TEMPORARY EXTERIOR STORAGE UNIT – A construction dumpster, construction trailer, mobile storage trailer, portable home storage unit or a portable sanitary restroom.

- (2) Placement, Duration, Maintenance. It shall be unlawful for any person to park, place or suffer placement of a Temporary Exterior Storage Unit which:
- (a) Is not secured or which is accessible to others not using the unit;
 - (b) Is not in a state of good repair;
 - (c) Is in or upon any street, highway, roadway, designated fire lane or sidewalk in the Borough;
 - (d) Interferes with sight lines for motorists on adjoining streets or the driveways of adjacent properties;
 - (e) Obstructs safe means of access to or from any dwelling, use or structure;
 - (f) Creates, in the opinion of the Fire Subcode official, a fire or safety hazard;
 - (g) Displays advertising, other than the identification of the manufacture or operator of the unit;
 - (h) Has not received a zoning permit
- (3) PERMITTED TEMPORARY EXTERIOR STORAGE UNITS – Commercial Sites
- (a) A single construction trailer utilized for storage may be allowed upon a site wherein there is active construction of a nonresidential building, provided that:
 - [1] The location of the construction trailer is depicted on a Soil Erosion and Sediment Control (SESC) plan approved by the Morris County Soil Conservation District (MCSCD).
 - [2] The trailer shall be used only in connection with active construction and shall not remain upon the premises for longer than two (2) weeks past the substantial completion of said construction.
 - [3] In no event will any trailer used in connection with nonresidential development remain on said premises for more than two (2) years from the date of initial construction.
 - (b) Mobile Storage Trailers shall be permitted provided the following conditions are satisfied:

- [1] A list of the types of goods and materials to be stored shall be provided to the Bureau of Fire Safety
- [2] The mobile storage trailer does not exceed 8 feet in height, 40 feet in length or 400 square feet
- [3] No more than one (1) mobile storage trailer shall be permitted at any one time on a site
- [4] Mobile storage trailers shall not be located within any required parking space
- [5] Mobile storage trailers shall not be located within any required setback
- [6] Mobile storage trailers shall be placed in the least conspicuous location available to minimize disturbance and visibility to any adjoining residential properties or uses.
- [7] The final location shall be determined by the Fire Safety Official, Zoning Officer and Construction Code Official.

- (c) On the expiration of the (2) year permitted duration, any temporary exterior storage unit remaining on the site shall be removed or considered a proposed accessory structure, subject to the zone district regulations for accessory structures and will require an appearance before the appropriate board of jurisdiction.

(4) PERMITTED TEMPORARY EXTERIOR STORAGE UNITS – Residential Sites

- (a) The use of construction dumpsters or alternatively portable home storage units at residential construction sites for storage of materials are permitted, provided that:
- [1] A zoning permit is obtained for any use in excess of 48 hours,
 - [2] The use and placement shall be limited to a maximum of six (6) months, and;
 - [3] There shall be no more than three (3) permit applications, per property, per calendar year;
 - [4] Its placement satisfies all other provisions of the code.
- (b) Portable Home Storage Units shall be permitted in any residential zone provided the following conditions are satisfied:
- [1] No more than one (1) portable home stage units shall be permitted on any property at one time
 - [2] Portable home storage units shall be no closer than ten (10') feet to any lot line.
 - [3] No portable home storage unit exceeds 130 square feet in area , nor exceeds 8 feet in height;
 - [4] No portable home storage unit shall be erected on any corner lot closer to any of the lines of the street abutting said lot than the front yard setback lines from said streets.
 - [5] Units must be kept on a paved or otherwise impervious driveway at the furthest accessible point from the street

- (c) In an emergency wherein use of a portable home storage unit is requested, the Borough Zoning Officer, upon application, shall determine whether approval is granted for this portable home storage unit. The Zoning Officer's approval will be granted for a period of (30) days.
- (d) On the expiration of the (6) month permitted duration, any temporary exterior storage unit remaining on the site shall be removed or considered a proposed accessory structure, subject to the zone district regulations for accessory structures and will require an appearance before the appropriate board of jurisdiction.

(5) Permits & Fees

- (a) No person shall park, place or suffer placement of a Temporary Exterior Storage Unit without first obtaining a permit from the Zoning Officer. The permit shall specify the time period during which the unit may be kept on the property. The permit shall be obtained prior to setting the unit on the property and shall be displayed in a weather-proof manner on the unit.
- (b) For Temporary Exterior Storage Units on Commercial sites not shown on an approved MCSCD SESC plan, the permit application fee shall be \$50.
- (c) For Temporary Exterior Storage units on Residential Sites, the permit application fees shall be \$50.
- (d) The permit application fee for emergency use of temporary exterior storage units shall be waived for the first thirty (30) days. Thereafter, the normal \$50 permit application fee shall apply.

(6) Violations and Enforcement

- (a) Any person, corporation or partnership that violates any provision(s) of this ordinance shall be subject to fines and penalties, as follows
 - [1] For the first violation, a fine of \$100 per day, per violation
 - [2] For the second violation, a fine of \$200 per day, per violation
- (b) In addition, any person, corporation or partnership found guilty of a violation of this ordinance shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.
- (c) The Borough of Madison Construction Code Official, Fire Official, Zoning Officer and the Madison Police Department shall be responsible for enforcing the provisions of this ordinance.

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

SECTION 3: This Ordinance shall take effect as provided by law.