

**ORDINANCE NO. 2022 - 9**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR TEMPORARY STORAGE CONTAINERS, DUMPSTERS AND PORTABLE TOILETS IN RESIDENTIAL DISTRICTS**

**WHEREAS**, temporary storage containers, typically PODS units, have been frequently utilized by property owners within the Village to provide temporary storage onsite during moving or remodeling of a residence; and

**WHEREAS**, dumpsters have frequently been utilized by residential property owners within the Village to remove construction debris and residential waste such as old furniture and appliances when remodeling or reconstructing residences; and

**WHEREAS**, at times Building Codes and/or homeowner's preference requires utilizing a portable toilet on a residential site during construction; and

**WHEREAS**, the Administration has recommended that the Village adopt regulations controlling the location and duration when such temporary storage containers, dumpsters or portable toilets may be placed onsite to preserve the character and integrity of the Village community and to safely manage residential streets within the Village; and

**WHEREAS**, the Planning Commission has studied and propose regulations for these typical units, and at its regularly scheduled meeting on August 1, 2022, the Commission recommended the following specific regulations to be adopted by Council as a part of the Land Usage Code; and

**WHEREAS**, Council has held a public hearing on September 30, 2022 concerning such recommended regulations, and Council does desire to adopt such regulations consistent with the procedures of the Land Usage Code.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** The following Definitions shall be added to Chapter 1123 of the Code of Ordinances:

§ 1123.161 Dumpster

*Construction Dumpster.* A Construction Dumpster is a type of moveable waste container designed to be brought and taken away by a special collection vehicle and is used in conjunction with repair, remodeling or reconstruction of a residence which holds non-hazardous waste, debris and general junk such as

may only be placed upon private property upon a residential lot and may not be placed in position as to block the public sidewalk or otherwise impede pedestrian traffic upon a public sidewalk, and may not be placed within the street, except as provided in Section 902.06.

(B) Construction Dumpsters may be located as a temporary accessory use on residential property within the Village for a period not exceeding Fourteen (14) days per calendar year in duration from the time of delivery to the time of removal. Such Construction Dumpster may only be placed upon private property upon a residential lot and may not be placed in such position as to block the public sidewalk or otherwise impede pedestrian traffic upon a public sidewalk, and may not be placed within the street, except as provided in Section 902.06.

(C) Portable Toilets may be located as a temporary accessory use on residential property within the Village for a period not exceeding Thirty (30) days per calendar year in duration from the time of delivery to the time of removal and only in conjunction with construction, reconstruction or remodeling. Such Portable Toilet may only be placed upon private property upon a residential lot and may not be placed in such position as to block the public sidewalk or otherwise impede pedestrian traffic upon a public sidewalk, and may not be placed within the street.

(D) The owner of the real property upon which the Temporary Storage Container, Dumpster or Portable Toilet is located, or the agent of such owner using such Temporary Storage Container, Dumpster or Portable Toilet, shall obtain a permit, at no cost, from the Code Enforcement Officer no later than the first day such Accessory Structure is placed onsite.

(E) A Temporary Storage Container, Dumpster or Portable Toilet shall be located a minimum of Three (3) feet from all lot lines of adjoining lots.

(F) A Temporary Storage Container shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the Temporary Storage Container and shall be secured and enclosed in such a manner as to not permit waste, litter or debris.

(G) A Construction Dumpster shall be secured in a such a manner as to not permit waste, litter or debris, and shall be timely and regularly serviced to avoid waste, litter or debris. A Construction Dumpster may not be used to dispose of garbage, household waste, yard waste, chemicals or Hazardous Substances. Hazardous Substances include flammable explosives, radioactive materials, asbestos, formaldehyde,

packaging, mattresses, metal hardware and fixtures, siding, cabinetry, drywall, roofing shingles and construction debris, carpeting or flooring, and discarded household goods such as toys, clothes, furniture and mattresses. A Construction Dumpster shall be considered an Accessory Structure in the Residential "A" Single-Family District and the Residential "B" Multi-Family District.

*Multi-Family Residential Dumpster.* A Multi-Family Residential Dumpster is designed with a closeable lid and is located onsite to provide disposal of residential waste and garbage resulting from the handling, processing, preparation, cooking and consumption of food or food products.

§ 1123.381 *Portable Toilet.* An outdoor toilet commercially manufactured or assembled that is portable and is not designed nor intended for connection to a sewer system and is placed onsite on a temporary basis during construction, remodeling or reconstruction of a residential structure. A Portable Toilet shall be considered an Accessory Structure in the Residential "A" Single-Family District and the Residential "B" Multi-Family District.

§ 1123.481 *Temporary Storage Container.* Any container, storage unit or other portable structure designed and primarily used for the temporary storage of personal property and which is located outside an enclosed building. Temporary Storage Containers also include shipping containers and similar portable storage devices which may be closed and secured to temporarily store reusable personal property. Accessory buildings complying with all building and zoning requirements shall not be considered a Temporary Storage Container. A Temporary Storage Container shall be considered an Accessory Structure in the Residential "A" Single-Family District and the Residential "B" Multi-Family District.

## **SECTION II.**

A. Section 1129.03 of the Code of Ordinances shall be modified to recognize a second exception for Section 1129.032 with the introductory sentence reading as follows: *Except as otherwise provided herein at Sections 1129.031 and 1129.032, .....*

B. Chapter 1129 of the Code of Ordinances shall be amended to add the following section:

§ 1129.032 Construction Dumpsters, Portable Toilets and Temporary Storage Containers, as an Accessory Structure, are acceptable accessory uses in a Residential "A" Single-Family District subject to the following restrictions:

(A) A Temporary Storage Container may be located as a temporary accessory use on residential property within the Village for a period not exceeding Thirty (30) days per calendar year in duration from the time of delivery to the time of removal. Such Temporary Storage Container

foam insulation, polychlorinated biphenyls, methane, hazardous materials, hazardous waste, hazardous or toxic substances, or any related materials of any kind or form as defined in the applicable state or federal law or the regulations promulgated thereunder.

(H) A Portable Toilet shall be regular and timely serviced as recommended by the manufacturer/vendor for the Portable Toilet.

(I) The time restrictions imposed herein for Accessory Structures may be extended upon petition to the Village Administrator with a copy to the Code Enforcement Official and only for good cause shown.

**SECTION III.**

A. Section 1131.03 of the Code of Ordinances shall be modified to recognize an exception for Section 1131.031 with the introductory sentence reading as follows: *Except as otherwise provided herein at Section 1131.031, .....*

B. Chapter 1131 of the Code of Ordinances shall be amended to add the following section:

§ 1131.031 Construction Dumpsters, Portable Toilets and Temporary Storage Containers, as an Accessory Structure, are acceptable accessory uses in a Residential "B" Multi-Family District subject to the following restrictions:

(A) A Temporary Storage Container may be located as a temporary accessory use on residential property within the Village for a period not exceeding Thirty (30) days per calendar year in duration from the time of delivery to the time of removal. Such Temporary Storage Container may only be placed upon private property upon a residential lot and may not be placed in such position as to block the public sidewalk or otherwise impede pedestrian traffic upon a public sidewalk, and may not be placed within the street, except as provided in Section 902.06.

(B) Construction Dumpsters may be located as a temporary accessory use on residential property within the Village for a period not exceeding Fourteen (14) days per calendar year in duration from the time of delivery to the time of removal. Such Construction Dumpster may only be placed upon private property upon a residential lot and may not be placed in such position as to block the public sidewalk or otherwise impede pedestrian traffic upon a public sidewalk, and may not be placed within the street, except as provided in Section 902.06.

(C) Portable Toilets may be located as a temporary accessory use on residential property within the Village for a period not exceeding Thirty (30) days per calendar year in duration from the time of delivery to the

time of removal and only in conjunction with construction, reconstruction or remodeling. Such Portable Toilet may only be placed upon private property upon a residential lot and may not be placed in such position as to block the public sidewalk or otherwise impede pedestrian traffic upon a public sidewalk, and may not be placed within the street.

(D) The owner of the real property upon which the Temporary Storage Container, Dumpster or Portable Toilet is located, or the agent of such owner using such Temporary Storage Container, Dumpster or Portable Toilet, shall obtain a permit, at no cost, from the Code Enforcement Officer no later than the first day such Accessory Structure is placed onsite.

(E) A Temporary Storage Container, Dumpster or Portable Toilet shall be located a minimum of Three (3) feet from all lot lines of adjoining lots.

(F) A Temporary Storage Container shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the Temporary Storage Container, and shall be secured and enclosed in such a manner as to not permit waste, litter or debris.

(G) A Construction Dumpster shall be secured in a such a manner as to not permit waste, litter or debris, and shall be timely and regularly serviced to avoid waste, litter or debris. A Construction Dumpster may not be used to dispose of garbage, household waste, yard waste, chemicals or Hazardous Substances. Hazardous Substances include flammable explosives, radioactive materials, asbestos, formaldehyde, foam insulation, polychlorinated biphenyls, methane, hazardous materials, hazardous waste, hazardous or toxic substances, or any related materials of any kind or form as defined in the applicable state or federal law or the regulations promulgated thereunder.

(H) A Portable Toilet shall be regular and timely serviced as recommended by the manufacturer/vendor for the Portable Toilet.

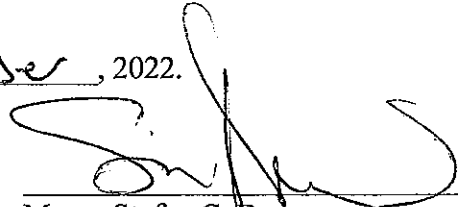
(I) The time restrictions imposed herein for Accessory Structures may be extended upon petition to the Village Administrator with a copy to the Code Enforcement Official and only for good cause shown.

**SECTION IV.** All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

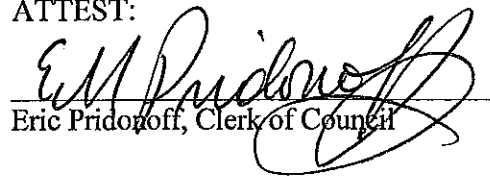
**SECTION V.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION VI.** This Ordinance shall take effect the earliest opportunity as allowable by law.

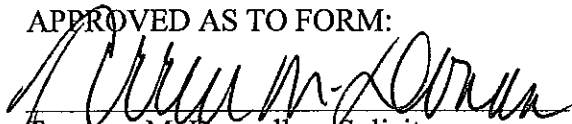
PASSED this 28<sup>th</sup> day of November, 2022.

  
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Mayor Stefan C. Densmore

ATTEST:

  
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Eric Pridoroff, Clerk of Council

APPROVED AS TO FORM:

  
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Terrence M. Donnellon, Solicitor