

AN ORDINANCE REGULATING THE USE OF PORTABLE STORAGE UNITS AND DUMPSTERS WITHIN THE RESIDENTIAL AREAS OF THE CITY OF FOLEY, ESTABLISHING PENALTIES FOR VIOLATIONS THEREFOR AND MATTERS RELATED THERETO.

WHEREAS, the use of dumpsters or large portable storage containers on residential property, within developed residential neighborhoods, may be helpful or necessary to maintain that property as required by law; and

WHEREAS, the use or storage of dumpsters or large portable storage containers on residential property, within developed residential neighborhoods, for extended periods of time, when not necessary for repair or construction, creates a "nuisance". (see Ord. 171 ).

WHEREAS, the absence of clear guidelines and restrictions relating to dumpsters and portable storage containers has allowed some property owners, within developed residential neighborhoods, to evade the clear intent of the laws and regulations, thereby creating safety hazards and eyesores in residential areas of the City of Foley.

WHEREAS, this ordinance is not intended to effect and/or alter the present laws related to commercial businesses, apartment complexes, commercial developments, residential developments, and/or new construction projects, whereby the entire residential dwelling is being newly constructed; and

WHEREAS, this ordinance is intended to effect and/or alter the present laws related to residential areas and neighborhoods, which are already developed, and that being which consist of single family dwellings and/or multifamily dwelling structures with four or fewer separate dwelling units; therefore

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI AS FOLLOWS:

Section 1. the provisions of this ordinance shall govern the minimum conditions and standards for the placement of Portable Storage Units, commonly referred to as "PODS", TRAILERS, OR UNITS and DUMPSTERS on or in the exterior areas of property zoned and/or used for residential purposes. Containers located outside of an enclosed building or structure and serving a property benefiting from the use of said containers, as specified in the ordinance and subject to the following requirements. This section does not apply to the following:

- A. Containers placed on a property zoned and/or used for commercial or industrial use as defined by the City of Foley.
- B. Multi-Family Residential Structures using a Dumpster placed in a permanent location on the site for the removal of solid waste generated by residents thereof,
- C. Containers associated with new residential construction, including complete reconstruction of a residence, provided that a valid building permit exists for construction activity, and no certificate of occupancy has been issued for the residence.

- D. The Property Owner and/or renter/lesser will be responsible for compliance with the provisions of this Ordinance.

## Section 2. DEFINITIONS

**CONTAINER(S)** A collective term including Dumpsters and Portable Storage Units.

**DUMPSTER (S)** Any "bulk container" as that term is defined by a waste management company licensed by the State of Missouri and/or Lincoln County for waste hauling/management.

**PORTABLE STORAGE UNIT(S).** Any container, storage unit, shed like container, "portable on demand storage structure" (PODS), or other transportable receptacle designed and used for the TEMPORARY on-site storage and subsequent removal of personal property, household goods, wares, building materials, building supplies, machinery, or merchandise of any kind, and which is designed or intended to be located on a site for the use of the occupants of a dwelling or building on a temporary basis.

**PROPERTY OWNER,** The owner and/or occupant of a property regulated by this ordinance.

**OWNER/VENDOR** Any individual or company of any form that exercises control or ownership over a container who has an agreement for the use of the container by the property owner.

## Section 3 PERMISSIBLE LOCATION OF PORTABLE STORAGE CONTAINERS AND DUMPSTERS.

- A. No container shall be located, in whole or in part, upon any street, sidewalk, or within any public right-of-way, except as a part of construction activity being conducted by or on behalf of a government unit.
- B. Containers shall not be placed on any city street where parking is not permitted or that has a pavement width of less than eighteen (18) feet, measured from edge of pavement to edge of pavement.
- C. No container shall be placed in a manner which damages any public improvement, including but not limited to, the pavement, asphalt, curb, gutter, street sign, grass, landscaping, or tree located within the right-of-way. If the container causes damage to any public improvement, the Property Owner and/or Owner/Vendor shall reimburse the city for the cost of the repair.
- D. If a container is placed in the required front yard of the property, then the container shall be located only in the area designated for vehicular ingress and egress and must be placed a minimum of ten(10) feet from the edge of the curb or from the edge of the street if no curb exists.

## Section 4 USEAGE OF PORTABLE STORAGE UNIT.

All Portable Storage Units shall be securely closed when not in use. Materials, property or goods intended to be stored within the Portable Storage Unit shall not be stored outside of a Portable Storable Unit when not in use.

## Section 5 USEAGE OF DUMPSTERS

Rubbish and waste material shall be completely contained within any dumpster. The accumulation of rubbish or waste materials shall not be permitted outside the confines

of a dumpster, nor shall it be permitted to accumulate so as the lid of said dumpster is unable to close. All dumpsters MUST have a working lid that can be secured so as not to let any rubbish or waste material outside the confines of the dumpster. No more than one(1) dumpster is allowed at any given time.

#### Section 6 RESPONSIBILITIES OF PROPERTY OWNER

Owners must keep lids tightly and completely closed when the dumpster is not in use. The area surrounding the dumpster shall be kept clean and free of loose debris. No hazardous substances may be stored or kept with any storage container. Containers shall not be stacked, connected together, or attached to a building structure. All storage containers herein can be placed for use for a maximum of thirty (30) days, not to exceed two (2) storage containers at any one time, and not to exceed two (2) storage containers within a twelve (12) month period.

#### Section 7. NOTICE OF VIOLATION AND CITATION

Upon the failure, neglect or refusal of a property owner and/or owner/vendor of any container to comply with this ordinance, the City of Foley is authorized to issue a notice of violation describing the specific act of noncompliance and stating the applicable remedy within seven (7) days. Should the issuance of the notice of violation remain uncured after these seven (7) days, a citation shall be issued to the property owner. This ordinance also gives the Foley Code Enforcement Officer and/or the Foley Police Department the authority to enter the property to investigate said violation.

#### Section 8 APPEAL

All appeals taken under this ordinance shall follow the procedures specifically by a written letter from the property owner to the Board of Alderman requesting a review at the next scheduled board meeting. This appeal letter must be received by the City Clerk at least two (2) weeks before said board meeting.

#### Section 9. FAILURE TO APPEAL

The notice of violation shall represent a determination that the violation has been committed, and that determination shall be final.

Section 10. Any person found guilty of violation of the provisions of this ordinance shall be deemed guilty of committing a misdemeanor and shall be subject to a fine of up to \$500.00.

Section 11. This ordinance shall be in full force and effect immediately upon enactment and approval by the City Council.