

**ORDINANCE NO. 2017-31
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 1365 OF THE
CODIFIED ORDINANCES OF THE CITY OF LYNDHURST,
OHIO, TITLED “PORTABLE STORAGE CONTAINERS” AND
DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Chapter 1365 of the Codified Ordinances of the City titled “PORTABLE STORAGE CONTAINERS” is hereby enacted to read as follows:

1337.01 DEFINITIONS.

As used in this chapter:

(a) “Portable, On-Demand Storage Device (“POD”)” means any device, container, enclosure or structure, including both wheeled trailers and containers carried on motor vehicles or trailers, commonly used to store home furnishings and other personal items on a temporary basis during a time of home repair, construction, renovation or relocation. Portable, on-demand storage devices do not include self-propelled registered motor vehicles, and may not be used as habitation for humans or animals, or for the storage of commercial or industrial materials.

(b) “Construction Dumpster” means any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees and limbs, and designed to be delivered and picked up by a truck. Construction Dumpster does not include any garbage can that can be moved by an individual.

(c) “Dumpster Bag” means a large bag included for the collection of large quantities of trash, yard waste, garbage, building or construction debris, tree and limbs, and designed to be picked up by a truck. Dumpster Bag does not include a bag that can be moved by an individual.

1337.02 PORTABLE, ON-DEMAND STORAGE DEVICES.

(a) Permit Required. No POD shall be constructed, erected or placed upon any residential property without first obtaining a permit from the Building Department.

(b) Permit Fee. The fee for a POD permit shall be five dollars (\$5.00).

(c) Application Requirements. Applications for a POD permit shall be in writing on forms provided by the Building Department, and shall state the following:

(1) Name and address of the owner of the property, and written permission from an owner to place the POD on the property.

(2) Name and address of the applicant.

(3) Description of the POD, including provider, capacity and dimensions.

(4) A site plan to scale showing the location of the POD; said site plan must be submitted to the Building Department and approved by the Building Commissioner or designee.

(d) Restrictions. All POD’s must comply with the following:

(1) A POD permit shall be valid for a period of thirty (30) days, and shall authorize the construction, erection or placement on the property described in the application.

(2) PODs are only permitted on a lot containing a lawfully existing residential dwelling.

(3) Only one POD shall be allowed on a lot at one time.

(4) PODs must be located on a paved area unless located on a residential construction project where a driveway is not yet installed, in which case the POD shall be located in an area approved by the Building Commissioner.

(5) PODs shall be located entirely on the owner’s lot as close to the residence as possible, not blocking any site lines.

(6) No part of any POD shall be located on any public property or in the public right-of-way.

(7) Any POD constructed, erected or placed upon property shall comply with all applicable provisions of the Building Code.

1337.03 CONSTRUCTION DUMPSTERS.

(a) Permit Required. No Construction Dumpster shall be constructed, erected or placed upon any residential property without first obtaining a permit from the Building Department.

(b) Permit Fee. The fee for a Construction Dumpster permit shall be five dollars (\$5.00).

(c) Application Requirements. Applications for a Construction Dumpster permit shall be in writing on forms provided by the Building Department, and shall state the following:

(1) Name and address of the owner of the property, and written permission from an owner to place the Construction Dumpster on the property.

(2) Name and address of the applicant.

(3) Description of the Construction Dumpster, including provider, capacity and dimensions.

(4) A site plan to scale showing the location of the Construction Dumpster; said site plan must be submitted to the Building Department and approved by the Building Commissioner or designee.

(d) Restrictions. All Construction Dumpsters must comply with the following:

(1) A Construction Dumpster permit shall be valid for a period of thirty (30) days, and shall authorize the construction, erection, or placement on the property described in the application. If an occupancy permit is required for a residential project, the Construction Dumpster must be removed before the issuance of the occupancy permit.

(2) Construction Dumpsters are only permitted on a lot containing a lawfully existing residential dwelling or a residential dwelling under construction/renovation/repair.

(3) Only one Construction Dumpster shall be allowed on a lot at any one time.

(4) Construction Dumpsters must be located on a paved area unless located on a residential construction project where a driveway is not yet installed, in which case the Construction Dumpster shall be located in the proposed driveway location.

(5) Construction Dumpsters shall be located entirely on the owner's lot as close to the residence as possible, not blocking any site lines.

(6) No part of any Construction Dumpster shall be located on any public property or in the public right-of-way.

(7) Any Construction Dumpster constructed, erected or placed upon property shall comply with all applicable provisions of the Building Code.

(8) The Building Commissioner is granted authority to require immediate removal of a Construction Dumpster if it is determined the Construction Dumpster is no longer needed at the site, or if the Construction Dumpster is filled to capacity, or for any violation of Section [1337.03](#).

1337.04 DUMPSTER BAGS

(a) Dumpster bags shall not be allowed to remain on any private or public property, or public right of way, for more than 72 hours.

(b) No more than two Dumpster Bags shall be allowed on any private or public property, or public right of way, at any given time.

1337.05 ENFORCEMENT.

This Chapter may be enforced by the Police Department, Building Commissioner, or other designated employee.

1337.99 PENALTY.

Whoever violates any provision of this Chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. Each day upon which a violation occurs or continues shall constitute a separate offense, but only one notice of such violation shall be necessary when required.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Lyndhurst and its residents in order to enforce the requirements imposed herein as soon as possible. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: May 15, 2017

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on May 25, 2017 and June 1, 2017.

Clerk of Council

First Reading: May 15, 2017

Second Reading: Suspended

Third Reading: Suspended

Passed 5-15-2017