

**TOWN OF CONSTANTIA
LOCAL LAW C-2022**

**A LOCAL LAW TO AMEND THE TOWN OF CONSTANTIA
LAND DEVELOPMENT LAW TO ESTABLISH REGULATIONS ON
TRAILERS AND CONTAINERS IN THE TOWN OF CONSTANTIA**

Be it enacted by the Town Board of the Town of Constantia as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to regulate the placement of storage trailers and/or containers in a manner that preserves the health, safety and welfare of Town residents.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. NEW ARTICLE 10-A OF THE TOWN OF CONSTANTIA LAND DEVELOPMENT LAW.

The Town of Constantia Development Law is hereby amended to add a new Article 10-A as follows:

**“Article 10-A
Regulation of Storage Trailers and Containers in the Town of Constantia**

Section 1010-A. Purpose.

This Article is adopted to improve and promote the health, safety and general welfare of the community, including the protection and preservation of property of the Town and its inhabitants by regulating the placement of storage trailers or containers on both private and public land within the Town of Constantia.

Section 1010-A.1. Definitions

LONG-TERM STORAGE - The storing or warehousing of goods, equipment, parts and materials for an extended period of time or a period of time exceeding six months.

STORAGE TRAILER - Any enclosed vehicle, semi-trailer, large van or bus (either motorized or designed to be pulled by an automobile or truck) which is or was originally intended for the hauling of freight, people, goods or equipment over the road.

PORTABLE STORAGE CONTAINER – For the purposes of this Article, the term “portable storage container” shall mean any temporary, transportable, movable or portable container, which is delivered to and placed outdoors on private property for storage purposes. A portable storage container does not include any of the following:

(1) a debris dumpster or construction trailer; (2) a temporary construction trailer or other trailer subject to a temporary use permit under Section 1010-A.2(3).

Section 1010-A.2. Standards.

1. It is prohibited to utilize a storage trailer or portable storage container for the purpose of long-term storage (or any other function other than its original intended use) on any property, both public and private, within the Town of Constantia.

a. No storage trailer or portable storage container shall be used as an addition to a residential or commercial building or as a container home or any other living quarters.

b. No storage trailer or portable storage container shall be used for the purpose of housing animals (domestic, wild/or farm).

c. Wood stoves shall not be permitted in any storage trailer or portable storage container.

2. The use of a storage trailer or portable storage container on residential properties for the purpose of storing materials, goods, parts and equipment on only those properties where it is verified by the Code Enforcement Officer that construction and/or development is taking place will be permitted only after a temporary permit has been issued.

3. A temporary permit shall be required prior to the placement of any storage trailer or container on public or privately owned property which is undergoing development or where construction is taking place. All permits shall be obtained from the Town of Constantia Code Enforcement Officer, at a cost of \$50 each. All permits shall expire six months after the date of issuance. Permits shall be renewable, if necessary, until construction is completed or the project has been terminated or abandoned. The cost of each renewal permit shall be \$50.

4. The contents of all storage trailers or portable storage containers shall be reported, using the guidelines of § 209-u of New York State General Municipal Law. Two copies of the Hazardous Materials Report form shall be filed prior to issuance of a permit. One copy is to be sent to the local Fire Dispatcher. The second copy is to be attached to the application for the permit.

5. All warning placards which would have been required for the contents under Federal Department of Transportation guidelines, as covered in the Code of Federal Regulations, Title 49, Parts 100-199 (49 CFR 100-199), shall be posted and remain in place during the entire time of storage.

6. It shall be the responsibility of the Code Enforcement Officer or his duly authorized representative to enforce the provisions of this Article.

Section 1010-A.3. Violations.

1. Notice of violation shall be served to the owner(s), applicant(s), executor(s), legal

representatives, agents or any other person having ownership and/or a vested interest in the property (as shown on the Town's most recent assessment roll) on which the violation is located. If no such person can be reasonably found, notice of violation shall be served by mailing to such owner(s), applicant(s), executor(s), legal representatives, agents or any other person having ownership and/or a vested interest in the property, by registered mail, a copy of such notice to his/her last known address.

2. If the owner(s), applicant(s), executor(s), legal representatives, agents or any other person having ownership and/or a vested interest in the property of the property has not properly removed and/or disposed of the storage trailer within 30 days of the date the notice was issued it will be declared an offense and subject to the following mandatory penalties identified in subsection 3 below. In situations where more than one storage trailer or portable storage container is found to occupy the property, each storage unit shall constitute a separate offense.

3. Any person, firm or corporation permitting any storage trailer or portable storage container to remain parked or stored on his or her property, as defined in the provisions of this Code, shall be, upon conviction, punishable by a mandatory fine not less than \$25 but not more than \$50 daily for each violation.

SECTION 4. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.