

TOWN OF WESTFIELD
ZONING DEPARTMENT
959 North Avenue W.
Westfield, New Jersey 07090
Phone (908)789-4100
Fax (908)789-4113

PERMIT APPLICATION FOR PORTABLE TEMPORARY STORAGE STRUCTURES (PODS)

GENERAL ORDINANCE NO. 2186

Applicant's Name: _____

Effective Date: _____

Address of POD's placement: _____

Location on property (driveway or paved area): _____

Telephone Number: _____

Applicant's Signature: _____

Zoning Official's Signature: _____

Date: _____

PAYMENT OF \$150.00 NONREFUNDABLE REGISTRATION FEE IS REQUIRED.

_____ Fee Paid.

Copy of ordinance on request.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2186

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN
OF WESTFIELD, NEW JERSEY, IN ORDER TO AMEND ITS PARKING LAWS**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the "Town") is charged with establishing and maintaining safe passage and safe conditions within the Town; and

WHEREAS, the Mayor and Town Council have therefore determined that an ordinance modifying where and when vehicles may park in the Town is in the best interests of the health, safety, and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Section 13.02, Chapter LUL, "Land Use Law," of the Town Code shall be and is hereby amended by the following:

H. Portable on-demand storage structures.

1. A portable on-demand structure may be utilized as a temporary structure within all residential zones when in compliance with the standards of this subsection. Any use of such structures within the Town of Westfield not in compliance with this subsection shall be unlawful (sometimes referred to in this section as a "temporary structure").
2. Prior to the initial delivery of a portable on-demand storage structure, the applicant or the supplier shall register the placement of the portable on-demand storage structure with the Zoning Official.
 - a. The registration shall be obtained from the Zoning Official by:
 - (1) Completing the application;
 - (2) Presenting an active Building Department building permit for that property if the portable on-demand storage structure is to be used for the storage of building materials;
 - (3) Payment of a \$150 nonrefundable registration fee; and
 - (4) The Zoning Official's written approval of the application.
 - b. The application shall contain the name of the applicant to whom the temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property, the address at which the portable on-demand storage structure will be placed, the delivery date, removal date, active building permit number, if applicable, and a sketch depicting the location and the placement of the portable on-demand storage structure. Such Temporary Storage Unit may be placed on a driveway or other suitable paved area.
 - c. The effective date of the registration shall be the date of the Zoning Official's approval.
 - d. Each residential property is limited to a maximum of two registrations per 12 months measured from the date of the initial approval by the Zoning Official.
3. Length of time structures may be on property; extensions; placement on property.

- a.** A portable on-demand storage structure may be located as a temporary structure on property within the applicable zones for a period not exceeding thirty (30) days in duration from time of delivery to time of removal. One thirty (30) day extension may be granted upon written request by the applicant prior to the expiration of the initial thirty (30) day period as well as the payment of an additional \$100 nonrefundable fee.
- b.** No more than one portable on-demand storage structure may be located on a specific piece of property at one time; such structure shall be individually limited to the duration time period established herein.
- c.** Such temporary structure may not be located on a specific property more than two times in any twelve-month period as defined in Paragraph (2)(d) above.
- d.** Such temporary structure shall be located no closer than 10 feet to the property line unless placed on an existing impervious driveway.
- e.** Such structure may not exceed eight feet, six inches in height, 10 feet in width, and 20 feet in length.
- f.** It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure.
- g.** In the event of fire, hurricane or natural disaster causing substantial damage to a residence, the property owner may apply to the Town for permission to extend the time that a portable on-demand storage structure may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Construction Official and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Official shall determine whether to grant such extended duration and the length of such extension. In the event of an adverse decision by the Zoning Official, the applicant may appeal such decision to the Board of Adjustment.
- h.** Any portable on-demand storage structure 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 temporary structure for safety reasons, such portable on-demand structure may be removed by the Town of Westfield immediately, without notice. The cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property by the Town of Westfield. Such lien shall be superior in priority to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in priority to the lien of ad valorem taxes.
- i.** No portable on-demand storage structure 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 portable on-demand storage structure is located (i.e., used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Town of Westfield may inspect the contents of any portable on-demand storage structure at any reasonable time to ensure that it is not being used to store said materials. At no time shall such portable on-demand storage structure be used for any of these purposes.

4. Enforcement and penalties. The provisions of this Ordinance shall be enforced in accordance with Article 21 of the Land Use Ordinance of the Town of Westfield. The Zoning Official shall be responsible for the enforcing of the provisions of this Ordinance. Any person or entity found to be in violation of any section of this Ordinance shall be subjected to a \$250 fine per violation per day.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

NOTICE

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Town Council of the Town of Westfield at a Regular Meeting held on September 8, 2020.

Tara Rowley, RMC
Town Clerk