

PROPOSED ORDINANCE

ORDINANCE NO. 1055

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND (“THE COMMISSIONERS”), ESTABLISHING REGULATIONS TO ALLOW FOR THE TEMPORARY PLACEMENT OF A PORTABLE ON-DEMAND STORAGE UNIT ON A PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF CAMBRIDGE.

WHEREAS, there has been a marked increase in the number of portable on demand storage units as a convenient means of temporarily storing belongings as a part of the process of moving, or concurrent with a home renovation or natural disaster; and

WHEREAS, it is the intent and desire of the Commissioners of Cambridge through this Ordinance to permit the use of portable on-demand storage units, but subject to the reasonable limitations as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Commissioners of Cambridge that the following be added to the Code of Laws of the City of Cambridge:

SECTION I. The Code of Laws of the City of Cambridge is hereby amended to create Section _____ entitled “Portable On-Demand Storage Units (“PODs”)

Section _____.1 **Definitions.**

A. PORTABLE ON-DEMAND STORAGE UNITS or PODs: Portable containers that are placed on or, in very limited circumstances, in front and/or side yards of a property for the purpose of storing, loading, unloading furniture, clothing or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster, fire or other destructive act. Portable storage units shall be no larger than 8’ x 8’ x 16’.

Section _____: Portable On-Demand Storage Units are permitted on the types residential property listed below, only in accordance with the provisions below on occupied properties primarily used for residential purposes in the following structure types: Single Family Detached Dwellings, Single Family Semi-Detached Dwellings (duplexes), and Single Family Attached Dwellings (townhomes). The regulations and provisions set forth herein are not applicable to the use of storage trailers used on commercial or industrial properties.

B. Portable On-Demand Storage Units (PODs) Regulated.

1. Location.

Portable on-demand storage units (“PODs”) are prohibited from being placed on an unpaved area in the front yard of a property, without the prior written approval of the permitting official, building official or code enforcement officer. PODs kept on-site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible the POD unit shall be placed on a paved surface to the rear or side of the principal structure. When placed on the driveway or paved area in side or rear yard, POD units shall be located at least THREE (3) feet from any property line, space permitting. In no event shall PODs be placed in the street or on any public sidewalk or right-of-way, without the prior written approval of the permitting official and the authorized member of the Cambridge Police Department. Only ONE (1) POD may be placed on a residential property at any given time, subject to exceptions set forth below for natural disasters.

In the event that the only practical location for the placement of the POD is in the street, or on a public sidewalk or right-of-way, then in such event, the proposed placement of the POD must be reviewed and approved by the Cambridge Police Department and the permitting official to assure that said placement does not jeopardize the public’s health and safety. In the event that the POD is approved for placement in the street, then in no event shall it be approved to remain there for more than THIRTY (30) days.

2. Time Limitation.

A POD unit may remain on a property for THIRTY (30) days in one twelve-month period, with up to ONE (1) 30-day extensions pursuant to the permitting provisions set forth below. Absent an emergency condition or situation, in no event shall a POD remain on a property in excess of SIXTY (60) days in one twelve month period.

3. Use During Natural Disaster.

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more POD units may be used for on-site storage. The authorization for such use shall be dependent upon issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for

the principal structure(s) or TWELVE (12) months from the date of the event that caused damage to the structure, whichever first occurs. For good cause shown, and to recognize extenuating circumstances, the permitting official, building office or Code Enforcement Officer may extend the authorization for as much as an additional TWELVE (12)-month period or until a Certificate of Occupancy is issued, whichever first occurs.

4. Advertising Prohibited.

Advertising is prohibited on a POD unit, with the exception of the name and telephone number of the unit's supplier, which shall be required.

5. Hazard Materials Prohibited.

The use of PODs for storage of hazardous materials is strictly prohibited. Upon reasonable notice to the permit applicant, the Code Enforcement Officer may inspect the POD to ensure no such hazardous materials are being stored inside.

6. Condition of PODs.

All PODs shall be maintained in good condition and repair, and shall not have holes, breaks, tears, or large areas of rust on the exterior of the POD. The area around the POD shall be kept free of debris and litter, and shall be in strict compliance with the weed and rubbish provisions of the city's property maintenance code;

7. Use Limited to Property.

A POD shall only be used to contain and store items and material generated at the location where the POD is placed for the residential property being serviced. In no event shall debris and/or material generated off-site be deposited or stored in any POD.

Section ____ . Permit Required

A 30-day permit shall be required for all portable on-demand storage units. The permit shall be obtained from the Department of Public Works, and the permit fee shall be set by the Commissioners of Cambridge by resolution. The permit shall be displayed in a weather proof material on the dumpster or POD. Extensions of the permits are permitted pursuant to paragraphs A.2.a and B.2. above.

Section ____ . Abatement.

Any POD not in compliance with this Ordinance is hereby declared to be a public nuisance and may be abated by the City at the property owner's or responsible person's expense. Abatement shall, at the City's option, include the removal and/or emptying of the POD as the case may be. All costs incurred by the City in the abatement shall

constitute a lien on the subject property and shall be collected the same as real property taxes by the City.

Section ____. **Violations; Penalties.**

1. Any person who violates any of the provisions of this chapter shall be subject to a fine in an amount of ONE HUNDRED DOLLARS (\$100.00) for each day that the violation continues.
2. In addition to the fine, a person who is found guilty of a violation of this chapter shall be ordered to abate the problem and to pay the cost incurred by the City if the City abates the problem.
3. All fines and costs incurred by the City in the abatement shall constitute a lien on the subject property and shall be collected the same as real property taxes by the City.

Section ____. **Relationship of Ordinance to other Ordinances.**

In the provisions of this Ordinance are found to be inconsistent with any portion of other ordinances or provisions in the Code of Laws of the City of Cambridge, this Ordinance shall control.

SECTION II. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Oden Wheeler, Acting Clerk

BY: _____
Victoria Jackson-Stanley, Mayor

Introduced the _____ day of AUGUST, 2015.

Approved the _____ day of SEPTEMBER, 2015.