



Department of State

Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

1 of the year 20 26

Local Law Title: enacting a Local Law in the Town of Livingston in relation to shipping containers.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one)

of Livingston as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 _____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 1 of 2026 of the (County)(City)(Town)(Village) of Livingston was duly passed by the Town Board on January 20 26 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20 _____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (Name of Legislative Body) (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20 _____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (Name of Legislative Body) (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____ became operative.

6. (County local law concerning adoption of Charter.)

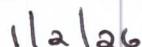
I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

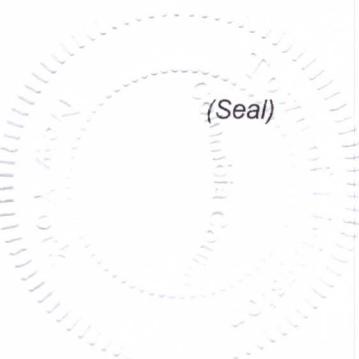
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body



(Date)



(Seal)

TOWN OF LIVINGSTON LOCAL LAW 1 OF 2026

A LOCAL LAW AMENDING THE ZONING LAW OF THE TOWN OF LIVINGSTON TO PROVIDE FOR REGULATIONS PERTAINING TO THE PERMITTED USE OF SHIPPING CONTAINERS.

BE IT ENACTED by the Town Board of the Town of Livingston in the County of Columbia (the "Town") as follows:

Section 1. LEGISLATIVE INTENT

The purpose of this local law is to provide for regulations pertaining to the permitted use of shipping containers.

Section 2. AUTHORIZATION

The Town Board of the Town of Livingston enacts this Local Law under the authority granted by:

1. Article IX of the New York State Constitution, §2(c) (6) and (10).
2. New York Municipal Home Rule Law § 10.
3. New York Town Law, Article 16 (Zoning).

Section 3. ENACTMENT

Be it enacted by the Town Board for the Town of Livingston that the Livingston Town Code be hereby amended as follows:

The text of Section 1.3 entitled "Definitions" is hereby amended by adding the following in alphabetical order:

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.

A new section 4.44 is added as follows:

4.44 Shipping Containers

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 to 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. All proposed structures shall comply with all NYS Building Code, to include, but not limited to, a sheer analysis be performed by a NYS Licensed Engineer.

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(l) 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 nonresidential 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.

- ii. 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- I 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 regard 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:

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 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.

4. PERMIT REQUIREMENT, APPLICATION

a. A permit is required for all shipping container types.

b. 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.

5. NOTICE, VIOLATIONS

a. Before any violation notice shall be issued for a violation 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.

b. Any person violating any provision of this law shall be subject upon conviction to the penalties provided in this section.

6. PENALTIES FOR OFFENSES

a. 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:

- i. Issue a Notice to Remedy;
- ii. Initiate an action or proceeding in the Town Justice Court or a Court of appropriate jurisdiction including Columbia County Supreme Court;
- iii. Attach reasonable conditions to the existing shipping container permit;
- iv. Suspend the shipping container permit; and
- v. Revoke the shipping container permit.

b. 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.

The table of Section 3.2 entitled "Schedule of Permitted Uses" is hereby amended by adding the following:

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