

VILLAGE OF WAVERLY

LOCAL LAW NO. 2 OF THE YEAR 2026

A LOCAL LAW AMENDING THE ZONING CODE TO REGULATE STORAGE CONTAINERS

Be it enacted by the Village Board of the Village of Waverly as follows:

Section 1. A new Chapter of the Village of Waverly Zoning Code shall be added as follows:

Chapter _____. Storage Containers

§ _____-1. Legislative Intent.

To preserve property values and aesthetic resources of the Village, the Village has determined that regulation of shipping containers, and other like structures used for temporary or permanent storage is appropriate. It is the intention of the Village Board to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions that may: A) endanger the health, safety and welfare of the residents; B) reduce the value of properties; C) interfere with the use and enjoyment of adjoining properties; and D) interfere with the well-being of the public. The Board finds that from time to time containers are needed by the citizens of the Village for various reasons, including but not limited to construction or storage of personal belongings. Nevertheless, the presence of containers can have a negative impact on health, safety, and welfare of the citizens of the Village. This chapter is intended to minimize the adverse effects that containers may have by regulating the amount of time and location where they may be parked, or stored, on properties in certain zoning districts. The purpose of this chapter is to protect the public health, safety, and welfare of the residents and aesthetic resources, and the general welfare of the Village and its residents. The Village finds that regulation of shipping containers is in the best interest of the Village.

§ _____-2. Definitions.

Unless defined below or elsewhere in the zoning code, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used herein, the following terms shall have the meanings indicated:

PROPERTY

Any parcel, lot or tract of land in the Village of Waverly.

TEMPORARY STORAGE CONTAINER (CONTAINER)

Any portable weather-resistant container, receptacle, or device of a type commonly used for the temporary storage of personal property, household goods, wares or other materials, designed to be used without a permanent foundation and located outside of an enclosed building which complies with all building codes and land use regulations. The term shall include, but not be limited to,

unlicensed trailers, shipping containers, portable on-demand storage units (PODS), and store-and-move units (SAMs). Such containers shall not be considered accessory structures. Such containers shall not be designed for occupancy. The term "container" shall not be construed to include roll-off containers, dumpsters, and travel trailers or campers.

§ _____-3. Prohibited acts in the Commercial zone, Planned Unit Development zone, Residential zone, Open Space Zone and Manufactured Home zone.

- A. No container shall be kept or maintained in the Commercial zone, Planned Unit Development zone, or Residential zone without a current written permit from the Village Code Enforcement Officer. Containers shall not be permitted in the Open Space Zone or the Manufactured Home Zone.
- B. A maximum of one container shall be allowed on each parcel in the Commercial zone, Planned Unit Development zone and Residential zone, upon the issuance of a permit required by this chapter.
- C. Containers may only be placed in a driveway or parking area, and it will be placed at the furthest accessible point from the street or, if access exists at the side or rear of the property, in the side or rear yard.
- D. No container shall have a capacity of greater than 2,720 cubic feet, nor dimensions greater than 40 feet in length, eight feet in width, and 8 1/2 feet in height.
- E. The only signage that may be displayed on a container is that which is pre-printed on or required by the owner of the container identifying ownership of the container. All other signage is prohibited. Containers shall not be utilized to advertisement in any form.
- F. Placement of containers must comply with the applicable setback requirements and the minimum lot size and maximum lot coverage for the district where the container is to be placed. (See Chapter 153, generally).

§ _____-4. Permit required, application requirements; fee required; reasons for rejection; limitations.

- A. Every person, firm, corporation or legal entity who wishes to place a container on any property zoned Commercial, Planned Unit Development, or Residential is required to obtain a permit from the Code Enforcement Officer. Obtaining said permit shall be the responsibility of the person, firm, corporation or legal entity that owns the property on which the container is to be placed. The application for such permit shall be made on forms provided by the Code Enforcement Officer. Each application shall provide:
 - 1. The name, address and phone number of the owner of the property on

which the container will be placed, if not the applicant.

2. If the application is filed for the benefit of a lessee/tenant of the property, the property owner must sign the application for the permit and provide the lessee/tenant's name, address and phone number.
 3. The property within the Village where the applicant wishes to place a container;
 4. A detailed description of each container applied for, including each container's height, width, cubic footage and length;
 5. The location of each container, including an at-scale drawing or map of the property showing the location of nearby buildings, property lines, driveways, sidewalks, streets, alleys and other public ways;
 6. The period of time each container shall remain in place;
 7. Any other information as may be required by the Code Enforcement Officer to adequately review the application.
- B. Each application shall be accompanied by the required permit fee.
- C. The Code Enforcement Officer shall have the authority to reject any incomplete application, any application that conflicts with the legislative intent of this chapter, or any application that presents, in his/her judgment, a dangerous or hazardous condition or situation to any person or persons. In rejecting any such application, the Code Enforcement Officer shall state the reasons for the rejection.
- D. No permit shall be approved if two permits have been granted for the same property within the last 365 days.
- E. No permit shall be issued authorizing placement of a container for a period greater than 60 days in a Residential zone.
- F. No permit shall be issued authorizing placement of a container for a period greater than 1 year in the Planned Unit Development or Commercial zones. Permits issued for a period of 1 year may be renewed annually upon the expiration of their term.

