



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
February 21, 2012

Honorable Members of the
Law and Legislation Committee

Title: Ordinance Relating to Portable on Demand Storage Containers

Location/Council District: All

Recommendation: This report recommends that the Law and Legislation Committee approve a proposed ordinance to regulate Portable on Demand Storage (PODS) containers and forward the ordinance to City Council for consideration.

Contact: Tina Lee-Vogt, Program Manager, 916-808-2679; Dennis Kubo, Code Enforcement Manager, 916-808-8577

Presenters: Tina Lee-Vogt, Program Manager, 916-808-2679; Dennis Kubo, Code Enforcement Manager, 916-808-8577

Department(s): Community Development Department

Division(s): Neighborhood Code Compliance

Dept. ID: 21001313

Description/Analysis

Issue: Portable on Demand Storage (PODS) has become a generic description for mobile storage containers. The City of Sacramento has experienced an increase in the number of containers used by residents for storage needs. These containers are often used in conjunction with construction projects. Additionally, these containers may be used for temporary storage of personal items. Unfortunately, containers used for temporary storage unrelated to construction are often placed for several months or more which has resulted in complaints from neighbors.

Staff is requesting that the Law and Legislation Committee approve the attached ordinance regulating portable on demand storage containers and forward it to City Council for consideration.

Policy Considerations: On May 18, 2010, staff received direction from the Law and Legislation Committee to prepare and present an ordinance addressing PODS to the Law and Legislation Committee for approval. Increased concern regarding PODS has created the potential need for a regulation ordinance.

The key elements of the proposed ordinance include, but are not be limited to: defining the period of time storage containers could be placed and regulating the size, number, and placement of containers.

Environmental Considerations: Under the CEQA guidelines, continuing administrative activities do not constitute a "project" as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.


Sustainability Considerations: There are no sustainability considerations applicable to amending City Code relating to the proposed ordinance relating to portable on demand storage containers.

Commission/Committee Action: On May 18, 2010, staff received direction from the Law and Legislation Committee to prepare and present an ordinance addressing PODS to the Law and Legislation Committee for approval.

Rationale for Recommendation: An ordinance has been proposed that regulate would portable on demand storage containers in the City.

Financial Considerations: Costs incurred by the City will be recovered by enforcement action.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by:  for
Tina Lee-Vogt
Program Manager

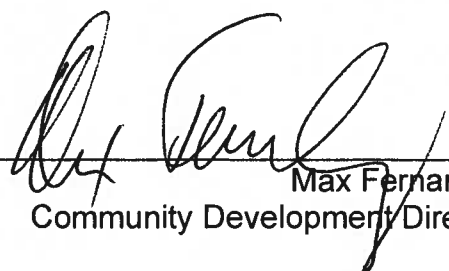
Approved by: 
Max Fernandez
Community Development Director

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Attachment 1**BACKGROUND**

Portable on Demand Storage (PODS) has become a generic description for mobile storage containers. PODS gained popularity in the late 1990's and is now a multimillion dollar industry. Cities throughout the United States, including the City of Sacramento, have suddenly found themselves dealing with this very popular storage concept and the issue of storage containers placed in residential neighborhoods. Currently, the Sacramento City Code has no regulations for PODS.

This situation has generated complaints to the Code Enforcement Division. Some storage containers have been placed in residential neighborhoods for several months. In effect, these temporary containers are being used as long-term storage on residential properties. Staff is requesting direction from the Law and Legislation Committee to regulate PODS. The key elements of the proposed ordinance are as follows:

- Storage containers are allowed for a maximum of thirty (30) days in a twelve (12) month period.
- Limits storage containers to one (1) per two thousand (2,000) square feet of floor space with no more than three (3) containers on the property at any one time.
- Storage container dimensions cannot exceed sixteen feet (16') in length, eight feet (8') in width, or eight and one-half feet (8 ½') in height.
- Storage containers cannot impair motor vehicle operator view or block any public sidewalk.
- Storage containers must be maintained in good condition.
- Storage containers will be allowed during the term of a valid building permit issued by the City and may remain throughout the term stated in the permit.

