

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to amend Chapter 184 of the Code of the Town of Newfane by repealing and replacing Article III thereof, entitled “Use of Trucks, Trailers, and Shipping Containers for Storage.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The Town Board finds that the inappropriate use of trucks, trailers, and similar vehicles, and of shipping containers, for storage on premises within the Town detracts from the appearance of the community, diminishes property values, and may create conditions hazardous to health and safety. The existing Article III of Chapter 184 regulates the use of trucks and trailers for storage but does not address shipping containers. The Town Board therefore intends by this local law to repeal the existing Article III and to replace it with a comprehensive article that consolidates and updates the regulation of trucks and trailers used for storage and, for the first time, regulates the placement and use of shipping containers, while providing reasonable exceptions and a permit process for shipping containers.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Repeal and replacement.

Article III of Chapter 184 of the Code of the Town of Newfane is hereby repealed in its entirety and replaced with the following:

CHAPTER 184

ARTICLE III

Use of Trucks, Trailers, and Shipping Containers for Storage

§ 184-14 Purpose.

It is the purpose and intent of this article to promote the health, safety, and welfare of the inhabitants of the Town of Newfane and to protect their property by prohibiting the inappropriate use of trucks, trailers, shipping containers, and similar vehicles or units as storage facilities or storage units on premises in the Town of Newfane.

§ 184-15 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

- A. **Shipping Container:** Any standardized, reusable steel or metal container originally or ordinarily designed for the intermodal transport of freight by ship, rail, or truck, including containers commonly known as conex boxes, sea containers, cargo containers, or ISO containers, whether or not mounted on a chassis or wheels. The term does not include truck bodies, trailers, or semitrailers otherwise regulated by this article.
- B. **Storage Purpose:** The keeping, depositing, or accumulation of goods, materials, equipment, or other items within or upon a vehicle, unit, or shipping container while it remains stationary upon the premises, whether or not the vehicle, unit, or container is capable of being moved. The term does not include the transient loading or unloading of goods in the ordinary course of transport.

§ 184-16 Use of trucks, trailers, and shipping containers for storage prohibited; exceptions; container permit.

- A. **General prohibition.** No person shall use, or permit the use of, any truck, trailer, or similar vehicle or unit, whether licensed or not, or any shipping container, for any storage purpose on premises in the Town of Newfane, except as provided in this article.
- B. **Temporary construction use.** A truck, trailer, or shipping container may be used for storage in connection with active construction on the premises for a period of up to 180 days, provided a building permit has been issued for the property. An extension of 180 days may be obtained upon application to the Building Inspector.
- C. **Agricultural use.** A truck, trailer, or shipping container may be used for storage when actively used in connection with a farming or agricultural operation on the premises. No permit shall be required under this subsection.
- D. **Temporary moving or storage use.** A truck, trailer, or shipping container may be placed on premises in the Town of Newfane for a period of up to 30 days in any calendar year for use during a move or for short-term storage. No permit shall be required under this subsection.
- E. **Emergency use.** A truck, trailer, or shipping container may be used for storage on the premises without a permit in response to a natural disaster or emergency, including a fire, flood, or severe storm, for a period of up to 60 days. Continued use beyond 60 days shall require a shipping container permit issued under Subsection F.
- F. **Shipping container permit.** A property owner who otherwise complies with all provisions of this Code may apply to the Building Inspector for a shipping container permit for long-term use of a shipping container on the premises.

(1) The application for a shipping container permit shall include:

- (a) Two copies of a plan, which may be a handwritten sketch, showing the proposed location of the shipping container, including property lines and other structures on the property;
- (b) The container's height, width, length, floor area, and color;
- (c) A description of the proposed method of screening or painting; and
- (d) Any other information the Building Inspector reasonably requires to review the application.

