

§ 125-40 **Outdoor storage; temporary storage units.**

B. Pods.

[Added 9-11-2007 by Ord. No. 2086-2007; amended 11-7-2007 by Ord. No. 2097-2007; 10-13-2009 by Ord. No. 2165-2009]

(1) Definitions. As used in this Subsection **B**, the following terms shall have the meanings indicated:

POD

A unit greater in dimension than three feet in length by three feet in width by three feet in height rented or owned or for use by the property owner for storage of personal, business, or commercial items or used for the packing or storage of items for permanently moving to or from the residence or for temporarily storing items during a renovation to the main residences. PODS include, but are not limited to, sea boxes, bulk storage containers, portable on-demand storage containers, store-to-door mobile transportation storage containers, roll-off containers or other such similar containers.

(2) Application request/approval.

(a) pod shall be placed on or at a residential property without obtaining a Zoning Department permit. The Zoning Department shall provide a copy of this Subsection **B** and application forms in all applications for any construction permits issued under Chapter **85**. To obtain a permit, the property owner(s) or property manager, in the case of rental units, shall obtain approval from the Zoning Officer. Applications shall include, but not limited to, the following:

[1] names, addresses, and telephone numbers of the owner or manager of the property on or at which the pod is to be placed;

[2] The names, addresses, and telephone numbers of the individual or company which owns the pod;

[3] A copy of a survey must accompany the application; and

[4]

other information the Zoning Officer may require to determine the full compliance with other applicable ordinances of the Borough.

(b) In the case of a tenant or property owner using the same pod for the purposes of moving between properties within the Borough, only one permit will be required; however, a survey shall be submitted for both locations.

(3) Size of pod. A pod shall be no greater than eight feet in height, 24 feet in length and eight feet in width.

(4) Number of pods. One pod shall be permitted per residential property.

(5) Location of pods. The placement of pods shall meet all of the following provisions:

(a) The pod shall be placed either on the lawn, in the driveway or in an approved paved parking area at the furthest accessible point from the street and at least 10 feet from the curb.

(b) The pod shall not be placed within any public right-of-way or roadway including sidewalks.

(c) In a multifamily residential complex, the pod shall be placed as close to the dwelling using the unit as possible.

(d) At the discretion of the Zoning Officer, the pod may be placed in an alternative location provided that the alternative location does not create an unsafe location.

(6) Duration.

(a) a pod is used for the parking or storage of items for permanently moving to or from a residence, during any twelve-month period commencing from the date of issuance of a permit, one pod may be placed on or at a residential property for a period not exceeding fourteen (14) total days to load and 14 total days to unload. At the conclusion of any applicable fourteen-day period, the applicant may request one extension for good cause from the Zoning Officer not to exceed 14 days.

(b) Where a pod is used during construction or renovation to the main residence, commencing from the date of issuance of a permit, one pod may be placed on or at a residential property for an initial period not exceeding three months with an additional renewal of three additional months thereafter in the event the construction or renovation project has not been completed. After an initial six months, the applicant may request one-month extension for good cause from the Zoning Officer, but in no event shall the period of storage under this subsection extend beyond 12 total months.

(c) Where residential fire, hurricane, natural or man-made disaster has occurred causing substantial damage to a residential property, the Zoning Officer of the Borough shall determine the time period for the pod.

(7) Fees.

(a) Where a pod is used for packing or storage of items for permanently moving to and from a residence, the fee for a pod permit shall be \$50.

(b) Where a pod is used during construction or renovation to the main residence, the fee for the pod shall be \$100 for the first three months and three-month renewal thereafter. After an initial six month period, the fee for a pod permit shall be \$25 for each additional one-month renewal.

(c) The Borough of Fair Lawn shall not prorate the pod fee if the unit is removed prior to the end of the fee period.

(8) Guidelines.

(a) No pod shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, or goods for property other than at the residential property where the storage unit is located.

(b) Storage of hazardous material within the pod is prohibited.

(c) Pods shall be locked and secured by the property owner, tenant or property manager at all times when loading or unloading is not taking place.

(d) The property owner, tenant or property manager or user of a pod must secure it in a manner that does not endanger the safety of person or property in the vicinity of the temporary structure. In the event of severe weather conditions in which the unit may become a physical danger to persons or property, the Borough of Fair Lawn may require the removal of the pod.

(9) Occupancy of container prohibited. No human or animal shall occupy any pod except for the express purpose of loading or unloading the container. No heat source of any kind shall be placed in any pod.

(10) Separate violations. Each and every day that a pod remains on the property beyond the applicable permitted time shall be considered as a new and separate violation. Each and every pod more than the quantity of one located on the property shall be considered a new and separate violation.

(11) Violations and penalties. Any person who shall violate any provision of this Subsection **B** shall, upon conviction, be punished by fine not exceeding \$200 for each violation or by imprisonment for not more than 90 days, or by an order to perform community service, or a combination thereof, in the discretion of the Municipal Judge.