

## HAMPTON TOWNSHIP ORDINANCE #2023-25

### AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF HAMPTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO REGULATE SHIPPING CONTAINERS

**BE IT ORDAINED** by the Township Committee of the Township of Hampton in the County of Sussex, as follows:

**SECTION 1.** The Code of the Township of Hampton is amended to replace Section 108-31 of Chapter 108 entitled “Zoning”, which shall read as follows:

§ 108-31. Shipping containers.

A. Definitions.

Shipping container. A pre-fabricated receptacle or enclosure designed to be used for storage or shipment. It includes sea containers, trans-modal containers, portable on demand storage units, and trailers from tractor-trailer units that remain in a stationary location. It does not include open topped containers of 40 cubic yards or less (commonly referred to as “dumpsters”) used for disposal of material such as garbage, debris or yard waste. Shipping containers may be short term (on site for 45 days or less), temporary (on site for more than 45 days but less than 225 days), or permanent (on site for more than 225 days).

B. Shipping containers are prohibited in all zones, except for the following:

1. Shipping containers placed on publicly owned property by or with authorization of the owner thereof.
2. Shipping containers explicitly permitted as an accessory structure by site plan or variance approval of the Planning Board.
3. Shipping containers in any zone that are permitted per subparts (C) and (D) below.

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

1. A short-term shipping container placed on privately owned property for the purpose of moving personal property into or out of that property. (Such short-term shipping container shall not require a permit.)
2. 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.
3. A temporary shipping container placed on privately owned property for use in connection with construction taking place on that property.
4. A temporary shipping container placed on privately owned property for use in direct connection with and as necessary for agricultural activities of a farm. This provision shall apply only to actively qualified farmland assessed properties in accordance with N.J.S.A. 54:4-23.1 et seq.
5. A permanent shipping container placed on privately owned property.
6. A temporary shipping container placed on privately owned property are 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 45 consecutive days.

- D. All shipping containers regulated by this section must meet the following requirements:
1. Maximum Dimensions. A shipping container in R-1.5 and R-2 Zones may not exceed 10 feet in height, 10 feet in width and 20 feet in length. In all other Zones, a shipping container may not exceed 10 feet in height, 10 feet in width and 40 feet in length.
  2. Location.
    - a) Shipping containers are prohibited from being placed in any public streets or rights of way.
    - b) Temporary shipping containers shall be placed in rear or side yards and are prohibited from being placed in the front yard of any property unless no other alternative is reasonably available. Permanent shipping containers are prohibited in the front yard.
    - c) (i) The location of a permanent shipping container must comply with the setback requirements applicable to accessory buildings for the zone in which the subject property is located, but in no event shall such shipping container be less than 15 feet from a side or rear lot line. In addition to the above, such shipping container shall be at least 20 feet from any residence on either an adjacent property or the property where the container is located. In addition to the above, such shipping container on a farm property shall be least 50 feet from any property line.  
(ii) Temporary shipping containers are permitted by reason of subparts C(2), C(3), C(4) and C(6) of this Section shall comply with the setbacks for accessory buildings unless it is impractical.
    - d) A shipping container shall be placed in a location that is approximately level and in no event upon a slope exceeding 1% and temporary 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) 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 six feet tall and/or evergreen vegetative screening of the same height.
    - f) Shipping containers shall not be stacked.
    - g) Shipping containers shall not be placed on any part of a septic system.
  3. Number.
    - a) Containers in the R-1.5, R-2 and R-3 Zones are only allowed on properties that meet the minimum lot size referred in the Zone.
    - b) No more than one shipping container shall be permitted on a property at any given time provided the property consists of 1.5 acres or more.
    - c) No more than one shipping container per every five contiguous acres shall be permitted on any farm property at any given time.
    - d) No shipping container shall be permitted on any property consisting of an area of less than 1.5 acres, except when such a shipping container is permitted by reason of subparts C(1), C(2), C(3) or C(6).
  4. Condition. All shipping containers shall be free from rust, peeling paint, graffiti and other visible forms of deterioration, disassembly or disrepair. With regard to any shipping containers with a wood floor, applicants shall check with the manufacturer or seller to verify that no hazardous materials or pesticides have been used to treat or build the shipping

container. Temporary and permanent shipping containers shall only be of earth tone colors (e.g., brown, grey, tan) or forest green. Other colors (e.g., orange, blue, multi color, including camouflage patterns) are prohibited. Except for short term shipping containers, no signage or other writing or symbols shall be on the shipping container. 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. Shipping containers shall not have windows or doors (except the standard doors at the end of the container).

