

**ORDINANCE NO. 1027  
BOROUGH OF HATBORO  
MONTGOMERY COUNTY, PENNSYLVANIA**

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**AN ORDINANCE AMENDING PART 2, SECTION 27-202, "DEFINITIONS", OF THE  
HATBORO BOROUGH ZONING ORDINANCE TO AMEND THE DEFINITION OF  
"PORTABLE ON-DEMAND STORAGE UNITS" AND TO DEFINE  
"SHIPPING CONTAINERS"; AND AMENDING SECTION 27-426,  
"DUMPSTERS AND PORTABLE ON-DEMAND STORAGE UNITS" TO  
INCLUDE REGULATION OF SHIPPING CONTAINERS ON  
RESIDENTIAL PROPERTIES**

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**WHEREAS**, the Borough Code, 53 P.S. § 45101, *et seq.*, authorizes the Borough Council of the Borough of Hatboro ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough of Hatboro ("Borough") and its citizens;

**WHEREAS**, the Borough has seen the proliferation of shipping containers on residential and non-residential properties as a convenient means of storing belongings on both a permanent and temporary basis, as a part of the process of moving or concurrent with a home renovation or natural disaster; and

**WHEREAS**, the Borough Council deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend the definition of "Portable On-Demand Storage Units" under its Zoning Ordinance, Part 2, Section 27-202, "Definitions", to remove the reference to "PODS" and replace such term with "Portable Storage Units";

**WHEREAS**, the Borough Council deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend the Hatboro Borough Zoning Ordinance by amending Section 27-426, entitled "Dumpsters and Portable On-Demand Storage Units," for the purpose of regulating shipping containers, subject to reasonable limitations as set forth herein; and

**WHEREAS**, Borough Council has met and will meet the procedural requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, for the adoption of the proposed ordinance, including holding a public hearing; and

**WHEREAS**, the Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Borough will be served by the amendment of the Hatboro Borough Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Hatboro, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

**Section I. Part 2, Section 27-202, "Definitions" of the Hatboro Borough Zoning Ordinance is hereby amended to such that "PODS" is deleted from the title of "Portable On-Demand Storage Units or PODS" and is instead defined as "Portable On-Demand Storage Units or Portable Storage Units" as follows:**

PORTABLE ON-DEMAND STORAGE UNITS or PORTABLE STORAGE UNITS— Portable containers are used for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike storage containers typically, portable storage units must be no larger than 8' X 8' X 16'.

**Section II. Part 2, Section 27-202, "Definitions" of the Hatboro Borough Zoning Ordinance is hereby amended to provide for the following definition:**

SHIPPING CONTAINERS – Non self-propelled, fully enclosed trailers that are designed or used to store or transport goods, materials, and equipment and are placed on property zoned for residential or non-residential purposes. Such cargo trailers shall include, but are not limited to, reusable steel boxes, freight containers, bulk shipping containers, or other standardized reusable vessels that were designed for parking, shipping, movement, transportation, or storage of freight, articles of goods or other commodities, and generally capable of being mounted or moved on a rail car, truck trailer, or loaded onto a ship.

**Section III. The Hatboro Borough Zoning Ordinance, Section 27-426, entitled "Dumpsters and Portable On-Demand Storage Units" shall be retitled "Dumpsters, Portable On-Demand Storage Units, and Shipping Containers"**

**Section IV The following provisions of the Hatboro Borough Zoning Ordinance, Section 27-426, previously entitled "Dumpsters and Portable On-Demand Storage Units", shall be amended as follows:**

**B. Portable On-Demand Storage Units and Shipping Containers Regulated.**

**1. Location.**

Portable on demand storage units and shipping containers are prohibited from being placed on an unpaved area (gravel shall be considered paved) in the front yard of a property. Portable storage units and shipping containers kept on-site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible, the unit or container shall be placed on a paved surface to the rear or side of the principal

structure. When placed on the driveway or paved area in the side or rear yard, portable storage units and shipping containers shall be located at least ten feet from any property line, space permitting.

