

AN ORDINANCE

AMENDING CHAPTER 3, "BUILDING REGULATIONS" BY ADDING ARTICLE 3.11, "RESIDENTIAL TEMPORARY PORTABLE STORAGE UNITS," AND PRESCRIBING A PENALTY OF NO LESS THAN (\$50) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500) AND AMENDING APPENDIX A "FEE SCHEDULE" TO ADD SECTION A8.020, "RESIDENTIAL TEMPORARY PORTABLE STORAGE UNIT FEES"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:

1. Chapter 3, "BUILDING REGULATIONS," is hereby amended by adding new Article 3.11, "RESIDENTIAL TEMPORARY PORTABLE STORAGE UNITS AND CONSTRUCTION WASTE RECEPTACLES," to read as follows:

"ARTICLE 3.11 RESIDENTIAL TEMPORARY PORTABLE STORAGE UNITS AND CONSTRUCTION WASTE RECEPTACLES"

3.11.001 Purpose

The following regulations have been adopted to ensure that placement of portable temporary storage units complies with the health, safety, and welfare objectives of the City of Leon Valley, and to preserve the aesthetic value of its residential neighborhoods.

3.11.002 Definitions

Applicant. Shall mean the person that owns, rents, occupies, or controls the residential property and obtains the required permit for a portable temporary storage unit.

Temporary Portable Storage Unit. Shall mean a transportable unit designed and used primarily for temporary storage of building materials; household goods; and other such materials for use on a limited basis only on residential property. Job trailers sited in conjunction with a building project shall not be regulated by this Article.

Supplier. Shall mean the company or vendor which supplies the temporary portable storage unit to the residential property.

3.11.003 Permit Required

- (a) Prior to, or within forty-eight (48) hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Community Development office.
- (b) The permit shall be obtained by:
 1. Completing the Temporary Portable Storage Unit Permit application;

2. Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;
3. Payment of a permit fee as established in the Fee Schedule set forth in Appendix A of the City Code of Ordinances; and
4. Obtaining written approval of the permit by the Building Official, or designee.

(c) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and, a sketch depicting the location and placement of the unit.

(d) The effective date of the permit shall be the date of the Building Official's or designee's signature.

3.11.004 Duration

(a) Permits shall be granted for a period of thirty (30) consecutive days including the days of delivery and removal. No more than two (2) permits shall be issued within any twelve (12) month period, and a minimum of fifteen (15) days shall elapse between the end of one (1) permit period and the beginning of another.

(b) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary residential structure, the property owner may apply to the City for permission to extend the time that a portable temporary 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 Community Development office, and shall give sufficient information to determine whether such extended duration should be granted. The Building Official 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 Official, the applicant may appeal such decision to the Board of Adjustment.

3.11.005 Location

(a) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(b) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each single family zoning district shall at all times be maintained.

(c) Such unit shall not exceed eight feet six inches (8'6") in height, ten feet (10') in width, or twenty feet (20') in length.

3.11.006 Number of Units

No more than one (1) portable temporary storage unit may be located on a residentially zoned property at one time. In the case of a two-family, or multi-family dwelling, no more than one unit per address shall be permitted.

3.11.007 Use and Maintenance

(a) No portable temporary storage unit shall be used as a dwelling unit, or 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 unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the City of Leon Valley may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(b) The applicant, as well as the supplier, shall be responsible for ensuring that the 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.

(c) All portable temporary storage units must be brought into compliance with this Chapter by October 31, 2009.

3.11.008 Construction Waste Receptacles

Construction waste receptacles may be located on residential property in conjunction with a valid building permit for a building or site improvement project, or for home improvement projects that do not require a building permit such as roof, siding, or window replacement. No more than one (1) construction waste receptacle may be located on a single-family residential property at one time. In the case of a two-family, or multi-family dwelling, no more than one unit per address shall be permitted. The receptacle may be placed on a hard surfaced drive or parking area, and may remain on site only during active construction or improvements. All portable temporary storage units must be brought into compliance with this chapter by October 31, 2009.

3.11.009 Penalty

Any person, persons, firm, or corporation violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Building Official or designee issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each violation of this Chapter shall be punishable by penalty of not less fifty dollars (\$50) nor more than five hundred dollars (\$500). Each and every day during which such violation of any provision, amendment, or supplement of this chapter occurs, or each and every day during which there is a failure to obey any lawful order of the Building Official or designee, may be deemed a separate offense.

2. Appendix A "FEE SCHEDULE," ARTICLE A8.000, "BUILDING AND CONSTRUCTION RELATED FEES," is hereby amended to add Section A8.020, "RESIDENTIAL TEMPORARY PORTABLE STORAGE UNIT FEES," to read as follows:

(a) Temporary Portable Storage Unit Permit fee: \$30.00.

3. This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.

PASSED AND APPROVED this 5th day of October, 2009.

Chris Riley
Mayor

ATTEST:

Maile Feun
City Secretary



APPROVED AS TO FORM:

William McKinnis
City Attorney