§ _____-5. Permit fees.

- A. In the Residential zone the following fees shall be required for permits issued under this chapter

Containers Placed (Number of days)

1 to 7 days	\$20.00
8 to 30 days	\$50.00
31 to 60 days	\$100.00

- B. In the Planned Unit Development and Commercial zones the following fee shall be required for permits issued under this chapter

1 to 7 days	\$20.00
8 to 30 days	\$50.00
31 to 60 days	\$100.00

61 days to 1 Year \$500.00

§ _____-6. Issuance of permit; authorization to inspect and remove container.

- A. Upon a finding that all requirements under this chapter have been met, the Code Enforcement Officer may issue a permit to the applicant. The Code Enforcement Officer shall have the authority to impose reasonable conditions upon the placement, duration of placement, and/or use of any container.
- B. Each permit shall contain a statement that the applicant/owner authorizes Village employees/agents to enter upon the property where the container is or is to be placed to inspect the same and to remove the container without notice to the applicant/owner in an event of public emergency.

§ _____-7. Exemptions.

The prohibitions contained herein shall not apply when:

- A. The container is placed by an agency of federal, state or local government;
- B. Property located in the Industrial Zone is not required to secure permits and shall comply with all zoning setbacks and area regulations.

§ _____-8. Pre-Existing Containers.

- A. The Village recognizes that certain Containers are currently placed and existing on property in the Commercial Zoning District and Planned Unit Development Zoning District as of the effective date of the enactment of this Chapter. Such Containers are hereinafter referred to as "Pre-Existing Containers." Pre-Existing Containers located on property in the Commercial Zoning District and Planned Unit Development Zoning District as of the effective date of the enactment of this Chapter shall be allowed to remain on the lot, provided that the following requirements are met:

1. The owners of Pre-Existing Containers shall apply for and obtain a Pre-Existing Container Permit consistent with the application requirements set forth in Section 4 of this Chapter. Such application shall be filed with the Code Enforcement Officer within 60 days of the effective date of this Chapter.
2. The application for a Pre-Existing Container permit shall be subject to a fee in the amount of \$100.00.
3. Placement of Pre-Existing Containers shall comply with the applicable setback requirements for the district where the Pre-Existing Container is located. If Pre-Existing Containers do not comply with such setback requirements as of the date of application, they shall be required to comply with setbacks prior to issuance of a permit.
4. A Pre-Existing Container Permit shall expire 20 years after the date of its issuance.
5. A Pre-Existing Container Permit shall not be transferrable. Upon the sale or transfer of the real property on which the Pre-Existing Container is located, the permit shall automatically expire and the owner/occupants of the property shall immediately remove any and all Pre-Existing Containers from the property.
6. Properties with Pre-Existing Containers shall not be eligible for new container permits under this Chapter.
7. Properties in Residential Zoning Districts shall not be eligible for Pre-Existing Container permits.

§ _____-9. Placement on public property; impoundment; liability of owner; disposal of container.

- A. No container shall be placed in any public street, sidewalk, highway, public place, or public way, or on property owned by the Village of Waverly without the written approval of the Code Officer. The Code Officer shall have authority to impose such restrictions and conditions on such placement as will, in the Code Officer's judgment, reasonably protect the public street, highway, sidewalk, public place, public way, or property and will not be unduly disruptive of the use of the public property for its ordinary and customary usage.
- B. Any container placed, located or maintained on any public street, sidewalk, highway, public place, or public way, or on property of the Village without the written approval of the Code Enforcement Officer or outside of a period of time approved for such placement shall be deemed abandoned and a hazard to the general public. The Code Officer is authorized to cause impoundment of such container without prior notice to the applicant/owner or occupier of the property and/or the owner of the container. Such applicants/owners and/or occupiers shall be jointly and severally

liable to the Village for the costs of moving and impounding each unit and a storage fees, together with any and all costs of disposal of the container and/or the contents thereof. The Code Enforcement Officer shall provide to the applicant/owner and occupier of the property as soon as reasonably practicable a notice of the impoundment, the costs for moving, and the daily storage fee, along with their right to contest such impoundment by requesting an administrative hearing in writing within 10 days of the date of the notice. The request for a hearing must be submitted to the Village Board of Trustees, who shall either conduct such hearing directly, or appoint a hearing officer to make a recommendation to the Village Mayor. Said hearing shall be conducted informally, and any hearing officer may be another employee or elected official of the Village. In the event that the applicant/owner and/or occupier of the property does not request a hearing, or if, after such hearing, the Village Mayor determines that such impoundment was done in accordance with law, then the Code Enforcement Officer shall have the authority to discard, destroy or sell the container and/or its contents at public auction.

