

10/14/2011 Revised to delete reference to "PODS®"; and replace with the words "Portable on Demand Storage Units"

Sponsor: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 231 ("BOATS, PERSONAL WATERCRAFT, AND BOAT TRAILERS") TO REGULATE THE PARKING AND PLACEMENT OF RECREATIONAL VEHICLES AND PORTABLE ON DEMAND STORAGE UNITS**

**Whereas**, the Town Council of the Town of Bethany Beach has seen an increase in complaints regarding the parking and/or placement of recreational vehicles (RVs) in driveways located in residential neighborhoods;

**Whereas**, the Town Council has seen an increase in complaints regards the placement of portable on demand storage units;

**Whereas**, the Town Council finds that improper and/or excessive parking or placement of recreational vehicles or portable on demand storage units can create traffic safety issues by restricting visibility at street intersections and driveways; and

**Whereas**, the Town Council finds the recreational vehicles and portable on demand storage units create visual blight in the Town of Bethany Beach.

BE IT HEREBY ENACTED by the Town Council of the Town of Bethany Beach, a majority thereof concurring in Council duly met, that Chapter 231("Boats, Personal Watercraft and Boat Trailers") of the Town Code be and hereby is amended as follows:

**Section 1.** Amend the caption of Chapter 231 by inserting the words “; Recreational Vehicles; Portable on Demand Storage Units” at the end of thereof so that the caption shall read “Boats, Personal Watercraft, and Boat Trailers; Recreational Vehicles; and Portable on Demand Storage Units”).

**Section 2.** Insert as a new section heading caption: “A. Boats, Personal Watercraft, and Boat Trailers” above existing subsections 231-1 (“Storage Prohibited” and 231-2 (“Storage Requirements”).

**Section 3.** Re-designate existing Section 231-3 (“Violations and Penalties”) as Section 231-9.

**Section 4.** Insert, as a new section B the following:

B. Recreational Vehicles (“RVs”).

§ 231-3 *Recreational vehicles* (“RVs”) means vehicles or trailers used or designed for temporary human living quarters or sleeping quarters, whether or not propelled by a motor, including (but not limited to) motor homes, self-propelled campers, and other motor vehicles with attached camper components.

§ 231-4 At no time shall anyone park, store, or leave standing any RV on any residentially-zoned or residentially-used property for a period exceeding seven days within any thirty (30) consecutive day period. Placement of an RV on residential property for any period of time exceeding thirty (30) cumulative minutes during any portion of a day shall constitute a “day” for purposes of this section; *provided however* that this section shall not apply to any RV parked or stored inside a fully-enclosed garage in such manner that the RV is not readily visible from the street or from any neighboring properties.

§ 231-5. Any RV in violation of this ordinance may be cited and removed in accordance with the provisions for removing abandoned vehicles in the Town of Bethany Beach as found in Chapter 316 (“Vehicles, Abandoned”), as the same may from time to time be hereafter amended.

**Section 5.** Insert as a new section C the following:

C. Portable On-Demand Storage Units

§ 231-6 *Portable On Demand Storage Unit* means any container designed for the storage of personal property, construction materials and equipment, and/or for transport by commercial vehicle and which is typically rented to owners or occupants of property and stored on the owner’s or occupant’s property.

§ 231-7 Portable on Demand Storage Units are permitted in the Town subject to the following restrictions:

(a) Personal Use. Upon payment of a permit fee which is designated on the Town’s fee schedule and receipt of a proper (non-transferable) permit from the Town Manager’s Office, any resident shall be allowed to store a portable on demand storage unit on that resident’s property up to two separate occasions within any consecutive twelve-month period, not to exceed, in the aggregate, a total of fourteen (14)days during any consecutive twelve (12)month period.

(b) Construction Purposes. For construction purposes, upon payment of a permit fee which is designated on the Town’s fee schedule and receipt of a proper (non-transferable) permit from the Town Manager’s Office, any person may place or store a portable on demand storage unit on any property for a period of up to 90 consecutive days during any consecutive twelve-month period. Such permit may be renewed or extended for an additional 90 consecutive days upon payment of additional permit fee. No portable on demand storage unit shall be permitted to remain on the property upon the first of the following to occur: (i) the expiration of the ninety (90) or one hundred and

eighty (180) day permitted time limit; (ii) the expiration of the building permit; or (iii) the issuance of a Certificate of Occupancy.

(c) Portable on demand storage units shall be placed only on the driveway of the property if applicable.

(d) Portable on demand storage units shall be set back at least three (3) feet from the front property line, and shall not be larger than ten (10) feet by sixteen (16) feet.

