

ORDINANCE NO. 2025-02

ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 13-6 – DEFINITIONS – TO INCORPORATE THE DEFINITION OF PORTABLE STORAGE CONTAINER, AND SECTION 13-36 – OUTDOOR STORAGE – OF CHAPTER 13 ENTITLED “LAND DEVELOPMENT” TO CREATE SECTION 13-36.2 ENTITLED “OUTDOOR STORAGE CONTAINERS” TO ESTABLISH CERTAIN REGULATIONS RELATED TO PORTABLE STORAGE CONTAINERS

WHEREAS, Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq., grants to municipalities the power to adopt zoning ordinances relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Township Committee of the Township of Hardwick has been advised that certain outdoor storage containers are being poorly maintained and improperly stored; and

WHEREAS, such containers present an unanticipated blighting issue for the residents of the Municipality;

WHEREAS, in order to address the blighting issue, the Township wishes to amend its Land Development Code to establish certain restrictions on portable storage containers; and

WHEREAS, such restrictions are in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that Section 13-6 – Definitions – be amended and supplemented to incorporate the definition of “Portable Storage” and that Section 13-36 – Outdoor Storage – be amended and supplemented to create Section 13-36.2 entitled “Outdoor Storage Containers” to impose certain requirements on outdoor storage containers, as follows:

SECTION I:

§ 13-6. Definitions.

[. . .]

Portable Storage Container

A portable self-storage container that is delivered to and retrieved from a residential property for the temporary storage of personal property, and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes, land use requirements, and relevant permitting. Such containers are not on a chassis and do not have axles or wheels.

Such containers shall not include open topped containers of 40 cubic yards or less (commonly referred to as “dumpsters”) used for disposal or material such as garbage, debris or yard waste.

SECTION II:

§ 13-36.2. Storage Containers.

A. Permit required; application; fee; duration; appeals.

1. Before a portable storage container is placed on any residential property, the owner, tenant, or contractor must submit an application for a permit approving such a placement to the Zoning Officer. If the permit application is made by a tenant or contractor, written permission from the owner of the subject property for the placement of the portable storage container on the property must be provided to the Zoning Officer before the permit is issued.
2. Permits for containers shall be issued for a time period not exceeding ninety (90) days from the time of delivery of the portable storage container to the time of its removal. Upon application to the Zoning Officer with good cause shown, the time period may be extended for up to an additional thirty (30) days. No further extensions shall be permitted except as provided hereunder.
3. In the event of fire or natural disaster causing substantial damage to a structure on the residential property, and provided building permits are obtained, the property owner may apply in writing to the Zoning Officer for permission to extend the time beyond what is permitted for a portable storage container in this Section. The request shall provide sufficient information for the Zoning Officer to determine whether an extension will be granted. In the event of an adverse decision by the Zoning Officer, the applicant may appeal the decision to the Township Committee, whose decision shall be final.
4. In the event of high winds or other weather conditions in which such container may become a physical danger to persons or property, the Zoning Officer may require the immediate removal of the container.
5. The fee for the initial permit/extension of permit due at time of application shall be \$35.00.

B. Number.

Only one portable storage container may be placed at any residential property at a time. A portable storage container may not be located on the same property more than twice in any given one-year period, unless otherwise authorized by this Chapter.

C. Size.

A portable storage container shall not exceed ten (10) feet in height, ten (10) feet in width, and twenty (20) feet in length.

D. Use with construction permit.

If a portable storage container is to be used in conjunction with a validly issued construction permit, said container shall be permitted to remain for the active duration of the construction permit, but in no event for more than 365 days from the date of the initial permit issuance, unless otherwise authorized. If construction at the site has not been actively and diligently pursued for a period of six (6) months, the Zoning Officer may order the removal of any portable storage container from the property.

E. Location.

Portable storage containers may be placed upon driveways, and side and rear yards if such locations meet the requirements of this Chapter. No portable storage container shall be placed or located in the rear- and side-yard setback requirements for accessory buildings. No container may be placed in the front yard. Portable storage containers are prohibited from being placed in the streets or public rights-of-ways, except by express permission of the Zoning Officer, Land Use Board, Director of the Department of Public Works, and/or the Township Committee as appropriate. If approved, a container placed in a street or public right-of-way must have reflective markers and/or cones placed around it. Such temporary placement is permitted for no more than 72 hours.

F. Condition.

Portable storage containers shall be free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or visible damage. The container and the area surrounding it shall be kept in neat and clean condition. No material, goods, wares or debris is allowed to be placed on or under the portable storage container. Portable storage containers are to be left closed at all times except when loading or unloading.

G. Contents.

No hazardous, toxic, or dangerous material, organic waste, business inventory, commercial goods, or any personal property that is not owned by the owner or occupant of the property where the container is located, is permitted to be stored in said container. Upon reasonable notice to the permit holder, the Township may inspect the contents of any portable storage container for compliance with this subsection.

H. Storage Containers as Accessory Structures.

If the storage container is intended to be used as an accessory structure to an existing principal building, variance relief from the Township Land Use Board must be obtained, as well all relevant requirements of Section 13-32 – Accessory Buildings, Structures, and Uses – must be followed. Failure to comply with the requirements of Section 13-32 shall be deemed a violation of this Chapter with the violator being subject to all applicable penalties.

SECTION III: Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION IV: Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION V: Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction: February 19, 2025

Motion: Lovell

Second: Meuse

AIF, Lovell, Meuse, Jacksic

Adoption: March 19, 2025

Motion: Lovell

Second: Jacksic

Roll call: Lovell—yes, Meuse—yes, Jacksic—yes

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Hardwick held on February 19, 2025, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on March 19, 2025 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Kristin Shipps
Township Clerk

