

TOWNSHIP OF SOUTH ORANGE VILLAGE

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, TO REVISE CHAPTER 92, SECTION 92-3, TO AMEND THE DEFINITION OF “STRUCTURE” AND TO ADD NEW DEFINITIONS; TO AMEND SECTION 92-197 TO PROVIDE FOR THE USE AND PERMITTING OF TEMPORARY STRUCTURES; AND TO REPEAL SECTION 117-22E

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

§92-3, of the Code of the Township of South Orange Village, is hereby amended to replace the definition of “Structure” with the following:

STRUCTURE - A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, intended for permanent or near permanent installation.

Section 2.

§92-3, of the Code of the Township of South Orange Village, is hereby amended by the addition of the following definitions:

CONSTRUCTION TRAILER – A mobile structure used to accommodate temporary offices and storage of building materials during construction projects.

PORTABLE GARBAGE BIN – An exterior waste container with a capacity of at least one cubic yard.

PORTABLE SANITATION FACILITY – an outdoor toilet with walls which can store waste and be emptied from time to time.

PORTABLE STORAGE UNIT – A non-motorized storage container for on-site storage, including refrigerated storage containers.

STORAGE SHED – An accessory building used for the storage of items such as, but not limited to, tools, lawn, garden, and pool equipment and furniture and similar items of personal property belonging to the occupant of the principal structure.

TEMPORARY GARAGE – An accessory structure with a framing of wood, fiberglass, plastic or metal poles, with or without a foundation or footings, clad in fabric, vinyl or other such material intended for the storage of motor vehicles, recreational vehicles, any household, commercial, or other goods.

TEMPORARY STRUCTURE – A combination of materials to form a construction for occupancy, use or ornamentation, not intended for permanent or near permanent installation. Temporary Structures include, but are not limited to, Portable Storage Units, Portable Garbage Bins, Portable Sanitation Facilities, Storage Sheds, and Tents.

TENT – A portable shelter, as of canvas, plastic, vinyl, or other pliable material, stretched over a supporting framework of poles or affixed to an adjacent Structure or Temporary Structure.

Section 3.

§92-197, of the Code of the Township of South Orange Village, is hereby amended by the addition of a new subsections “K.”, “L.” and “M.” as follows:

K. Temporary Structures – On Private Property

1. Temporary Structures are permitted accessory uses in all zones on private property.
2. Specifically excluded from these provisions are:
 - a. Accessory buildings as provided for in Section 92-197I(9) and/or 92-200, such as storage sheds or pump houses;
 - b. Temporary Structures required for religious observances erected within the setbacks required for accessory structures; and
 - c. Small Tents on residential properties, erected within the setbacks required for accessory structures. These excluded tents shall not exceed twelve (12) feet in length by twelve (12) feet in width or alternatively shall not exceed 150 square feet of coverage and shall be erected for not more than 90 days.
3. No Temporary Garage or similar structure shall be permitted.
4. No Portable Storage Unit shall be parked in or on any lawn area within the front yard of any dwelling, or in the public right-of-way or public street abutting any dwelling. Parking of Portable Storage Units shall be confined to a driveway or other approved parking area and shall not interfere with any required parking stall. In no circumstance shall a permit for a Portable Storage Unit be granted in excess of 120 days.
5. Temporary Structures shall meet the rear yard setback requirements for accessory structures. Temporary Structures, in residential zones or on single family residential properties, except Portable Storage Units, are not permitted in the front yard. In commercial zones or on multifamily residential properties, Temporary Structures shall not be placed so as to obstruct driveways or drive aisles or be placed within ten (10) feet of adjacent residential properties.
6. Those Temporary Structures incidental to construction activities subject to site plan approval, such as Construction Trailers, Portable Garbage Bins, Portable Sanitation Facilities, etc. are permitted and not subject to Temporary Structure permit fees. Temporary Structures that require certificates of occupancy shall have their locations identified on an approved site plan and all Temporary Structures shall be removed upon the issuance of a temporary or final certificate of occupancy, whichever is first, or abandonment of the work.
7. Nothing contained in this section is intended to exempt Temporary Structures from the requirements of any element of the New Jersey Uniform Construction Code, as same may be amended from time to time.
8. Temporary Structures shall not be erected unless pursuant to a permit issued by the Building Department and the payment of a fee as provided for herein:

30-day permit	\$25
90-day permit	\$100
180-day permit	\$250
30-day permit renewals	\$50
9. Unless a waiver is granted pursuant to Section 92-197M, Temporary Structures may not be permitted for more than 180 days unless a variance is granted by the Planning Board or the Board of Adjustment.

L. Temporary Structures – In the Public Right-of-way

Portable Garbage Bins may be placed in a public street for a period not to exceed thirty (30) days, subject to one thirty-day renewal period, subject to a permit issued by a Construction Official with the consent of the Police Chief or his/her designee. Such Portable Garbage Bins shall be placed at the curb in front of property owned by the applicant under such permit and at a location where vehicular parking otherwise would be permitted. Thirty-day (30) permits may be issued upon the payment of a \$100 fee.

- M. The Village Administrator may grant a temporary waiver of the requirements of subsections 92-197K and L to address an emergent condition not to exceed 30 days should such temporary waiver become necessary.

Section 4.

Subsection 117-22E of the Code of the Township of South Orange Village is repealed in its entirety.

Section 5.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 6.

This ordinance shall take effect upon final passage and publication as required by law.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Bauer						x
Davis Ford						x
Goldberg			x			
Gould		x	x			
Levison			x			
Rosner	x		x			

NOTICE IS HEREBY GIVEN that the above titled Ordinance was introduced and passed on first reading at a meeting of the Board of Trustees of the Township of South Orange Village at a meeting held on Monday, August 16, 2010 at Village Hall. Said Ordinance will be further considered for final adoption after a public hearing at a meeting of the Board of Trustees of the Township of South Orange Village scheduled for Monday, September 13, 2010 at 7:30 p.m. in Village Hall, 101 South Orange Avenue, South Orange, New Jersey, at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies of this ordinance are available in the Clerk's Office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Robin R. Kline, MAS, RMC
VILLAGE CLERK