

Portable Storage Units

Ordinance No. 2008-03

Date Enacted 8-11-08

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING ORDINANCE NO. 2004-01 TO REGULATE TEMPORARY PORTABLE STORAGE UNITS IN ALL ZONING DISTRICTS AND DEFINING AND PROVIDING CRITERIA AND STANDARDS FOR TEMPORARY PORTABLE STORAGE UNITS**

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

**WHEREAS**, the Beaver County Planning Commission reviewed the Ordinance on July 15, 2008 and did not object to the proposed amendment as documented in correspondence to the Board of Commissioners dated July 16, 2008; and

**WHEREAS**, the Board of Commissioners held a public hearing on August 11, 2008 as provided by the Hopewell Township Code and the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the amendment; and

**WHEREAS**, the Board of Commissioners advertised the public hearing and notice of intent to adopt the proposed amendment on July 3, 2008 and July 10, 2008 as provided by the Hopewell Township Code and the First Class Township Code; and

**WHEREAS**, it is the judgment of the Board of Commissioners for Hopewell Township that such an amendment to the Zoning Ordinance of the Township of Hopewell, Beaver County, Pennsylvania is consistent with the overall Comprehensive Plan adopted by the Township.

**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 Hopewell:

**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 the storage of personal property of any kind and which is located for such purposes 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 Hopewell 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 placement requirements, may set conditions of approval and establish a special fee. No permit extension shall exceed one hundred twenty (180) 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 property line is ten (10) feet. The ten (10) foot 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 Hopewell 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

premises' 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 area surrounding the portable storage unit shall be kept clean and free of loose debris. 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 Hopewell 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

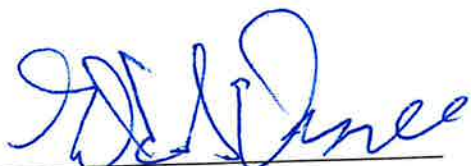
If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not effect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so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

### SECTION 4. Repealer

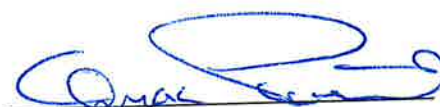
Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

Ordained and enacted this 11 day of Aug 2008, by the Board of Commissioners of the Township of Hopewell.

ATTEST:

  
Gerald Orsini, Township Manager

Board of Commissioners  
Hopewell Township

  
Chuck Piroli, Chairman



**McMILLEN, URICK,  
TOCCI, FOUSE AND JONES**

ATTORNEYS AT LAW

Keith R. McMillen  
Richard Urick  
Laura J. Tocci  
Dale M. Fouse  
Kelly M. Tocci  
Michael B. Jones  
Chad F. McMillen

Edward J. Tocci  
*Retired*

July 1, 2008

Beaver County Times  
ATTN: Lisa Lewis  
400 Fair Avenue  
Beaver, PA 15009

**RE: Notice of Proposed Ordinance  
for Hopewell Township**

Dear Ms. Lewis:

Enclosed is a Notice of Proposed Ordinance that I am requesting be published on behalf of Hopewell Township:

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY,  
PENNSYLVANIA, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE  
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP  
ZONING ORDINANCE NO. 2004-01 TO REGULATE TEMPORARY PORTABLE STORAGE  
UNITS IN ALL ZONING DISTRICTS AND DEFINING AND PROVIDING CRITERIA AND  
STANDARDS FOR TEMPORARY PORTABLE STORAGE UNITS**

Please run the Notice two (2) times beginning with the next earliest available edition of the Times and bill the undersigned at the address listed below.

Thank you for your cooperation.

Very truly yours,  
McMILLEN, URICK, TOCCI, FOUSE & JONES

Michael B. Jones  
Telephone: 724-375-6683  
Facsimile: 724-375-5099

MBJ:dg/enc.

