

**ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, CREATING NEW CHAPTER 8 ENTITLED "TRAILERS AND PORTABLE STORAGE CONTAINERS" OF THE CODE OF THE BOROUGH OF ELMER**

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**WHEREAS**, the Mayor and Council of the Borough of Elmer deem it in the best interest of the Borough to establish a new Chapter 8 of the Code of the Borough of Elmer entitled "Trailers and Portable Storage Containers".

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

This Ordinance creates a new Chapter 8 of the Borough of Elmer Code as follows:

**Section 1.**

**Chapter 8. Trailers and Portable Storage Containers.**

**Article 8-1. Definitions; permitted temporary uses; duration; location; violations and penalties.**

§8-1.1. Definitions. The following definitions shall apply to this Chapter.

**CONSTRUCTION TRAILER/CONTAINER/PORTABLE STRUCTURE**

A trailer, portable temporary container, semi-truck trailer body or portable structure with or without axles and wheels intended to support current construction activity at a site with an active building permit.

**PORTABLE STORAGE CONTAINER**

A self-storage container that is placed or used on a property for on-site storage, sea containers, shipping containers, Conex box, semi-truck trailer body, or Portable Storage On Demand or PODS is a familiar trade name for such containers. Portable storage containers are generally placed on a property for the purpose of temporarily storing materials and personal property, including any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. Such containers shall not be considered a building or accessory structure.

§8-1.2 Temporary residential uses.

- a. Permitted temporary uses in residential zone districts. Portable storage containers and construction trailers may be utilized as a temporary storage structure within the Borough in residential zone districts when in compliance with the standards of this Chapter. It shall be the obligation of the owner and/or user of such construction trailers and temporary storage structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary container. Any use of such trailers or containers within the Borough not in compliance with this Chapter shall be unlawful.
- b. Time limitation. Temporary portable storage containers shall be removed from the property within forty-five (45) days from the date of placement upon the property. Construction trailers shall be removed from the property within one hundred eighty (180) days from the date of placement upon the property. Portable storage containers and construction trailers shall not be located on the same property or contiguous lots more than once per year.

- c. Number of construction trailers and portable storage containers. Only one (1) portable storage container or one (1) construction trailer may be placed upon one property at one time.
- d. Size of portable storage container or construction trailer. A portable storage container or construction trailer may not exceed 10 feet in height, 8 feet in width or 20 feet in length.
- e. In the event of fire, hurricane or natural disaster causing substantial damage to a structure, the property owner may apply to the Borough for permission to extend the time that a portable storage container or construction trailer may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Zoning Officer and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Officer shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Zoning Officer, the applicant may appeal such decision to the Borough Council. In the event of such appeal, the decision of the Borough Council shall be final.

#### §8-1.3. Agricultural and commercial uses.

- a. Portable storage containers. Portable storage containers may be utilized as a storage structure within agricultural and commercial zone districts when in compliance with the standards of this Chapter. It shall be the obligation of the owner and/or user of such storage structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the container. Any use of such trailers or containers within the Borough not in compliance with this Chapter shall be unlawful.
- b. Permit required; application; fee. Before a storage container or construction trailer is placed on any property, the owner, tenant or contractor working on the subject property must submit an application for a Zoning Permit approving such placement from the Zoning Officer. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of such storage container or construction trailer must be provided to the Zoning Officer before a permit is issued. The fee for the permit for a storage container or construction trailer shall be \$100.00 each.
- c. Number of storage units. No more than three (3) storage containers may be placed upon one property or contiguous lots owned by the same owner at one time.
- d. Storage containers or construction trailers shall not be stacked.
- e. Size of storage container or construction trailer. A storage container or construction trailer may not exceed 10 feet in height, 8 feet in width or 20 feet in length.

#### §8-1.4. Location.

Storage containers and construction trailers are prohibited from being placed in streets, public rights-of-way, or on unimproved surfaces in the front yard of a property and may only be placed upon driveways or side and rear yards if such locations meet the requirements of this Chapter. All such locations must be paved, off-street surfaces at the farthest accessible point from the street, and all must comply with the side yard accessory structure setback requirements for any accessory structures in the zone district in which such storage container or construction trailer is located. If the property does not have a driveway, or cannot meet the standards described herein, the Zoning Officer may, as part of the permit approval process, approve the placement of a container in alternate location. If such storage container or construction trailer is to be permitted to be located in the front yard, it must be kept at the farthest accessible point from the street and the surrounding area must be maintained in a weed and debris-free condition. Wherever storage containers or construction trailers may be placed, they shall be subject to all property maintenance standards. No storage container or construction trailer shall be allowed to remain outside in a state of disassembly, disrepair or neglect.

8-1.5. Violations and penalties.

- a. Any portable storage container or construction trailer placed in violation of this Chapter or which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Code Enforcement Officer, Zoning Officer or a law enforcement officer for removal of such structure for health or safety reasons, shall be punishable, upon conviction thereof, by a fine not to exceed \$2,000 for each violation committed hereunder.
- b. The owner of the subject property shall be afforded a ten (10) calendar day period to cure or abate such violation. Every day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest tax duplicate shall be deemed a separate offense, retroactive to the violation date. The court may also order the removal of the violation by the Borough, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the storage structure or construction trailer was located and may be filed as a lien against such property by the Tax Collector or Tax Assessor after certification of costs by the governing body. Such lien shall be superior to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal to the lien of ad valorem taxes.

**Section 2.**

**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**Section 3.**

**Repealer.**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

**Section 4.**

**When effective.**

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**BOROUGH OF ELMER**

BY: \_\_\_\_\_  
Joseph Stemberger, Mayor

ATTEST:

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Sarah D. Walker  
Registered Municipal Clerk

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____
Davis	_____	_____	_____	_____	_____	_____
Nolan	_____	_____	_____	_____	_____	_____
Foster	_____	_____	_____	_____	_____	_____
Schalick	_____	_____	_____	_____	_____	_____
Zee	_____	_____	_____	_____	_____	_____

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on September 8, 2021. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on October 13, 2021, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

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Sarah D. Walker  
Registered Municipal Clerk