

Ordinance 2010-08

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AMENDING CHAPTER 28, “ZONING,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING PORTABLE STORAGE UNITS AND DUMPSTERS AND THE HEIGHT OF FENCES IN THE FRONT YARD

WHEREAS, the Construction Official and Zoning Officer have made certain recommendations for revisions to Chapter 28 of the Borough Code; and

WHEREAS, the Planning Board has reviewed and concurs with these recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

Section 1. Chapter 28, “Zoning,” is hereby amended as follows:

A. Subsection 28-2-2 “Definitions” is amended to add the following definitions:

“Dumpster” shall mean a transportable rigid container, which is a portable detachable device, used for routine collection, temporary storage of solid waste, construction materials, industrial and other waste or recyclable materials on a temporary basis.

“Portable Storage Unit” shall mean a transportable container, storage unit, shed-like container or other portable structure designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which is 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.

“Storage Shed” shall mean a rigid structure, either installed, placed or constructed on a lot, for the purpose of storage of personal household goods.

“Temporary Trailer Unit” shall mean a non-commercial structure that is used for the transportation or storage of goods or materials, for temporary short-term habitation in case of calamity, or other occupancy as defined in this Ordinance; a box container which has been temporarily or permanently removed from a chassis or truck bed shall be considered a “trailer.”

B. Subsection 28-3-5a2(f) is added as follows:

(f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot.

C. Subsection 28-10-4b is amended to read as follows:

b. Except as provided herein, fences or walls in a Residential District shall not be more than four (4') feet or less than two (2') in height along the front line or in the front yard. Side lot line and rear lot line fences shall not be less than three (3') feet nor more than six (6') feet in height, unless it is a living fence, stone wall or built structure. A living fence shall have no minimum or maximum height on the rear or side yard. A built structure shall be governed by all applicable zoning and construction requirements as set forth in this Code. An opaque fence of solid construction along the front line or within the front yard may be constructed at a height of three (3') feet only. A see-through-type fence may be erected along the front lot line or within the front yard to a height of not less than two (2') feet nor more than four (4') feet in height. A see-through-type fence is defined as a fence with a minimum open space of two and a half inches (2.5") between pickets. The provisions of this paragraph notwithstanding, the height of any fence located in the sight triangle as

set forth in Section 28-10-8 shall not exceed thirty (30") inches whether or not it is located within the front, side or rear yards.

D. Subsection 28-10-4 "Fences, Walls and Small Sheds" is amended to add 28-10-4i4 as follows:

4. Subject to the lot coverage requirements of the Zoning District and subsection 28-3-5a2(e), no more than two (2) storage sheds may be installed or placed on an individual lot.

E. Subsection 28-10-16 "Portable Storage Units and Dumpsters" is added as follows:

a. Usage of Portable Storage Unit. A portable storage unit may be used for holding personal property when work in a structure may require personal property to be placed elsewhere, or for loading or unloading personal property when moving to or from a structure.

b. Usage of Dumpsters. A dumpster may be used for holding refuse, garbage, waste, construction materials, debris or recyclables while work in a structure is under way requiring a place to throw away large amounts of waste materials, or for holding waste materials.

c. Frequency and Duration. An "event" shall consist of the delivery and pick-up of the portable storage unit or multiple deliveries and pick-ups within thirty (30) days. Temporary portable storage units and dumpsters may not exceed the following durations of stay:

(1) In any of the Residential Zoning Districts, events shall be a maximum of thirty (30) calendar days per event with a maximum of four (4) events per structure per calendar year. There shall be at least one (1) month between each event.

(2) In Residential Zoning Districts, the Zoning Officer may approve an event lasting more than the maximum of thirty (30) calendar days described above, but not more than ninety (90) days provided a permit for construction or rehabilitation has been obtained for the subject property.

d. Placement. Portable storage units and dumpsters may not be placed in streets or public rights-of-way or on easements for utility maintenance or forward of the front wall of the principal structure unless authorized by the Zoning Officer. Such authorization shall be controlled by the availability and practicality of placing the portable storage unit or dumpster elsewhere on the property.

e. Responsibility of user. Portable storage units and dumpsters shall be in good condition, free from deterioration, weathering, discoloration, rust, ripping, tearing or other holes, breaks or leaks. When not in use, the portable storage unit shall be kept locked. Dumpster lids and doors shall be kept tightly and completely closed when not in use. The user is responsible to ensure no hazardous substances are stored or kept within a portable storage unit or dumpster. The area surrounding the dumpster shall also be kept clean and free of debris.

F. Subsection 28-10-17 "Temporary Trailers" is added as follows:

17. a. Temporary trailers used for temporary residency by any occupant of a dwelling that is being reconstructed due to construction activities, or damage due to a fire, flood or other calamity, shall be subject to the following provisions:

(1) The temporary trailer must be located on the same lot containing the dwelling that is being reconstructed.

(2) A Zoning Permit must be obtained from the Zoning Officer prior to the placement of the temporary trailer on the site. The Zoning Officer, with the input of the Construction Official and the Fire Chief, shall determine the most practical location for the temporary trailer.

(3) The temporary trailer shall not be located on the site for more than one hundred eighty (180) days; however, the Zoning Officer may extend the time period of occupancy for an additional time

period not to exceed ninety (90) days due to exceptional circumstances that prevent the reconstruction and re-occupancy of the damaged building within the initial one hundred eighty (180) day period.

b. Temporary trailers used for construction offices and for the storage of materials and supplies on a job site may be used during the period of construction only. All construction office and material storage trailers must be removed if no work or construction activity has occurred on-site for forty-five (45) days or more. Temporary trailers used for construction offices and for material storage must be removed upon completion of construction work or occupancy of the final structure.

Section 2. Penalties. This Ordinance may be enforced by the Zoning Officer, Construction Official or Police Department of the Borough of Hightstown. Any person found to be in violation of this Ordinance shall be subject to the penalty provide in Chapter 1, Section 5 of the *Revised General Ordinances of the Borough of Hightstown*.

Section 3. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 5. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Introduction::

Adoption:

DEBRA L. SOPRONYI,
MUNICIPAL CLERK

ROBERT F. PATTEN,
MAYOR