§ _____-10. General provisions.

- A. Containers already placed in the Village prior to the effective date of this law, which are not Pre-Existing Containers in the Industrial or Planned Unit Development Zoning Districts, are subject to the provisions of this chapter. It shall be the obligation of the owner of the property to conform to the requirements set forth herein within 60 days of adoption of this local law.
- B. It shall be the obligation of the applicant/owner of the property and of the container to secure it in a manner that does not endanger the safety of the persons or property within the vicinity. In the event that the container and/or its contents may become a danger to persons or property, the Code Enforcement Officer may require its immediate removal.
 - 1. Any container which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Code Enforcement Officer for removal of a container for safety reasons, may be removed and impounded by the Village immediately, without prior notice. The applicant/owner and/or occupiers shall be jointly and severally liable to the Village for the costs of moving and impounding each unit, and storage fees together with any and all costs of disposal of the container and/or the contents thereof. The Code Enforcement Officer shall provide to the applicant/owner and occupiers as soon as reasonably practicable a notice of the impoundment, the costs for moving, and the daily storage fee, along with their right to contest such impoundment by requesting an administrative hearing in writing within 10 days of the date of the notice. The request for a hearing must be in writing and submitted to the Village Clerk's office. Said hearing shall be conducted informally by the Village Board of Trustees. In the event that the applicant/owner and/or occupiers do not request a hearing, or if, after such hearing, the Village Board of Trustees determines that such impoundment was

done in accordance with law, then the Code Enforcement Officer shall have the authority to discard, destroy or sell the container and/or its contents at public auction. Any costs in excess of any amount recovered by the Village pursuant to any sale of the container and/or its contents may be assessed against the property on which the container was located and may be filed as a lien against such property.

- C. All containers shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, at all times. In the event that the container fails to comply with this requirement, the Code Enforcement Officer may require its immediate removal.
- D. No container shall be used to store biodegradable waste, food and kitchen waste, household hazardous waste, solid waste, garbage or illegal, toxic, or hazardous materials as defined by federal, state or local rules, laws or regulations. Toxic or hazardous materials shall include, but not be limited to, petroleum products, including fuels and waste oil, organic solvents, and heavy metal sludges.
- E. All containers shall be subject to inspection by the Code Enforcement Officer on an intermittent basis to ensure compliance.
- F. The Village Board of Trustees may revise the fees and charges set herein from time to time by resolution.
- G. If site conditions prevent locating a container in conformity with this chapter, application can be made to the Zoning Board of Appeals for a variance. Any variance granted shall be the minimum variance necessary to allow the placement of a container and at the same time achieve maximum compliance with the intent of this chapter.

§ _____ -11. Violations.

- A. Orders to remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any apparent violation of this chapter. An order to remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates this chapter; shall specify the provision or provisions of this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following-. "The person or entity served with this order to remedy must completely remedy each violation described in this order to remedy by [specify date], which is at least three days after the date of this order to remedy." The Code Enforcement Officer shall cause the order to remedy, or a copy thereof, to be served on the applicant/owner and tenants of the affected property by posting a copy thereof on the door to the property's building or structure or, if none, to the side of container. A copy thereof shall also be sent by registered mail or certified mail within one day after the date of the order to remedy to such applicant/owner and tenants.

- B. Appearance tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of this chapter.
- C. Penalties. In addition to such other penalties as may be prescribed by state law,
 - 1. Any person who violates any provision of this chapter or any term, condition, or provision of any notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both; and
 - 2. Any person who violates any provision of this chapter, or any term or condition of any notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village against the violating persons and are in addition to fines assessed in code violation proceedings.
- D. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter, or any term or condition of any notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the use of a property, building or structure is in violation of any provision of this chapter, or any order to remedy or other order obtained under this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village of Waverly Board of Trustees. All costs including legal fees shall be assessed against the property and added to the property tax bill.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter or in any other applicable law. Any remedy or penalty may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty.

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence,

subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 3. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.