

ORDINANCE NO. 435

**AN ORDINANCE OF ROCHESTER TOWNSHIP,
COUNTY OF BEAVER AND COMMONWEALTH OF PENNSYLVANIA,
REGULATING TEMPORARY PORTABLE STORAGE UNITS AND
DEFINING AND PROVIDING CRITERIA AND STANDARDS FOR
TEMPORARY PORTABLE STORAGE UNITS**

WHEREAS, the Rochester Township Board of Commissioners have reviewed the proposed ordinance and deem it to be in the best interests and welfare of the citizens of Rochester Township to regulate temporary portable storage units; and

WHEREAS, it is the judgment of the Board of Commissioners for Rochester Township that such an ordinance of the Township of Rochester, Beaver County, Pennsylvania is consistent with the overall comprehensive plan adopted by the Township; and

WHEREAS, the proposed ordinance has been advertised in the Beaver County Times to provide notice to interested citizens and has been available for public inspection prior to passage by the board; and

WHEREAS, the Board of Commissioners of the Township of Rochester is vested with the Authority to affect the within regulation by virtue of its general municipal powers, and specifically pursuant to 53 P.S. §56502, has the power to enact ordinances not inconsistent with the laws of the Commonwealth of Pennsylvania; and,

NOW, THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Board of Commissioners of the Township of Rochester:

SECTION 1. Article III DEFINITIONS, Section 301 “MEANING OF WORDS” is hereby amended by adding the following:

“Temporary Portable Storage Unit(s)” shall mean any stand-alone container, storage unit, shed or other portable structure that can be or is used for storage of personal property of any kind and which is located for such purpose accessory to a permitted principal use on a non-permanent basis for a set period of time until the portable storage unit is moved to an off-site location.

SECTION 2. Article XXII SUPPLEMENTAL REGULATIONS, is hereby amended by adding the following section and text:

SECTION 2218 Temporary Portable Storage Unit(s)”

- A. A Rochester Township temporary portable storage unit permit shall be required whenever a temporary portable storage unit is placed on private, commercial, industrial or residential property for every thirty (30) days or portion thereof for a maximum period of sixty (60) days. The permit holder may, due to special circumstances, apply for an extension of the placement of a temporary portable storage unit in excess of sixty (60) days, provided the extension request is filed prior to the expiration of the sixty (60) day period of the permit. The permit holder may, due to special circumstances, apply for an exemption from the temporary portable storage unit placement requirements. The Township, when considering the request for an extension of the allowed sixty (60) day period or an exemption from the temporary portable extension shall not exceed one hundred twenty (120) days.
- B. The maximum size of any temporary portable storage unit shall not exceed eight (8) feet in width, eight (8) feet in height and sixteen (16) feet in length. The maximum number of placements per lot is two (2) per calendar year for a maximum number of sixty (60) consecutive days per placement or one-hundred twenty (120) days per calendar year, unless an extension is obtained pursuant to Section A. above. The maximum number of temporary portable storage units that can be on a lot at one given time is one (1) unless an exemption and approved conditions are first obtained from the Township.

- C. The temporary portable storage unit cannot encroach on Township property, Township rights-of-way, neighboring property, sidewalks or any other right-of-way whether private or public. The unit must be sited on an asphalt, concrete, gravel or other hard surface between the front property line and the rear building line of the principal structure. The site distance between the temporary portable storage unit and the side yard set back may be waived if the applicant's neighbor(s) consent in writing to a side yard setback placement that is less than ten (10) feet and the Code Enforcement Official confirms the neighbor's consent.
- D. All temporary portable storage units shall be free of rust, peeling paint or other visible forms of deterioration and shall be painted or covered in a manner that is aesthetically consistent with nearby and surrounding structures so as not to diminish the quality of living, property values, and health, safety and welfare of residents of Rochester Township. Temporary portable storage units shall not be used to house animals or humans.
- E. Temporary portable storage units shall only be allowed upon application and the issuance of a permit. The permit shall be displayed either on the front exterior surface of the unit in a plastic liner or in the front window of the residence or front window of the premise's principal structure. The Code Enforcement Official or designated representative shall have the discretion to grant a grace period not to exceed five (5) days for a new, first time residential property owner or residential tenant.
- F. Responsibilities of Lessor/Lessee and User: The Lessor/Lessee and User of the temporary portable storage unit shall be jointly responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use the portable storage unit shall be kept locked. Lids and doors shall be kept tightly and completely closed when not in use. No hazardous substances are permitted to be stored or kept within a portable storage unit. The Lessor/Lessee and User shall clearly indicate their name and contact telephone number on the temporary portable storage unit.

- G. Any temporary portable storage unit placed on a property without the issuance of a permit shall be subject to a fine of Five Hundred (\$500.00) dollars for every day that such illegal use continues as well as reasonable attorney fees and court costs incurred by Rochester Township in pursuing the enforcement of this Ordinance. Both the owner of the real property and the owner of the temporary portable storage unit are subject to the requirements and sanctions set forth in this Ordinance.

SECTION 3. Severability

If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not effect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

SECTION 4. Repealer

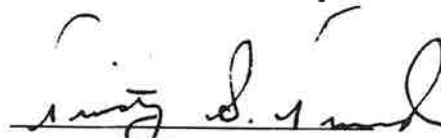
Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

Ordained and enacted this 17th day of June, 2010, by the Board of Commissioners of the Township of Rochester.

ATTEST:

Board of Commissioner
Rochester Township


Township Manager


Chairman