Many cities have utilized a permitting process to address this issue. However, due to limited resources, staff is recommending that this matter be considered as a public nuisance subject to administrative penalties. This approach would be easier and more convenient for residents as it would not require the time and cost necessary to obtain a permit. However, it would provide staff with a mechanism to address and abate problems related to the containers placed for extended periods of time.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING SECTION _____ TO TITLE _____ OF THE SACRAMENTO CITY CODE AND AMENDING SECTION _____ OF THE SACRAMENTO CITY CODE RELATING TO PORTABLE ON DEMAND STORAGE.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

5.XXX.XXX Purpose and Intent

The placement of portable on demand storage containers by private parties on residential property has generated complaints from citizens regarding safety and aesthetic value; and

The current City Code does not address the regulation of portable on demand storage containers on private property.

It is the purpose of this Chapter and the policy of the City to establish standard for control of portable storage containers and the objectives of this Chapter are to prevent safety and fire hazards, disruption of traffic, obstruct traffic visibility, and disorderly or unsightly temporary structure with in the City.

5.XXX.XXX Definitions

For the purposes of this Chapter:

“City” means the City of Sacramento.

“City Manager” means the City Manager of the City of Sacramento or the authorized representative thereof to include, but to be limited to, the Director of Code Enforcement, Building Official, and/or Zoning Administrator.

“Storage Container” means a portable on demand storage container (PODS) which is a fully enclosed, weather-resistant receptacle that is designed and used for the storage of property, including, but not limited to personal property, non-hazardous household goods, wares, building materials, or merchandise having a minimum capacity of two hundred (200) cubic feet;. This term does non include roll-off containers or storage containers having a storage capacity of less than one hundred (100) cubic feet.

5.XXX.XXX Regulation of Storage Containers

- A. This Section applies to all zoning codes except those designated as industrial, commercial, or agricultural.
- B. No more than one (1) storage container per two thousand (2,000) square feet of floor space shall be allowed on any one property. No property shall have more than three (3) storage containers located upon the property at any one time.
- C. No storage container shall have dimensions greater than sixteen feet (16') in length, eight feet (8') in width, or eight and one-half feet (8 ½') in height.
- D. Storage containers shall be located in a manner as not to impair motor vehicle operator view upon entering or exiting private property and/or right of way.
- E. Storage containers shall not block and public sidewalk.
Storage containers must be located in a manner not to obstruct the flow of pedestrian, bicycle, or motor vehicular traffic.
- E. No Storage container may be placed on any unimproved surface on any property. For the purposes of this chapter, "unimproved surface" means any surface which is not paved or asphalted. Storage containers must be setback at the furthest accessible point from the street.
- F. Storage containers are allowed for storage incidental to principal use on the same lot.
- G. Storage containers must not be placed in violation of other provisions of the building and zoning codes of the City nor regulations of the City concerning temporary signs or structures.
- H. The owner and operator of any lot on which a Storage container is placed shall be responsible for maintaining it in good condition.
- I. Storage containers are allowed for a period not to exceed thirty (30) days in a twelve (12) month period.
- J. Notwithstanding section 5.xxx.xxx (I), above, storage containers shall be allowed on a property during the term of a valid building permit issued by the City and may remain throughout the term stated in the permit. The storage containers may remain for an additional period of twenty-four (24) hours before and after the term stated in the permit. The number, size, and placement of storage containers must comply with this Chapter.

5.XXX.XXX Exceptions

A. In cases of emergencies including, but not limited to, floods, wind storms, or acts of nature and man made disasters that damage property, The City Manager has discretion to provide reasonable allowances for the extension of time periods, limits on number of containers, and other appropriate waivers when necessary to assist in recovery, restoration, and/or mitigation further damage and construction efforts.

5.XXX.XXX Violations and Penalties

A. Violations of this chapter are declared a public nuisance and shall be subject to enforcement pursuant to Chapter 8.04 of this code, as well as civil, criminal, and administrative remedies pursuant to Chapter 1.28 of this code.