

Livingston Local Law for Shipping Containers

SHIPPING CONTAINER LAW

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A. DEFINITIONS

SHIPPING CONTAINER, SHORT-TERM – Short-term shipping containers are prefabricated receptacles or enclosures designed for storage or shipment. They include sea containers, trans-modal containers, portable on-demand storage units, and trailers from tractor-trailer units. They do not include open-topped containers under 40 cubic yards or garbage. Short-term shipping containers are considered short-term when on-site for 45 days or less.

SHIPPING CONTAINER, TEMPORARY – Temporary shipping containers are prefabricated receptacles or enclosures designed for storage or shipment. They include sea containers, trans-modal containers, portable on-demand storage units, and trailers from tractor-trailer units. They do not include open-topped containers under 40 cubic yards or garbage. Temporary shipping containers are considered temporary when on-site for more than 45 days but less than 365 days.

SHIPPING CONTAINER, PERMANENT – Permanent shipping containers are prefabricated receptacles or enclosures designed for storage or shipment. They include sea containers, trans-modal containers, portable on-demand storage units, and trailers from tractor-trailer units. They do not include open-topped containers under 40 cubic yards or garbage. Permanent shipping containers are considered permanent when on-site for more than 365 days.

B. REGULATIONS

1. General

- a. Shipping containers require a permit.
- b. All lots must meet the minimum lot size, unless lot was previously non-conforming.

c. All shipping containers regulated by this section must meet the following requirements:

i. Maximum Dimensions. A shipping container may not exceed 10 feet in height, 10 feet in width and 40 feet in length.

d. Location.

i. Shipping containers are prohibited from being placed in any public streets or rights of way.

ii. Shipping containers shall not be stacked.

iii. Shipping containers shall not be placed on any part of a septic system.

iv. A shipping container shall be placed in a location that is approximately level and in no event upon a slope exceeding 1% and permanent shipping containers shall be on a hard surface such as concrete, asphalt or compacted gravel and anchored to the ground so as to resist movement from wind or other forces.

e. Number.

i. Containers are only allowed on properties that meet the minimum lot size referred in that Zone, unless lot was previously non-conforming.

ii. No more than one shipping container shall be permitted on a property at any given time for residential zoned lots.

iii. Agricultural and Commercial uses are permitted of no more than 1 shipping container, per 10 acres.

f. Condition.

i. All shipping containers shall be free from deterioration, disassembly or disrepair.

Wherever shipping containers may be placed, they shall be subject to all applicable property maintenance standards set forth in the Code. The area surrounding the shipping container shall be kept in a neat and clean condition.

g. Uses.

i. Shipping containers can be used only for storage and movement of personal property and/or commercial goods. All storage shall be inside the shipping container. Nothing shall be stored on top of the shipping container. No part of the shipping container may be used to mount signs. No shipping container shall be used for storage of hazardous waste (as defined in NY State Hazardous Waste Regulations). Shipping containers shall not be used as a dwelling unless a special use permit is approved by the Planning Board.

ii. Shipping containers used for sales, service, repair, fabrication or assembly, shall require a special use permit.

iii. Shipping containers may not be leased or subleased for use by third parties.

iv. Shipping containers shall not be used as a barrier.

h. Pre-Existing Non-Conforming Containers.

i. Shipping containers that have been located on a property prior to the enactment of this law and continuously thereafter without interruption may continue at the same location and for the same use but may not be relocated or the use changed without compliance herewith. Nonetheless, each such shipping container shall be subject to the requirement of subparts B(5)(d), B(5)(e), C(1) that the shipping container shall be free from signs of deterioration, disassembly or disrepair be subject to property maintenance standards and the area surrounding the same kept neat and clean.

i. Variances. Any deviation from subparts B(1), B(2), B(3), B(5) shall require variance approval from the Livingston Zoning Board of Appeals (ZBA).