Cc Hopewell Township Board of Commissioners  
**SENT BY FACSIMILE ONLY TO 724-775-7212**



ORDINANCES

NOTICE OF PROPOSED ORDINANCE  
TOWNSHIP OF HOPEWELL

TAKE NOTICE that the Board of Commissioners of the Township of Hopewell, Beaver County, Commonwealth of Pennsylvania shall hold a public hearing and consider action upon a proposed Ordinance at a Public Meeting to be held on Monday, August 11, 2008 at 7:00 P.M. at the Hopewell Township Municipal Building, 1700 Clark Boulevard, Aliquippa, Pennsylvania of which this notice is a summary:

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING ORDINANCE NO. 2004-01 TO REGULATE TEMPORARY PORTABLE STORAGE UNITS IN ALL ZONING DISTRICTS AND DEFINING AND PROVIDING CRITERIA AND STANDARDS FOR TEMPORARY PORTABLE STORAGE UNITS**

This Ordinance will be considered for adoption pursuant to the First Class Township Code and the Municipalities Planning Code for the purpose of regulating temporary portable storage units and establishing specific criteria and standards for said units in all zoning districts.

A copy of the full text of the proposed Ordinance is available for public inspection at the Office of the Hopewell Township Manager, 1700 Clark Boulevard, Aliquippa, Pennsylvania and the Beaver County Law Library, Courthouse, Beaver, Pennsylvania during normal business hours.

After adoption, an official copy of the Ordinance shall be filed in the Beaver County Law Library.

Michael B. Jones, Esquire  
Solicitor

DATED: July 1, 2008

PLANNING COMMISSION



July 16, 2008

**Board of Commissioners**

Tony Amadio, Chairman  
Joe Spanik  
Charles A. Camp

Mr. Charles Piroli, President  
Hopewell Township Board of Commissioners  
c/o Gerald Orsini, Manager  
1700 Clark Blvd.  
Aliquippa, PA 15001

**BEAVER COUNTY  
PLANNING COMMISSION**  
Charlotte Somerville, Chairperson  
Mark A. LaValle, Vice Chairperson  
John W. Bragg  
Judith Charlton  
John McCandless  
James A. Mitch  
Dennis Rousseau  
Howard Stuber  
Joseph Zagorski  
Samuel J. Orr, III, Legal Counsel  
Frank Mancini, Jr., Director

724-728-3934, Ext. 11312  
724-775-3915 Fax

Dear Mr. Piroli:

The Beaver County Planning Commission received a request from the Township of Hopewell to review a proposed zoning amendment on July 3, 2008. The amendment proposes to define and regulate Temporary Storage Units in all zoning districts of the Township. The proposed amendment, along with comments from staff, was reviewed by the Beaver County Planning Commission at a public meeting held on July 15, 2008. As a result of that review, the Planning Commission comments.

With the establishment of regulations and conditions for Temporary Storage Units in this amendment, it would appear that these units should be authorized as a Conditional Use in all zoning districts. The amendment, as submitted, appears to make Temporary Storage Units a permitted/principal use in all Zoning Districts.

The Township Solicitor should review the amendment in final form prior to further action by the Township, **and the Township should forward two (2) signed copies of the amendment within thirty (30) days following adoption.**

If there are any questions of a need for further information, please feel free to contact me at ext. 11315 or by email to [rpacker@beavercountypa.gov](mailto:rpacker@beavercountypa.gov).

Sincerely,

Richard W. Packer Jr.  
Planner

cc: Hopewell Township Planning Commission  
Hopewell Township Solicitor  
File

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**TOWNSHIP OF HOPEWELL  
TEMPORARY PORTABLE STORAGE UNIT PERMIT**

NAME OF APPLICANT \_\_\_\_\_

ADDRESS OF APPLICANT \_\_\_\_\_

TAX MAP NO. \_\_\_\_\_

If different than the location of storage unit \_\_\_\_\_

\_\_\_\_\_

(On the space at the bottom of the page, draw a site plan showing where the unit will be placed)

PLACEMENT OF STORAGE UNIT (driveway, side-yard, etc) \_\_\_\_\_

*Number of Units is limited to one. Maximum total number of placements per year is two*

SIZE OF UNIT TO BE PLACED shall not exceed eight feet in width, eight feet high & sixteen feet in length.

***PERMIT ISSUED SUBJECT TO THE RESTRICTIONS OF ORDINANCE NO. 2008-03(attached). 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. STORAGE UNITS SHALL NOT BE USED TO STORE ANIMALS OR HUMANS.***

**COMMENTS OR SPECIAL CONDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF ISSUE \_\_\_\_\_

DATE OF EXPIRATION \_\_\_\_\_

TOWNSHIP OF HOPEWELL \_\_\_\_\_

APPLICANT \_\_\_\_\_

**SITE PLAN DRAWING:** Show the Unit in conjunction with the (applicant's) residence or building and the street where Unit will be placed.