

**ORDINANCE NO. 1662**

**AN ORDINANCE RESTRICTING THE LOCATION AND  
DURATION OF PORTABLE STORAGE UNITS IN  
RESIDENTIAL AREAS**

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WHEREAS, the City Council of the City of Mountain Brook, Alabama, upon information provided and duly considered, has determined that portable storage units are obtrusive and esthetically unpleasing when left for long periods of time on the property of individuals in residential areas, and violate section 18-7 of the City Code pertaining to blocking streets to prevent free passage when situated upon the City's streets; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, finds that the use of portable storage units has become more and more prevalent due to the convenience the service provides to individuals for transportation and storage of household items; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, finds that it would be in the best interest of those neighbors and other residents concerned with the obtrusiveness and lack of esthetic quality of the portable storage units that are situated upon city streets and in driveways or front yards of residences that the period of time in which a portable storage unit may rest, and the location on which it sits, be restricted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. **Scope of the Ordinance.** The terms, conditions, and requirements established by this ordinance shall apply to all that meet the following criteria:
  - a. **Definitions: Portable Storage Units:** Any temporary storage unit or temporary accessory building measuring 8' x 8' or larger that is delivered to a residence by the owner of the storage unit for purposes of containing household items, personal property, or items necessary for construction or renovation for a limited period of time, and then removed to a more permanent structure for longer storage, or returned to the premises of the owner of the unit, or used to assist in the relocation of household items.  
  
**Active and ongoing:** The term "active and ongoing" pertains to construction projects and, for the purposes of this ordinance, means any construction project in a residential area for which constant demolition, construction, or remodeling activity is occurring. A period of time longer than three (3) consecutive weeks without such activity is not considered "active and ongoing."

Daylight hours: The term “daylight hours” refers to the hours of 7:00am – 5:00pm Central Standard Time, and 6:00am – 7:00pm Central Daylight Time.

2. **Use.** A Portable Storage Unit may be used for storage of household items or personal property for a limited period of time as set out below, and shall not be used in lieu of a garage or permanent accessory building fixed to the property. A Portable Storage Unit may also be used by general or subcontractors for the temporary storage of items necessary for construction or renovation of the residence.
  
3. **Location.** A Portable Storage Unit may be located on a driveway or parking pad of a residence or, in the absence of a driveway or parking pad, the Portable Storage Unit may be located on the ground. The Unit shall be located a minimum of thirty (30) feet from the front yard property line for the first ten (10) days, and for a period of time longer than ten (10) days the Portable Storage Unit must sit behind the front building line of the residence, unless the Unit is able to be located at least one hundred (100) feet from the street, in which case it may remain in front of the front building line of the residence. A Unit for which a permit has been obtained must not protrude beyond the front edge of the residence unless it is one hundred (100) feet from the street. At the discretion of the Building Official, a legal survey may be required to verify that the setback is in compliance.

For purposes of loading or unloading, residents or contractors in need of locating a Unit on the City’s streets, alleys, easements, rights-of-way, etc., may do so by obtaining permission in advance from the Chief of Police or his designee. The Unit may rest on the street, etc., during daylight hours for one day only, after which time it must be located a minimum of thirty (30) feet from the front yard property line, as required in this section.

4. **Duration and Permit Fee:** A Portable Storage Unit may be located on the property of a residence for a period of ten (10) days without a permit. For use by a resident for a period of time longer than ten (10) days, the individual shall apply for a 90-day permit from the City. The fee for each such permit shall be set at \$300.00, payable upon application. A resident may apply for and obtain a total of two (2) 90-day permits, for a total duration of 180-days and a total non-refundable fee of \$600.00. Residents may apply and pay for both permits simultaneously in advance.

For use by a general contractor for a period of time longer than ten (10) days involving an active and ongoing construction project, the contractor shall apply for a 90-day permit from the City. The fee for each permit shall be set at \$300.00, payable upon application. A contractor may apply for and obtain up to a total of five (5) 90-day permits, for a total duration of 450-days (or fifteen months) and a total non-refundable fee of \$1500.00, provided that the related construction project is active and ongoing. Contractors may apply and pay for all permits simultaneously in advance.

5. **Dimensional criteria.** Portable Storage Units come in a variety of sizes, but in no case shall a Portable Storage Unit measuring larger than 8' x 20' be located in a residential area.

6. **Number of units.** No more than one (1) unit per residence shall be permitted.
  
7. **Violations.** It shall be a violation of the terms of this ordinance for:
  - a. An individual to allow a Portable Storage Unit on their property for longer than ten (10) days without a permit from the City;
  - b. A Portable Storage Unit to rest in front of the required thirty (30) foot minimum setback;
  - c. A Portable Storage Unit for which a permit has been obtained to protrude beyond the front edge of the residence, unless it is one hundred (100) feet or more from the street;
  - d. An individual to allow a Portable Storage Unit to be parked upon the City's streets, alleys, easements or rights-of-way for longer than one day.
  
8. **Penalties.** Violations of this ordinance shall be punishable by payment of a fine of \$100.00 per day for each violation, in addition to the cost of any necessary permit for extended use.
  
9. **Hardship variance.** Residents experiencing a hardship may appeal the effects of this ordinance to the City Manager who may, at his discretion, grant variances as follows:
  - a. The ninety (90) day permit may be extended for up to an additional seven (7) days;
  - b. The thirty (30) foot minimum setback may be adjusted to twenty (20) feet;
  - c. The requirement that the Unit sit behind the front building line of the residence may be adjusted for up to one-third of the length of the unit;
  - d. The ten (10) day provision for a Unit to rest on a property without a permit may be extended for up to four (4) additional days;
  - e. The one hundred (100) foot setback allowance may be reduced by as much as fifteen (15) feet.

Additional appeals may be presented to the City Council in writing by noon on the day of the regularly scheduled Council meeting for consideration.
  
10. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, which are inconsistent with the provisions of this ordinance, are hereby expressly repealed.
  
11. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.
  
12. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED:** This 14th day of March, 2005.

/s/ Thomas C. Clark, Jr.  
Thomas C. Clark, Council President

APPROVED: This \_\_\_\_ day of \_\_\_\_\_, 2005.

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Lawrence T. Oden  
Mayor

**CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its regular meeting on \_\_\_\_\_, 2005, as same appears in the minutes of the record of said meeting, and published by posting copies thereof on \_\_\_\_\_, 2005, at the following public places, which copies remained posted for five (5) days as provided by law:

- City Hall, 56 Church Street
- Gilchrist Pharmacy, 2850 Cahaba Road
- Joe Muggs, 2037 Cahaba Road
- Piggly Wiggly, 93 Euclid Avenue
- The Invitation Place, 3052 Overton Road

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Steven Boone, City Clerk