

ORDINANCE NO. 657

AN ORDINANCE OF THE TOWNSHIP OF PENN,
YORK COUNTY PENNSYLVANIA, REGULATING
THE USE OF PORTABLE ON DEMAND STORAGE
UNITS (PODS); REQUIRING REGISTRATION OF
PLACEMENT; PROVIDING PENALTIES FOR
VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Authority of Penn Township, York County, Commonwealth of Pennsylvania, by the Board of Commissioners of Penn Township, it is hereby Ordained and Enacted, as follows:

Section 1 Requirements for Placement

It shall be unlawful for any person or entity to place or permit the placement of a Temporary Portable Storage Unit(s) (PODS) on any property located in the Township which that person owns, rents, occupies or controls without registering the unit with the Township.

Section 2. Permit Required; Application; Fee

Before placing a PODS unit on his or her property, a person must submit an application and receive a permit from the Township. There shall be a non-refundable registration fee of \$50.00 for an initial thirty-day permit. All fees pertaining to PODS shall hereafter be amended from time to time by Resolution of the Board of Commissioners.

Section 3. Duration

The PODS unit shall be located at the applicant's address for a maximum of 30 days, including the days of delivery and removal. At the expiration of the thirty-day period, applicants may seek to extend their permits for an additional 30 days by requesting an extension for cause from the Township Manager. The cost of extending a permit shall be \$25 for each 30 days granted. No extensions shall be granted in excess of ninety (90) days, including the initial period, except in the event of fire, hurricane or natural disaster causing substantial damage to the structure. The property owner may apply to the Township for permission to extend the time that a PODS unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and shall provide sufficient information to determine whether such extended duration should be granted. The Board of Commissioners shall make a determination on the request and the Board's decision is final.

Section 4. Location

PODS units are prohibited from being placed in streets or the front yard of a property. PODS units must be kept in the driveway of the property at the furthest accessible point from the street. All locations must be paved off-street surfaces. The required parking space(s) shall at all times be maintained if a PODS unit is placed in a parking area. The applicant must obtain preapproval of the location by the Township Zoning Officer or Code Enforcement Officer in the following situation:

- A. If the property does not have a driveway
- B. If the location of the unit in the driveway is in the front yard of the property
- C. If the property is a corner lot

Section 5. Number and Size of Units

Only one PODS unit may be placed at any property at one time. The PODS unit may not exceed eight (8') feet six (6") inches in height, ten (10') feet in width, or twenty (20') feet in length.

Section 6. Condition of PODS Unit

The applicant, as well as the Supplier, shall be responsible for ensuring that the PODS unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

Section 7. Storage of Certain Materials Prohibited

No PODS 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 PODS unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Township may inspect the contents of any PODS unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall any PODS unit be used for any of these purposes.

Section 8. Removal of PODS

Any PODS 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 the Township Zoning/Code Officer for removal of such unit for safety reasons, may be removed by the Township 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 PODS unit was located and may be filed as a lien against such property.

Section 9. Liability and Indemnity

A person applying for a permit to place a PODS unit shall submit with the application an insurance certificate providing liability insurance in the amount of \$100,000 that is supplied by the company renting the PODS unit, as well as a signed indemnity agreement. The indemnity agreement shall promise to indemnify, save harmless and defend the Township, its officials, agents, servants and employees holding them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorney's fees for, or on account of, any injury or any damages to any property which may arise or may be alleged to have arisen out of or in connection with the placement or utilization of the PODS unit.

Section 10. Penalties

Penalties for violations of this ordinance shall be those set forth in Section 101 of the Penn Township Code.

Section 11. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this ordinance, which can be given effect without the invalid provision or application of this ordinance.

Section 12. Effective Date

This ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

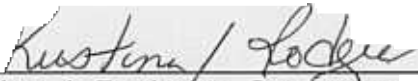
ENACTED AND ORDAINED this 19th day of March 2007.

Board of Commissioners of Penn Township

By: 

Joseph A. Klunk, President

Attest:



Kristina J. Rodgers, Secretary