2. Short-term shipping containers and Temporary shipping containers:

a. Shipping containers require a permit and are permitted in all zones, except for FAO;

b. All Short-Term and Temporary permits are issued by the Livingston Code Enforcement Officer.

i. Permanent shipping container permits shall be issued by the Livingston Code Enforcement Officer, upon approval of a special use permit the Livingston Planning Board.

c. Subject to the issuance of a permit, shipping containers may be allowed as follows:

i. A short-term shipping container placed on privately owned property for the purpose of moving personal property into or out of that property.

ii. A temporary shipping container placed on privately owned property for the purpose of storage due to emergency circumstances affecting a structure existing on that property (e.g., a fire or flood) for not more than one year after the emergency occurs.

iii. A temporary shipping container placed on privately owned property for use in connection with construction taking place on that property.

iv. A temporary shipping container placed on privately owned property for use in direct connection with and as necessary for agricultural activities of a farm.

v. A temporary shipping container placed on privately owned property used as part of the standard operating procedure for the movement of goods of a business located in a non-residential zone district; provided, however, that any single shipping container may not remain on the premises for more than 364 consecutive days.

d. Location.

i. Temporary shipping containers, by authority of the Code Enforcement Officer, may be placed in front, rear or side yards.

1. Temporary shipping containers shall comply with the setbacks for accessory buildings unless it is impractical.

3. Permanent shipping containers:

- a. Shipping containers require a Special Use Permit (SUP) and are permitted in LDR-2, C-1, and LC-1 zones only;
- b. Permanent shipping containers shall require a Special Use Permit, as determined in §6.6 of the Livingston Zoning Code. The Planning Board shall conduct site plan review on permanent shipping containers, in regards to the proposed use and has the authority to impose reasonable conditions to ensure that the use will not conflict with the character of the surrounding area as determined by the Livingston Planning Board.
- c. ~~Subject to the issuance of a Special Use Permit, shipping containers may be allowed as follows:~~
- d. Location.
 - i. A permanent shipping container placed on privately owned property.
- d. Location.
 - i. The location of a permanent shipping container shall comply with the setback requirements applicable to accessory buildings for the zone in which the subject property is located-
 - ii. A permanent a shipping container which is located on a lot adjacent to residentially zoned or used property or which is visible from any street shall be screened from the residential uses and/or the street by means of a solid fence and/or evergreen vegetative screening of the same height.

C. PERMIT REQUIREMENT; APPLICATION

1. A permit is required for all shipping container types.
 - a. The owner or tenant of or the contractor working on the subject property must submit an application for a land use permit for each shipping or storage container being placed on property. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of such shipping container on the subject property must be provided to the Town of Livingston before a permit is issued.

D. NOTICE; VIOLATIONS

1. Before any violation notice shall be issued for a violations of this law, the Code Enforcement Officer shall issue written notice via USPS registered mail, return receipt requested, to all property owners at the address identified in the tax assessment records of the Town, which notice shall set forth a description of the alleged violation and include a warning that a

violation notice shall be issued unless proof of abatement is received by the Code Enforcement Officer within 30 days after the issuance of the warning. If the Code Enforcement Officer does not receive such proof within said 30-day period, the Code Enforcement Officer shall, in their discretion, cause a summons to be issued.

- a. Any person violating any provision of this law shall be subject upon conviction to the penalties provided in Section E of this law.

E. PENALTIES FOR OFFENSES

1. If the Town Code Enforcement Officer finds a violation of the permit conditions or of this law, the Code

Enforcement officer may, in their discretion, do any of the following:

- a. Issue a Notice to Remedy;
 - b. Initiate an action or proceeding in the Town Justice Court or a Court of appropriate jurisdiction including Columbia County Supreme Court;
 - c. Attach reasonable conditions to the existing shipping container permit;
 - d. Suspend the shipping container permit; and
 - e. Revoke the shipping container permit.
2. Violation of the provisions of this chapter shall be punishable by a fine, minimum of \$500 and not exceeding \$1000 per violation or by a term of imprisonment not exceeding 15 days, or both, and with each week such violation continues constituting a separate offense. The Town of Livingston shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter. The Town of Livingston may assess any fine as tax levy on the subject parcel to be collected in the same manner as Town Taxes.

F. SCHEDULE OF PERMITTED USES

Symbols:

P : Designates a use permitted by right.

X : Designates a temporary and/or conditionally permitted use requiring application for a special use permit issued by the Planning Board and allowed only if confirmed suitable in the specific case.

-- : Designates a use not permitted by right nor by special use permit.

DISTRICT	CH-2	HDR-	LDR-2	CON-	C-1	FAO	AD/LI	LC-1
		2		7			-1*	**

Shipping Containers, Short-Term	P	P	P	P	P	--	P	P
Shipping Containers, Temporary	P	P	P	P	P	--	P	P
Shipping Containers, Permanent	--	--	X	--	X	--	--	X