

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 6 OF THE YEAR 2012**

**A LOCAL LAW AMENDING CHAPTER 137 ENTITLED PROPERTY
MAINTENANCE TO THE CODE OF THE VILLAGE OF BUCHANAN**

Section One: The following sections of the Village Code are amended to read as follows:

Article I:

§137-2. Section 137-2, entitled "Definitions", of the Code of the Village of Buchanan is hereby amended to add the following:

PORTABLE ON DEMAND STORAGE UNITS -

(1) Temporary, transportable storage units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

(2) Accessory structures, such as sheds and liquid or gas containers, complying with all building codes and land use requirements, are not considered portable on demand storage units.

(3) Any portable on demand storage unit greater than 10 cubic yards is subject to these regulations. Portable on demand storage units greater than eight feet in height, eight feet in width or 16 feet in length (37.92 cubic yards) are strictly prohibited.

Article II. Section 137-2.3 shall be added and shall read as follows:

A. Permit required.

Before placing a portable on demand unit on his or her property, a property owner or tenant must submit an application and receive a permit from the Village Building Inspector. An insurance certificate providing liability insurance in the amount of \$100,000, provided by the third party supplying the portable on-demand unit must accompany the application. There is no fee for a thirty-day permit for the first portable on demand storage unit per every six (6) month period. For every additional portable on demand storage unit requested within a six (6) month period, there will be a fee of \$25 for a thirty-day permit. Applications may be obtained from the Village Building Inspector.

B. Duration.

(1) Permits will be granted for a period of 30 days. At the expiration of the thirty-day period, applicants may seek to extend their permit for an additional 30 days by seeking an extension for cause from the Village. Extension of a permit will cost \$25 for each 30 days

granted. No one shall be given any more than two permits in any six-month period. A maximum of 90 days is allowed in any one consecutive twelve-month period.

(2) In the event of fire, hurricane, natural disaster, or other emergency causing substantial damage to the structure, the property owner may apply to the Village Building Inspector for permission to extend the time that a portable on demand storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Village Building Inspector and shall give sufficient information to determine whether such extended duration should be granted. The Building Inspector 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 Building Inspector, the applicant may appeal such decision to the Village Board of Trustees by filing a written appeal describing why he or she needs additional time in which to have the portable on demand storage structure on his or her property. The decision by the Board of Trustees shall be final.

C. Location.

Portable on demand storage units are prohibited from being placed in streets or in the front yards of a property. Portable on demand units must be kept in the driveway of the property at the furthest accessible point from the street. All portable on demand unit locations must be placed on paved off-street surfaces. The applicant must obtain pre-approval of the location by the Village Building Inspector in the following situations:

- (1) If the property does not have a driveway;
- (2) If the location of the unit in the driveway is in the front yard of the property; or
- (3) The property is a corner lot.

D. Number of units.

Only one portable on demand storage unit may be placed at any residential property at a given time.

E. Exceptions.

The above regulations do not apply to open containers commonly known as "dumpsters" used for the removal of construction debris or other refuse. In addition, a permit for a portable on demand storage unit is not required when:

- (1) The portable on demand storage unit is on a property for seven days or less over a period of six consecutive months.
- (2) Use of the portable on demand storage unit is by a governmental entity.

F. Prohibited:

No portable on demand storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the portable on demand storage unit is located or any other illegal or hazardous material. Upon reasonable notice to the Applicant, the Village of Buchanan Building Inspector may inspect the contents of any portable on demand storage unit at any reasonable time to ensure that it is not being used to store said materials.

G. Violation and Penalties.

(1) Any person violating this chapter may be subject to a civil or criminal penalty, enforceable and collectible by the Village, in an amount up to \$500 or six months' imprisonment, or both such fine and imprisonment. Each week's continued violation is considered a separate violation. Nothing contained in the preceding section of this chapter shall prevent the Village Board from maintaining an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provisions of this chapter or any rules or regulations promulgated hereunder.

(2) Any portable on demand storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a the Building Inspector or a law enforcement officer for removal of such temporary unit for safety reasons, may be removed by the Village immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary portable on demand storage unit was located and may be filed as a lien against such property by the Village Clerk.

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