If there is no driveway, the portable storage unit or shipping container must be located in front of the property on the street. If placed in the street, portable storage units and shipping containers must have flashing barricades stationed at either end, in such a way that the unit does not extend farther into the street than the flashing barricades. Reflectors shall be placed on the sides of the unit visible from the street. In no case may the portable storage unit or shipping container create a sight obstruction for vehicular or pedestrian traffic, nor block sidewalks. The Borough Code Enforcement Officer may require adequate safety mitigation measures in conjunction with the portable storage unit or shipping container be undertaken by the applicant where necessary.

## **2. Time Limit.**

- a. A portable on-demand storage or shipping container unit may remain on a residential property for 30 days, with up to two (2) 30-day extensions pursuant to the permitting provision below, but for only 5 days with no extensions if on-street. In no event shall a portable on-demand storage unit or shipping container remain on a residential property in excess of 90 days in one twelve month period.
- b. A portable on-demand storage or shipping container unit may remain on a non-residential property, or otherwise be used for non-residential purposes, for 30 days, but for only 5 days if on-street. In no event shall a portable on-demand storage unit or shipping container remain on a non-residential property, or otherwise be used for non-residential purposes, in excess of such time periods.

## **3. Use during natural disaster.**

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units or shipping containers may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for the principal structure(s) or twelve months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

#### **4. Advertising.**

Advertising is prohibited on a portable storage unit or shipping container, with the exception of the name and phone number of the unit or container's supplier, which is required.

#### **5. Hazardous materials.**

The use of portable storage units and shipping containers for storage of hazardous materials is prohibited. The Code Enforcement Officer or Fire Marshal may inspect portable storage units and shipping containers to ensure no such materials are being stored inside.

#### **6. Condition of Portable Storage Unit.**

A portable storage unit or shipping container with holes, breaks, tears, graffiti or large areas of rust, in the opinion of the Borough Code Enforcement Officer, may not be placed on or in front of any property.

### **C. Permit Required.**

A 30-day permit shall be required for a dumpster, portable on-demand storage unit, or shipping container on property, and a 14 day permit (for dumpsters) and 5 day permit (for portable on-demand storage units and shipping containers) shall be required for on-street placement. The permit shall be obtained from the Borough Code Enforcement Officer and the fee shall be set by the Council by resolution. The permit shall be displayed in a weather proof fashion on the dumpster, portable on-demand storage unit, or shipping container. Extensions for dumpsters, and for portable on-demand storage units and shipping containers on residential properties for residential purposes, are permitted pursuant to paragraphs A.2.a and B.2 above.

### **D. Abatement.**

Any dumpster, portable on-demand storage unit, or shipping container not in compliance with this ordinance is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster, portable on-demand storage unit, and/or shipping container as the case may be.

### **E. Violations; penalties.**

- a. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Three Hundred (\$300.00) Dollars. Each day that a violation continues shall constitute a separate offense.
- b. In addition, a person found guilty of a violation of this chapter shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

**F. Relationship of Ordinance to other Borough Codes.**

If the provisions of this ordinance are found to be inconsistent with any portion of other Codes of the Borough, the provisions of this Ordinance shall control.

**Section V. Repealer.**

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

**Section VI. Severability.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**Section VII. Effective Date.**

This Ordinance shall be effective five (5) days following its legal enactment.

**Section VIII. Failure to Enforce Not a Waiver.**

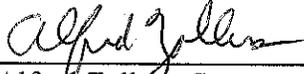
The failure of the Borough of Hatboro to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

**Section IX. Enactment.**

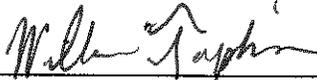
Under the authority conferred by the Borough Code, 53 P.S. § 45101, et seq., and other relevant statutory law, the Council of the Borough of Hatboro in the County of Montgomery, Commonwealth of Pennsylvania does hereby ordain and this Ordinance for the Borough of Hatboro, this 26th day of October, 2015.

Approved by the Borough Council of the Borough of Hatboro, this 26<sup>th</sup> day of October, 2015.

**Attest:**

  
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Alfred Zollers, Secretary

**BOROUGH OF HATBORO:**

**By:**   
\_\_\_\_\_  
William Tompkins, Council President

Examined and approved as an Ordinance, this 26th day of October, 2015.

  
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Norm Hawkes, Mayor