

C-12

**AN ORDINANCE TO ENACT REGULATIONS AND PROCEDURES
RELATED TO THE PLACEMENT OF PORTABLE TEMPORARY
STORAGE UNITS**

Whereas, the Town Council of the Town of Greenwood is charged with the responsibility of protecting the health, safety and welfare of the citizens of Greenwood; and

Whereas, the Town Council for the Town of Greenwood believes that it is in the best interests of the citizens of the Town to update and improve the Town's ordinances; and

Whereas, the Town Council believes it is in the best interests of the Town's citizens to regulate the placement of portable temporary storage units so as to prevent a detrimental nuisance to adjacent properties; and

Whereas, the Town Council finds that the provisions of this ordinance are rationally and reasonably related to legitimate government interests including but not limited to the protection and preservation of the health, safety, prosperity, general welfare, and quality of life;

BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that the following ordinance be enacted:

Section 1. Definition. Portable temporary storage unit: Any container designed for the storage of personal property and/or for transport by commercial vehicle that is typically rented to owners or occupants of property for temporary use.

Section 2. Portable Temporary Storage Units Generally Prohibited.

The placement of a portable temporary storage unit for non-disposable items is prohibited on all lands in the Town unless in compliance with Section 3 herein.

Section 3. Conditions for Use of Portable Temporary Storage Units.

A. A permit shall be required prior to placement of a Portable Temporary Storage Unit on any land in the Town;

B. Use shall not exceed six (6) consecutive or cumulative months within any twelve (12) month period;

C. Permits shall not be transferable. A Portable Temporary Storage Unit may only be placed on the property for which permit application is made.

D. The Portable Temporary Storage Unit shall be set back a minimum of three (3) feet from any property line;

E. If feasible, the Portable Temporary Storage Unit shall be placed on either a hard concrete or asphalt surface and may displace one or more off-street parking places, provided there is adequate on-street parking. In the event that the Town Manager determines that it is not feasible to place the Portable temporary Storage Unit on either a hard concrete or asphalt surface, the Portable Temporary Storage Unit may, with the permission of the Town Manger, be placed elsewhere on the property;

F. No more than one Portable Temporary Storage Unit per dwelling unit may be placed on any lot; and

G. The location of the Portable Temporary Storage Unit shall not affect the health, safety, and/or welfare of the neighborhood including, but not limited to, blocking access to fire hydrants and obstructing the view of streets and intersections.

Section 4. Permit Required.

A permit must be obtained from Town Hall prior to the placement of a portable Temporary Storage Unit on any property.

Section 5. Exceptions.

A. Extension of Time. Prior to the expiration of the permit, the applicant may petition the Town Council for an extension of time not to exceed three (3) additional months.

B. Active Construction Site. A portable Temporary Storage Unit may be placed on land within the Town for the duration of an active building permit issued by the Town or Sussex County. In lieu of the permit requirement in Section 4 herein, the building permit must be on file with the Town prior to the placement of the unit on the property. The permit holder is not exempt from compliance with Sections 3C- 3G of this Ordinance.

Section 6. Violation and Penalty. Any person, firm, corporation, or other legal entity that violates any provision of this ordinance is guilty of a misdemeanor and upon conviction of any violation hereof shall pay a fine of \$100.00 plus court costs. Each day that there is a violation of this ordinance shall constitute a separate violation. At the reasonable discretion of the Town Manger, a Stop Work Order may be issued for any permits issued

by the Town associated with the property where a violation is occurring until the Portable Storage Unit is in compliance.

Section 7. This Ordinance shall become effective immediately upon its adoption by the Town Council.

Synopsis

This ordinance creates the minimum standards and permit application requirements for the use of portable temporary storage units.

This shall certify that this a true and correct copy of the ordinance duly adopted by the Town of Greenwood Town Council at a duly-noticed and convened meeting a which a quorum was present on April 7, 2009.

Attest: Doris Adkins
Doris Adkins, Town Manager

So Certifies:
Willard T. Russell
Willard T. Russell, Mayor

This shall certify that the title synopsis of the foregoing ordinate was posted at the Town Hall on April 8, 2009 and published in the State News on May 6, 2009.

Date

Doris Adkins
Town Clerk/ Town Manager