(2) The Building Inspector shall not issue a shipping container permit unless the application is accompanied by the fee set forth in subsection 3 and demonstrates compliance with the following standards:

- (a) The container shall not exceed 10 feet in height and shall be located in a side or rear yard. On a corner lot, any yard adjoining a street shall be treated as a front yard.
- (b) The container shall meet all Town setback requirements and shall be set back at least 10 feet from the principal building on the lot.
- (c) The container shall not exceed 450 square feet of floor area.
- (d) If the container is visible from any adjoining lot or public road at any time of year, it shall be painted a uniform color matching the exterior of the principal building or screened with landscaping so as to form an opaque sight barrier at least as high as the container. The area within 10 feet of the container's perimeter shall be kept clear of grass and weeds exceeding six inches in height.
- (e) The container shall rest on a firm base capable of sustaining the load of the container and its contents.
- (f) The container shall not be sited so as to negatively impact drainage on any adjacent lot by diverting or impounding stormwater.
- (g) The container shall not occupy any off-street parking space or fire lane.

(3) The application shall be accompanied by a permit fee of \$0.15 per square foot of container floor area, subject to a minimum fee of \$25.

G. Existing Shipping Containers. Any existing shipping containers located on a property in the Town of Newfane as of the effective date of this article shall be “grandfathered” and not require a permit; provided, however, that the shipping container must comply with the criteria and standards set forth in § 184-16(F)(2)(a)-(g).

§ 184-17 Removal.

- A. **Duty to Remove.** It shall be the duty of every person, occupant, tenant, or person in control of land within the Town of Newfane to remove any truck, trailer, or similar vehicle or unit, or any shipping container, used for storage in violation of this article within 10 days after notice of the violation.
- B. **Notice.** Notice of a violation of this article shall be served upon the responsible person by the Building Inspector or Code Enforcement Officer by certified mail addressed to the person's last known address. The notice shall identify the property, describe the violation, and direct that the offending vehicle, unit, or container be removed within 10 days after the date the notice is sent. Where the responsible person is not the owner of the land, a copy of the notice shall also be sent to the owner at the owner's last known address. Notice mailed to a nonresident owner at his or her last known address shall be sufficient service.
- C. **Removal by Town.** If the truck, trailer, or shipping container is not removed within 10 days after the notice is sent, the Building Inspector or Code Enforcement Officer may direct its removal by Town employees or by an independent contractor hired for that purpose. A shipping container maintained in violation of this article after notice and an opportunity to cure shall be deemed an illegal structure on the premises.
- D. **Cost; payment; lien.** The cost of such removal shall be a charge against the person responsible for the violation. That cost shall consist of the actual expenses incurred by the Town, plus a \$150 surcharge for administration. The Building Inspector or Code Enforcement Officer shall certify the cost, and the Town shall mail a statement of the cost to the responsible person at his or her last known address, together with a demand for payment within 30 days after the date the statement is mailed. Where the responsible person is not the owner of the land, a copy of the statement shall also be mailed to the owner at the owner's last known address. If the cost is not paid in full within that period, the unpaid cost shall become a lien upon the property on which the violation was located, shall be added to and become a part of the taxes next assessed and levied upon such property, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 184-18 Penalties for offenses.

- A. **Enforcement.** This article shall be enforced by the Building Inspector or Code Enforcement Officer, who is authorized to issue the notice provided in § 184-17, to issue appearance tickets, and to commence proceedings for the penalties provided in this section.
- B. **Penalties.** In addition to the cost of removal set forth in § 184-17 of this article, any person who shall violate this article shall be subject to the following penalties:
 - (1) First violation: a fine not to exceed \$100.
 - (2) Second violation: a fine not to exceed \$250.

(3) Third and each subsequent violation: a fine not to exceed \$500 for each separate violation.

C. **Continuing violations.** Each week during which a violation continues shall constitute a separate violation.

D. **Injunctive relief.** In addition to any fine imposed, the Town of Newfane may maintain an action or proceeding in any court of competent jurisdiction for a temporary restraining order, preliminary injunction, or permanent injunction to enjoin the violation of this article or to compel compliance therewith, as authorized by § 135 of the Town Law.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be 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 of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

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