



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
August 9, 2012

Honorable Members of the
Law and Legislation Committee

Title: Ordinance Relating to Portable Storage Containers

Location/Council District: All

Recommendation: Pass a motion forwarding the attached ordinance relating to portable storage containers to the City Council.

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: The City of Sacramento has experienced an increase in the number of portable storage containers (also known as “PODS” or “portable on demand storage”) used by residents for their storage needs. Some of these containers are used in conjunction with construction projects. Others are used for temporary storage of personal items. Unfortunately, containers used for storage unrelated to construction are often placed in the front setback areas of homes for several months or more which has resulted in complaints from neighbors.

Policy Considerations:

The proposed ordinance generally regulates the size, number, time limits and placement of portable storage containers in the front yards of residential properties.

Environmental Considerations: This project is exempt from CEQA because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines §15061(b)(3).)

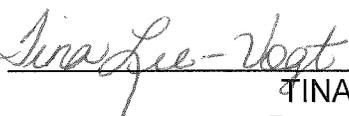
Sustainability Considerations: There are no sustainability considerations applicable to amending the City Code relating to portable storage containers.

Commission/Committee Action: On May 18, 2010, the Law and Legislation Committee directed staff to prepare and present an ordinance regulating PODS.

Rationale for Recommendation: The proposed ordinance regulates portable storage containers to promote public safety and protect the aesthetics of residential neighborhoods 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: 
TINA LEE-VOGT
Program Manager

Approved by: 
MAX FERNANDEZ
Community Development Director

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Attachment 1**BACKGROUND**

The use of portable storage containers, commonly referred to as Portable on Demand Storage or "PODS," has gained popularity since the late 1990's. Cities throughout the United States, including the City of Sacramento, have suddenly found themselves dealing with this very popular storage concept and the resulting issues when these storage containers are 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 in the front yards of residential properties. Staff is requesting approval 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 30 days in any 12 month period.
- Limits properties to one container per 2,000 square feet of floor space, with no more than three containers on the property at any one time.
- Storage container dimensions cannot exceed 16 feet in length, 8 feet in width, or 8 ½ feet in height.
- Storage containers cannot 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 CHAPTER 8.132 TO THE
SACRAMENTO CITY CODE RELATING TO PORTABLE
STORAGE CONTAINERS AND AMENDING SECTION
8.04.100 RELATING TO NUISANCES IN GENERAL**

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

Section 1.

Chapter 8.132 is added to the Sacramento City Code to read as follows:

Chapter 8.132 PORTABLE STORAGE CONTAINERS

8.132.010 Purpose and intent.

The placement of portable storage containers on residential property is a potential hazard to public safety and negatively affects the aesthetics of the property and the surrounding neighborhood.

It is the purpose of this Chapter to establish standards for the use and maintenance of portable storage containers within residential areas of the City to prevent safety hazards, disruptions of traffic, and disorderly or unsightly properties.

8.132.020 Definition of “portable storage container.”

When used in this chapter, “portable storage container” means a container, unit, shed-like structure, or other receptacle that is capable of being moved and is, or can be, used for the storage of personal property of any kind.

8.132.030 Application of chapter.

Notwithstanding any provision of this code to the contrary, this chapter shall only apply to the front yard and street side yard setback areas of properties in the following zones: RE, R-1, R-1A, R-1B, R2, R-2A, R-2B, R-3, R-3A, R-4, R4A, R-5, RMU, RMX, RCMU, RO.

8.132.040 Maximum number of portable storage containers.

A. No person shall place, keep, or store on any property more than one portable storage container per 2,000 square feet of floor space of all buildings on the property, up to a maximum of three portable storage containers.

8.132.050 Maximum size of portable storage containers.

No person shall place, keep, or store on any property a portable storage container that exceeds 16 feet in length, eight feet in width, or eight and one-half feet in height.

8.132.060 Location of portable storage containers.

No person shall place, keep, or store a portable storage container in the following locations on any property:

- A. Within ten feet of the curb line or public street;
- B. On or over any public sidewalk or street; or
- C. On any surface that is not paved.

8.132.070 Maintenance of portable storage containers.

No owner, tenant or occupant of any property shall maintain a portable storage container in any condition that contributes to blight, including, but not limited to, rust, peeling paint, and other visible forms of deterioration.

8.132.080 Length of time allowed.

A. No person shall place, keep, or store a portable storage container on any property for more than 30 consecutive or non-consecutive days in any 12 month period.

B. Notwithstanding subsection A of this Section, portable storage containers may be kept on a property during the term of a valid building permit issued by the City for work on the property, and for 24 hours before and after the term stated in the permit.

8.132.090 Violations and penalties.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. Any person who violates a provision of this chapter is guilty of an infraction, punishable by a fine in accordance with Section 36900 of the California Government Code.

E. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions of this Chapter.

Section 2.

Section 8.04.100 of the Sacramento City Code is amended to be read as follows:

8.04.100 Generally.

It is unlawful and a misdemeanor and hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist and allowed to continue:

A. The keeping, storage, depositing, or accumulation on the premises of any personal property which is within the view of persons on adjacent or nearby real property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values. Personal property includes, but is not limited to, junk as defined in Section 8.04.090, abandoned, wrecked, or dismantled automobiles or unseaworthy boats or vessels, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, rubbish and debris.

Wood and building materials being used, or to be used, for a project of repair or renovation and for which an active building permit is in existence may be stored for as long as is necessary to complete the project expeditiously. Upon expiration or cancellation of the permit, wood and building materials for the project must be immediately removed;

B. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that constitute visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values;

C. The operation of a junk yard or automobile dismantling yard, except in an industrial zone pursuant to a special use permit;

D. Any abandoned drive-in enterprise;

E. Any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;

F. Any condition in violation of the Sacramento City Building Code, set forth in Title 15;

G. Any condition in violation of Chapter 9.44 (animal control law);

H. Any condition in violation of Title 17 (zoning ordinance);

I. Any condition in violation of the Fire Prevention Code, set forth in Title 15;

J. Any condition in violation of Chapter 5.152 (regulation of unattended donation boxes);

K. Any condition recognized in law or in equity as constituting a public nuisance;

L. The maintenance of the exterior of any vacant or unoccupied building or the interior of any such building which is readily visible from any public street or adjacent parcel of property in a state of unsightliness so as to constitute a blighted condition detrimental to the property values in the neighborhood or otherwise detrimental to the public welfare;

M. Any condition in violation of Chapter 18.12 (employer transportation systems management for the city of Sacramento);

N. Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris, or discarded vehicles, vehicle parts and/or vehicle hulks, and which real property has been subject to abatement action on one or more occasions by the city;

O. Any illegal activity occurring on the property which is detrimental to the life, health, safety and welfare of the residents, neighbors or public. For purposes of this chapter, illegal activity is defined as any violation of state or federal law, rules or regulations, or local ordinance; or

P. Any condition in violation of Chapter 8.132 (portable storage containers).

Once proceedings have been commenced pursuant to this title to declare a building or property to be a public nuisance under this subsection, no such building or

property shall be deemed to be in compliance with this title solely because such building or property thereafter becomes occupied.