(e) The location of the portable on demand storage unit shall not affect the health, safety, and/or welfare of the neighborhood including, but not limited to, blocking access to fire hydrants and obstructing the view at streets and intersections.

(f) No more than one portable on demand storage unit shall be located on a property.

§ 231-8 Anything in this Section C to the contrary notwithstanding, a portable on demand storage unit placed on property where there is an active building permit issued by the Town or Sussex County shall be exempt from the requirements of subsections (a) and (c) of Section 231-7.

**Section 6.** Amend Chapter 1, Article 1 (“Penalties”), Section 1-1 by deleting the word “§ 231-3 Boats, personal watercraft and boat trailers Not less than \$25 nor more than \$100” as it appears after “§ 229-5”..

**Section 7.** Amend Chapter 1, Article 1 (“Penalties”), Section 1-1 by inserting at the end of the section entitled “Vehicles and Traffic” the following: “231-1 Storage prohibited Not less than \$25 nor more than \$100”.

**Section 8.** Amend Chapter 1, Article 1 (“Penalties”), Section 1-1 by inserting at the end of the section entitled “Vehicles and Traffic”, as amended herein, the following: “231-2 Storage requirements Not less than \$25 nor more than \$100”.

**Section 9.** Amend Chapter 1, Article 1 (“Penalties”), Section 1-1 by inserting at the end of the section entitled “Vehicles and Traffic”, as amended herein, the following: “231-4 Recreational vehicle Not less than \$25 nor more than \$100”.

**Section 10.** Amend Chapter 1, Article 1 (“Penalties”), Section 1-1 by inserting at the end of the section entitled “Vehicles and Traffic”, as amended herein, the following: “231-7 Portable On Demand Storage Unit Not less than \$25 nor more than \$100”.

## Synopsis

This Ordinance amends Chapter 231 (“Boats, Personal Watercraft and Boat Trailers”) by inserting new sections regulating the parking and placement of recreational vehicles and portable on demand storage units

This ordinance does not apply to RVs stored or parked inside a fully-enclosed garage in such manner that the RV is not readily visible from the street or from any neighboring properties. Otherwise, the parking, placement, or storage of RVs on residentially-zoned or residentially-used properties is limited to not exceeding seven days (in the aggregate) within any thirty (30) consecutive day period.

RVs are defined as “vehicles or trailers used or designed for temporary human living quarters or sleeping quarters, whether or not propelled by a motor, including (but not limited to) motor homes, self-propelled campers, and other motor vehicles with attached camper components.”

Any RV found in violation shall be subject to removal in accordance with the same provisions as found in Chapter 316 “Abandoned Vehicles”. RVs may be parked in fully enclosed garages for unlimited periods of time, provided that the RVs are not readily visible from the street and from neighboring properties.

This ordinance also restricts the placement or storage of portable on demand storage units within the Town and requires a permit and payment of a permit fee to do so.

Upon payment of a permit fee, any resident may obtain a permit to place or store a unit on that resident’s property for personal use up to two separate occasions within any consecutive twelve-month period, not to exceed, in the aggregate, a total of ten days during any consecutive twelve-month period.

For purposes in connection with construction, upon payment of a permit fee, any person may obtain a permit to place or store a portable on demand storage unit on private property for a period of up to 90 consecutive days during any consecutive twelve-month period. Such permit may be renewed or extended for an additional 90 consecutive days upon payment of an additional permit fee. The maximum number of days for the placement or storage of a portable on demand storage unit for construction purposes under this subsection in any consecutive 12-month period shall be 180 days and shall expire upon the first to occur of: (i) the expiration of the 90 or 180 day permitted time limit; (ii) the expiration of the building permit; or (iii) the issuance of a Certificate of Occupancy. Permits are non-transferable.

Portable on demand storage units must be set back at least 3 feet from the front property line, cannot exceed 10 feet by 16 feet, and shall not pose a risk to the health, safety, or welfare of neighboring properties. Except for portable on demand storage units used for construction purposes, portable on demand storage units must be placed on a driveway. Only one portable on demand storage unit is permitted per property.

This ordinance establishes penalties for violations and makes organizational changes to the penalty section.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly-noticed and convened meeting at which a quorum was present on \_\_\_\_\_, 2011.

So Certifies:

Attest: \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of the foregoing ordinance was posted at the Town Hall on \_\_\_\_\_, 2011 and published in \_\_\_\_\_ on \_\_\_\_\_ 2011.

So Certifies:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

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This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in \_\_\_\_\_ on \_\_\_\_\_, 2011 and that a copy of the foregoing ordinance was posted at the Town Hall on \_\_\_\_\_, 2011.

So Certifies:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk