

**CITY OF ROLLING FIELDS
ORDINANCE NO. 09-3**

**AN ORDINANCE REGULATING PLACEMENT OF TEMPORARY STORAGE
STRUCTURES, DUMPSTERS AND ACCESSORY STRUCTURES**

Whereas, the City Commission has determined that the city regulations concerning temporary storage units, including what is commonly referred to as PODS and dumpsters, should be created,

Now therefore, be it resolved by the City of Rolling Fields:

**SECTION 1: DEFINITION OF TEMPORARY STORAGE UNITS AND
DUMPSTERS**

- (1) **TEMPORARY (OR PORTABLE) STORAGE UNITS**- Sometimes referred to as “PODS”, are defined as any storage device, trailer, vehicle, or other container or receptacle (with or without wheels) designed and used primarily for the temporary storage of building material, household goods, personal items and other material on the limited basis. The term shall not include dumpsters, which are described separately herein.
- (2) **DUMPSTERS**- Storage container units designed for waste materials of a size greater than 100 gallons, not including any of the containers provided by or approved for use by any waste disposal company hired by the City for garbage, yard waste or recycling.

SECTION 2: REGULATION: TEMPORARY STORAGE UNITS & DUMPSTERS

- (1) Temporary storage units and temporary dumpster units shall be allowed only upon the issuance of a permit by the City of Rolling Fields. Permits shall be displayed on the outside of the container in such manner as to be plainly visible from the nearest street. The fee for permits shall be Fifty Dollars (\$50.00) per unit, except that there shall be no fee if such containers are to be located on a site for less than seven days.
- (2) Each permit application must be filled out and signed by the owners of the lot on which the temporary storage unit is to be located and contain all relevant contact information for both the owners and the company from which the unit is to be rented. The permit application shall be accompanied by a drawing showing where the unit is to be located and whenever possible, the unit must be located on the lot behind the rear wall of the principal structure and on a hard surface. Such unit shall be located no closer than 10 feet to any property line **and shall not be located in any required rear, front or side yard**. If the lot configuration makes it impossible for the storage unit to be placed, a case by case review of the placement shall be made by the City of Rolling Fields as to whether to issue a

special permit for another location on the lot, or adjacent to the lot, given due regard to the public health, safety and aesthetics.

- (3) No temporary storage or dumpster unit may be used to contain any hazardous material. Any possible hazardous material must be disclosed to the City of Rolling Fields at the time the permit application is made for review by the proper City official, prior to the issuance of any permit.
- (4) Storage and dumpster units must be in good condition, with no significant rust or deterioration. They cannot be greater than eight feet in height, ten feet in width and twenty feet in length. No more than two can be placed on any residential lot at one time, except for commercially zoned properties, provided they also meet the minimum requirement of the General Development/Detailed Development Plan for the site; binding elements, and current regulation of such items in the Metro Louisville Zoning Regulations.
- (5) Permits are good for a period of twenty-one days. At the expiration of the twenty-one day period, applicants may seek to extend their permits for an additional twenty one days by seeking an extension for cause from the City of Rolling Fields.
- (6) Extension of a permit will cost \$50.00 for only one additional 21 day extension.

SECTION 3: EXCEPTIONS

- (1) Any property, which has properly applied for and been granted by the Louisville Metro Zoning Authority the right to locate temporary storage on the site, is exempt from this regulation as it relates to storage units. This exemption is utterly conditional on full compliance with the General Development/Detailed Development Plan for the site; binding elements, and current regulation of such items in the Metro Louisville Zoning Regulations.
- (2) Commercial, office or multi-family zoned property whose garbage pickup is through a permanent dumpster pickup is exempt from this regulation, as it relates to dumpster units. This exemptions is utterly conditional on full compliance with the General Development/Detailed Development Plan for the site; binding elements, and current regulation of such items in the Metro Louisville Zoning Regulations.
- (3) In the case of emergencies, such as floods, wind storms, fires or other acts of God, or man-made disasters, the City Mayor shall be allowed to suspend the enforcement of this ordinance as to the City as a whole, or areas of the City, for a time period appropriate for the community to deal with such emergency conditions.

- (4) Due to the physical requirements of construction, or re-construction of buildings and houses, special rules shall govern the both temporary storage units and dumpsters at construction or re-construction sites. On any site on which a building permit is to be issued, prior to the City issuing a letter of compliance, the applicant shall submit all information required under section 2(1) and 2(2) of this ordinance, however, the City Mayor is authorized to extend the time the units may remain on site; the number of units allowed and the locations they may be placed. This decision shall be made with due regard to the physical limitation of the work to be accomplished on the site, on a case by case basis.

SECTION 4: PENALTIES

A. Criminal

1. Any person who shall violate any provision of this Ordinance shall be guilty of a violation and fined not less than \$20.00 nor more than \$100.00.

2. Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.

3. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

B. Civil

1. Any person who shall violate any provision of this Ordinance shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this ordinance, with a minimum civil penalty of \$50.00 for each violation.

2. The civil penalty provided herein may be recovered by the City in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the ordinance violation. As used herein "cited" shall mean notified of the violation and the penalty in writing by an elected or appointed official of the City or the official attorney for the City. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein.

SECTION 5: EFFECTIVE DATE

(A) This ordinance shall take effect upon its reading, adoption and publication according to law.

First Reading _____

Second Reading _____

Enacted and approved this the ____ day of _____ 2009.

Mayor

ATTEST:

City Clerk

Those in Favor _____

Those Opposed _____