

**VILLAGE OF HEAD OF THE HARBOR
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 6 OF 2020 AMENDING CHAPTER 165 OF THE
CODE OF THE VILLAGE OF HEAD OF THE HARBOR TO REGULATE PORTABLE
STORAGE UNITS**

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Head of the Harbor as follows:

Section 1. Amendments.

Chapter 165, Article VIII, of the Code of the Village of Head of the Harbor is hereby amended to read as follows:

§ 165-34.3. Portable Storage Units

A. Definitions. For purposes of this section, the following terms, phrases and words shall have the following meanings:

PORTABLE STORAGE UNIT - Any portable container, receptacle, or device of a type commonly used for the temporary storage of personal property and other matter. The term shall include, but not be limited to, trailers, shipping containers, portable on-demand storage unit (PODS®) and other similar containers.

B. Permit required.

1. No person shall place a portable storage unit on any property in the Village without a written permit from the Village Clerk.
2. If a property in the Village has one or more portable storage units on it as of the effective date of this section, the owner and/or occupant of that property shall obtain a permit therefor within 90 days of the effective date hereof, or shall otherwise remove the portable storage unit(s) from the property. Failure to comply with this provision shall constitute a violation of this chapter.

C. Application; fee.

1. An applicant seeking a permit to place a portable 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 portable storage unit;
 - c. The address of the property where the portable storage unit will be located;

- d. The intended use for the portable storage unit;
 - e. A description or diagram of the location where the portable storage unit will be placed on the property;
 - f. A physical description of the portable storage unit, including its approximate physical dimensions; and
 - g. The dates when the portable storage unit will be placed on the property.
2. Applications for a permit to place a portable storage unit shall be accompanied by a fee in an amount established from time to time by the Board of Trustees.
- D. Duration; extensions.
1. Permits to place a portable storage shall be granted for a period of up to 30 consecutive 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. Prior to the expiration of the original 30-day permit period, a permit may be extended for one additional 30-day period for good cause shown.
 3. Where a valid building permit exists for the property, multiple thirty-day permit extensions may be granted for good cause shown and upon payment of an extension fee. 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.
 4. All applications for a permit extension shall be accompanied by an extension fee in an amount established from time to time by the Board of Trustees.
- E. General conditions.
1. No more than one portable storage unit shall be located on a property, except that up to two portable storage units may be placed on a property for which a valid building permit exists.
 2. Portable storage units shall be limited to a maximum size of nine feet in height, 10 feet in width or 20 feet in length.
 3. No portable storage unit shall be located on any public or private street or right-of-way, or within a required buffer area.
 4. The applicant, as well as the supplier, shall be responsible for ensuring that the portable 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.

5. All portable storage units shall be conspicuously marked with the name, address and telephone number of the supplier and have affixed thereon a copy of the written permit authorizing the placement of the portable storage unit on the property.
 6. No portable 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 portable storage unit is located (i.e., used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, and with the applicant's consent, or pursuant to a warrant, the Village may inspect the contents of any portable storage unit at any reasonable time to ensure that it is not being used for any prohibited purpose.
 7. A portable 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, upon reasonable notice, and the costs and expenses thereof shall be certified to the Board of Trustees, which Board shall then assess such costs and expenses against the property on which the portable storage unit was located, which costs shall be collected and enforced in the same manner as real property taxes.
- F. Revocation of permit. If the applicant or supplier fails to comply with the requirements for the placement and use of portable storage units, the Village Clerk may revoke the permit. Upon revocation of the permit, the portable storage unit shall be removed from the property within three business days.

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.