

**INCORPORATED VILLAGE OF HUNTINGTON BAY
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 4 OF 2014 AMENDING
CHAPTER 91 OF THE CODE OF THE INCORPORATED
VILLAGE OF HUNTINGTON BAY AS IT RELATES TO
THE REGULATION OF TEMPORARY STORAGE UNITS**

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Huntington Bay as follows:

Section 1. Amendments.

Chapter 91, Article III of the Code of the Incorporated Village of Huntington Bay ("Village Code"), shall be amended to read as follows:

§ 91-12A. Temporary Storage Units.

- A. Purpose and intent. The purpose of this section is to allow for the temporary placement and use of temporary storage units on properties within the Village of Huntington Bay, subject to regulations that the Board of Trustees has determined to be necessary to insure that the placement and use of said temporary storage units will not offend the health, safety and aesthetics objectives of the Village. Accordingly, it is the intent of this section to regulate the placement and use of temporary storage units in order to promote the health and safety of the residents of the Village and to preserve the aesthetic value of its neighborhoods.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

APPLICANT - A person or entity that owns, rents, occupies, or controls a property and seeks and/or obtains a written permit to place a temporary storage unit on said property.

SUPPLIER - The person or entity that supplies a temporary storage unit for use on the applicant's property.

TEMPORARY STORAGE UNIT - A transportable unit or container, including those containers manufactured or supplied under the trade name "Portable On Demand Storage" or "PODS," designed and used primarily for the temporary storage of building materials, household goods, personal property of any kind, and other such materials for use on a limited basis. Such units shall not be considered an accessory structure as provided in Chapter 91 of the Code of the Village of Huntington Bay.

C. Permit required. No person shall place a temporary storage unit on any property in the Village unless the person that owns, rents, occupies, or controls the property first obtains a written permit from the Village Clerk to do so.

D. Application; fee.

(1) An applicant seeking a permit to place a temporary storage unit on his or her property must submit an application, on a form provided by the Village Clerk, which shall include, but not be limited to, the following information:

(a) Name and address of the applicant.

(b) Name and address of the supplier of the temporary storage unit.

(c) The address of the property where the temporary storage unit will be located.

(d) The intended use for the temporary storage unit.

(e) A description or diagram of the location where the temporary storage unit will be placed on the property.

(f) A physical description of the temporary storage unit, including its physical dimensions.

(g) The dates when the temporary storage unit will be placed on the property.

(2) All applications for permits to place a temporary storage unit and extensions thereof shall be accompanied by a fee of \$50.

E. Duration; extensions.

(1) Permits to place a temporary storage unit shall be granted for a period of thirty (30) days. Each property in the Village is limited to a maximum of two permits per calendar year, and a minimum of 15 days shall elapse between the end of one permit period and the beginning of another.

(2) At the expiration of the thirty-day permit period, a permit may be extended for one additional thirty-day period for good cause shown. Where a valid building permit exists for the premises and the temporary storage unit is being used solely to store the personal property of the owner or occupant of the premises, multiple thirty-day permit extensions may be granted for good cause shown. In no event shall the duration of a permit, including any and all extensions, exceed more than one year from the date of the original permit.

F. Requirements for placement and use of temporary storage units. The following requirements shall apply to the placement and use of temporary storage units:

- (1) It shall be unlawful for any person or entity to place or permit the placement of a temporary storage unit on property located within the Village without obtaining a written permit as provided above.
- (2) Only one temporary storage unit shall be located on any one property at any given time.
- (3) Temporary storage units shall be limited to a maximum size of nine feet in height, 10 feet in width or 20 feet in length.
- (4) Temporary storage units shall not be located in any portion of the front yard, other than on a driveway or other paved surface. When placed on a driveway, temporary storage units must be placed at the farthest accessible point from the street. A temporary storage unit shall not be placed less than ten feet from a property line.
- (5) Temporary storage units are prohibited from being placed in or on public or private roadways or rights-of-way.
- (6) Temporary storage units shall not be located in a manner that blocks the flow or obstructs the vision or sight of vehicles and pedestrians traveling on public or private roadways, sidewalks or parking lots.
- (7) The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is installed and maintained in a good and safe condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, or in any way which might create a hazard to the general public or an unsightly condition on the property.
- (8) Temporary storage units shall be conspicuously marked with the name and address of the supplier and have affixed thereon a copy of the written permit authorizing the placement of the temporary storage unit on the property.
- (9) No temporary storage unit shall be used for habitable purposes or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for use other than at the property where the temporary storage unit is located (i.e., used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Village may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used for any prohibited purpose.

(10) A temporary storage unit that is not removed at the end of the time for which permission has been granted shall be deemed to be an illegal structure and may be removed by the Village immediately, without notice, and the costs and expenses thereof shall be certified to the Board of Trustees, which the Board shall then assess such costs and expenses against the property on which the temporary storage unit was located, which costs shall be collected and enforced in the same manner as real property taxes.

G. Revocation of permit. If the applicant or supplier fails to comply with the requirements for the placement and use of temporary storage units, the Village Clerk shall revoke the permit. Upon revocation of the permit, the temporary storage unit shall be removed from the property within 24 hours.

Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 3. Effective date.

This local law shall take effect immediately upon filing with the New York Secretary of State.