5. Uses.

- a) 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 solar panels or signs. No shipping container shall be used for storage of hazardous waste (as defined in §105-3) or used as a dwelling or animal shelter or for sales, service, repair, fabrication or assembly.
- b) Except for short term shipping containers and shipping containers permitted under subparts C(2), C(3) or C(4), a shipping container may not be the only or the principal structure on the property. All shipping containers may only be used as an accessory structure by the owners of the property, the tenant of the property or a contractor performing work on the property and may not be leased or subleased for use by third parties.
- c) Shipping containers shall not be used as a fence or barrier.
- d) Shipping containers shall be locked when not in use.
- e) Temporary and permanent shipping containers shall have a 10 lb. fire extinguisher (type ABC) mounted outside within three feet of the container door.
- f) Temporary and permanent shipping containers may contain lighting and a dehumidifier, provided the wiring is done with a permit. No other electrical devices or other utilities shall be connected to a shipping container. A generator may not be used for power to a shipping container.
- g) No roofs shall be placed on shipping containers or between shipping containers.

6. Pre-Existing Non-Conforming Containers.

- a) Shipping containers that have been located on a property before November 29, 2023 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 D(4), D(5)(e) and E(6) 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.

7. Variances. Any deviation from subparts B, C or D shall require variance approval from the Township Planning Board.

E. Permit Requirement; Application; Fee.

1. No permit is required for a short-term shipping container.

2. The owner or tenant of or the contractor working on the subject property must submit an application for a land use permit for each non-short-term shipping container being placed on property on or after November 29, 2023. 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 Township before a permit is issued.
3. The permit must be displayed on the outside of the container in such a manner as to be plainly visible from the street.
4. The permit fee is \$75.00 per shipping container.
5. With regard to permanent shipping containers, including shipping containers permitted per subparts C(4), an annual permit is required.
6. Upon reasonable notice by the Township, the property owner, tenant or permit holder of a shipping container shall permit the Township to inspect shipping container and its contents for compliance with this Section.

F. Notice; Violations.

1. Before any summons shall be issued for a violation of subparts B, C, D or E of this section, the Township shall mail written notice to the property owner at the address identified in the tax assessment records of the Township, which notice shall set forth a description of the alleged violation and include a warning that a summons shall be issued unless proof of abatement is received by the Township within 30 days after the issuance of the warning. If the Township does not receive such proof within said 30-day period, the Township shall issue a second notice permitting an additional 14 days from the date thereof to provide the Township with proof of abatement of the alleged violation; and if the Township shall not have received such proof by that deadline, the Township shall, in its discretion, cause a summons to be issued.
2. Any person violating this Section (§108-31) shall be subject upon conviction to the penalties provided in §1-14.1 of the Code.
3. In addition to §108-31(F)(2), the Township has the right to remove any shipping container that is not in compliance with this Section and to charge the costs thereof including but not limited to any storage and disposal fees as a lien against the property from which the shipping container was removed.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** The Clerk is directed to give notice at least 10 days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

### **CERTIFICATION**

I hereby certify that the above Ordinance was adopted by the Hampton Township Committee at their regular meeting held on November 28, 2023 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kathleen Armstrong, RMC  
Township Clerk

### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the attached Ordinance #2023-25 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 31<sup>st</sup> day of October 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 28<sup>th</sup> day of November 2023 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and remotely via Zoom if available, or remote only at the discretion of the Administrator or Mayor, at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance. To attend the meeting remotely use the following link: <https://us02web.zoom.us/j/4919500389>, or to attend the meeting by phone, dial 929-205-6099 (Meeting ID: 491 950 0389).

Kathleen Armstrong, RMC  
Township Clerk

### **NOTICE ORDINANCE 2023-25**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance #2023-25 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, November 28, 2023, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC  
Township Clerk

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