

ORDINANCE NO. 12-01

AN ORDINANCE RELATING TO PORTABLE STORAGE UNITS

THE COUNCIL OF THE TOWN OF FREDERICA HEREBY ORDAINS:

Section 1. That the Frederica Code of Ordinances be amended by adding a new chapter, Chapter 297, thereto, to reads as follows:

§297-1. Permit required; fee.

It shall be unlawful for a portable storage container to be placed or used in the Town without a permit and payment of a fee of twenty-five dollars (\$25). Only one portable storage unit shall be placed on a parcel. The lessee of the portable storage container shall be responsible for obtaining the permit.

§297-2. Enforcement.

The Mayor and Council, or its designee, shall, unless specifically provided otherwise, supervise the enforcement of this ordinance and have authority to grant, deny and revoke permit.

§297-3. Powers and duties of Mayor and Council.

The Mayor and Council, or its designee, shall:

- (1) Collect all permit fees, issue permits and maintain all permit records in the name of the town.
- (2) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this ordinance.
- (3) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.
- (4) Notify any applicant of the acceptance or rejection of his application and, upon the refusal of any permit or permit and at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

§297-4. Permit application.

(a) Every applicant for a permit under the provisions of this ordinance shall make an application for such permit upon forms provided by the Mayor and Council, or its designee, which shall include the following information:

- (1) The name and address of the applicant and the address where the portable storage container(s) will be placed;
- (2) A statement that the applicant has complied and will continue to comply with all the ordinances of the town.
- (3) Such other information as the Mayor and Council, or its designee, deems necessary.

(b) The proper permit fee shall accompany the application.

§297-5. Issuance, expiration and form.

Upon proper application and payment of the prescribed fee a permit shall be issued to each such applicant, signed by the Mayor, or his/her designee. Each such permit shall be valid and

effective a period of sixty (60) days. A record of all permits issued and permit fees paid shall be maintained at the town hall.

§297-6. Procedure for renewal of permit.

- (a) The applicant for the renewal of a permit shall submit an application for that permit to the Mayor and Council, or its designee, along with the required fee.
- (b) The Mayor and Council, or its designee, may grant one sixty (60) day extension of an initial permit. The fee for the renewal of the permit shall be twenty-five dollars (\$25).
- (c) Any further extensions of the permit shall be applied for as follows:
 - (i) Applicant must submit application for further extension of the permit every month after the initial 120 days.
 - (ii) Application for further extension shall be made every month and shall include the application for the permit, a separate written explanation of why applicant needs the storage unit and length of time the unit will be needed.
 - (iii) Applicant shall pay a fee of fifty dollars (\$50) per month to be submitted with the application.
 - (iv) Applicant shall appear before Town Council regarding further extension of said storage unit..

§297-7. Collection of fees.

- (a) The amount of any unpaid fee, the payment of which is required pursuant to this ordinance, shall constitute a debt due the town.
- (b) The city solicitor shall, at the direction of the Mayor, institute civil suit in the name of the town to recover any unpaid fee.
- (c) No civil judgment or any act by the city solicitor, the Mayor and Council, or its designee, or the violating permit holder shall bar or prevent a criminal prosecution for each violation of this ordinance.

§297-8. Display.

The permit must be conspicuously posted on the portable storage container in such a manner as to protect the permit from inclement weather while maintaining readability.

§297-9 Placement of portable storage units

- (a) It shall be unlawful to place a portable storage unit in the front yard (as defined by the Land Development Ordinance) of any parcel in any zoning district in the town.
- (b) It shall be unlawful for portable storage containers to obstruct any roadway or sidewalk.
- (c) Portable storage units shall be placed in accordance with Table 8-3 of the Frederica Land Development Ordinance.

§297-10 Penalties

- (a) Any person violating this Ordinance shall be punished by a fine of not more than \$100 for each offense.
- (b) Each day that a violation occurs shall be a separate offense.

Section 2 Severability. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional or violate the

Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 3 Effective Date. This ordinance shall become effective thirty days after adoption.

SYNOPSIS

This ordinance regulates portable storage units.

Repealer: All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Date of Effect: The Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force thirty days from and after its approval by Council.

ORDAINED AND ENACTED INTO THE LAW by a majority vote of the Council Members present at a regular session of Frederica Town Council, Delaware on the 1ST day of FEBRUARY, A.D. 2012.

First Reading: January 18, 2012

Public Hearing and Second Reading: February 1, 2012

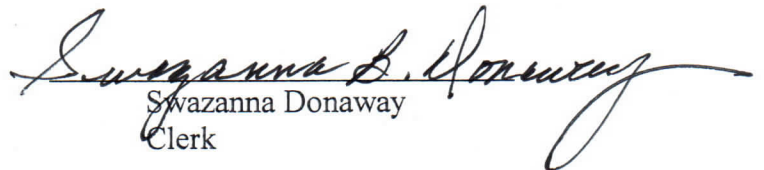
Published: _____



William C. Glanden

Mayor

I do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on February 1, 2012, at which meeting a quorum was present and voting throughout that the same is still in full force and effect.


Swazanna Donaway
Clerk