

Ordinance 26-07-01

Introduced: July 6, 2026

Adopted:

AN ACT TO AMEND THE TOWN OF MIDDLETOWN CODE OF ORDINANCES CHAPTER 118: PORTABLE STORAGE UNITS TO INCLUDE DUMPSTERS AND ROLL-OFF CONTAINERS

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MIDDLETOWN (a majority of the members elected thereto concurring therein):

Section 1. That the Town of Middletown, Delaware, Code of Ordinances, Chapter 118 “Portable Storage Units” is removed in its entirety and replaced therein by:

“CHAPTER 118

PORTABLE STORAGE UNITS, DUMPSTERS AND ROLL-OFF CONTAINERS

[HISTORY: Adopted by the Mayor and Council of the Town of Middletown 12-17-2009.[1]

Amendments noted where applicable.

GENERAL REFERENCES

Recreational equipment — See Ch. 103.

Property maintenance — See Ch. 119.

Streets and sidewalks — See Ch. 146.

[1] Editor's Note: This chapter was adopted as Ch. 44 but was redesignated as Ch. 118 at the direction of the Town due to the prior adoption of Ch. 44 as a different subject matter.

PORTABLE STORAGE UNITS

§ 118-1. Temporary use permitted.

In any residentially-zoned district, the placement of a portable storage unit for the temporary storage of nondisposable personal property shall be permitted for use by the occupant or owner of the dwelling for a period not to exceed **30 consecutive calendar days**, unless otherwise approved by the Code Official.

§ 118-2. Definitions.

For purposes of this article, the following term shall have the meaning indicated:

PORTABLE STORAGE UNIT — A portable container, pod, or similar unit designed for the temporary storage of personal property, household goods, furniture, or similar nondisposable items, which is typically rented or otherwise provided to an owner or occupant of a property and is delivered to and removed from the property by truck or other vehicle.

§ 118-3. Restrictions on use and placement.

A. No portable storage unit shall be placed at any one site in a residential zoning district for a period exceeding **30 consecutive calendar days**, unless otherwise approved by the Code Official.

B. Portable storage units shall be set back a minimum of **five feet from all property lines**.

C. Portable storage units shall be placed on an existing hard concrete or asphalt surface and shall not occupy or displace required off-street parking spaces.

Where placement on an existing concrete or asphalt surface is not reasonably feasible, the portable storage unit may be placed elsewhere on the property, provided that the unit maintains the required five-foot setback from all property lines and otherwise complies with this chapter.

D. Portable storage units shall not be placed within any public street, sidewalk, public right-of-way, or other public space unless specifically authorized by the Code Official.

E. The location of a portable storage unit shall not adversely affect the health, safety, or welfare of the surrounding neighborhood and shall not obstruct or interfere with sidewalks, fire hydrants, utility facilities, drainage facilities, emergency access, sight triangles, street intersections, crosswalks, handicap-accessible ramps, or regulatory signs.

DUMPSTERS AND ROLL-OFF CONTAINERS

§ 118-4. Temporary use permitted.

In any residentially zoned district, the temporary placement and use of a dumpster or roll-off container shall be permitted subject to the requirements of this article.

Dumpsters and roll-off containers utilized in connection with an **active permitted new development or construction project** shall be subject to the placement and safety requirements of this article but shall be exempt from the standard 30-consecutive-calendar-day limitation as provided in § 118-7.

§ 118-5. Definitions.

For purposes of this article, the following terms shall have the meanings indicated:

DUMPSTER — A temporary container designed and used for the collection, storage, and removal of refuse, debris, construction materials, demolition materials, or other waste.

ROLL-OFF CONTAINER — A large, open-top container designed to be delivered to and removed from a property by a specialized roll-off vehicle and used for the temporary collection and removal of refuse, construction debris, demolition debris, or similar materials.

§ 118-6. Restrictions on use and placement.

A. Dumpsters and roll-off containers shall be located **within the property limits whenever reasonably feasible**. Where a driveway exists and can safely accommodate the container, the container shall be placed entirely within the driveway.

B. Where placement entirely within the property limits is not reasonably feasible, the property owner or authorized agent may request approval from the **Code Official** for an alternative location.

The request shall identify the proposed location and the reason the container cannot be located entirely on the property.

C. It shall be strictly prohibited to place a dumpster or roll-off container in any location that:

1. Obstructs or interferes with the normal flow of vehicular or pedestrian traffic;
2. Obstructs a sidewalk, crosswalk, handicap-accessible ramp, driveway, alley, or other means of access;

3. Blocks or interferes with access to a fire hydrant, utility facility, drainage facility, or emergency access route;
4. Obstructs the visibility of any regulatory sign, traffic-control device, intersection, driveway, or pedestrian crossing;
5. Is located within or obstructs a required sight triangle;
6. Interferes with required parking or access to an adjoining property; or
7. Otherwise creates a condition determined by the Code Official to be detrimental to the public health, safety, or welfare.

D. Any dumpster or roll-off container approved for placement within a public street or public right-of-way shall be positioned so as to maintain safe vehicular and pedestrian travel and shall comply with any conditions imposed by the Code Official.

E. Dumpsters and roll-off containers shall be maintained in a safe and orderly condition. Materials shall be contained within the container and shall not be permitted to accumulate around or overflow from the container.

F. The Code Official may require the immediate relocation or removal of any dumpster or roll-off container determined to create an unsafe condition or to be in violation of this chapter.

§ 118-7. Permit required; duration.

A. No person shall place or maintain a dumpster or roll-off container within a residential zoning district without first obtaining a permit from the Town of Middletown, unless otherwise exempted by this chapter.

B. A permit issued under this section shall authorize placement of the dumpster or roll-off container for a period not to exceed **30 consecutive calendar days**.

C. If additional time is necessary, the property owner or authorized agent may request an extension from the Code Official prior to expiration of the permit. The Code Official may approve an extension when circumstances reasonably warrant additional time.

D. Dumpsters and roll-off containers utilized in connection with an **active permitted new development or construction project** shall not be subject to the 30-consecutive-calendar-day limitation, provided that the container remains necessary for the active construction and complies with all applicable placement and safety requirements of this chapter.

E. Upon expiration of the permitted time period, completion of the work, or determination by the Code Official that the container is no longer necessary, the dumpster or roll-off container shall be removed from the property.

§ 118-8. Enforcement.

A. The Code Official shall be authorized to administer and enforce the provisions of this chapter.

B. The Code Official may order the relocation or removal of any portable storage unit, dumpster, or roll-off container that is placed or maintained in violation of this chapter or that creates an unsafe condition.

C. Upon notification of a violation, the owner, occupant, contractor, or other responsible party shall relocate or remove the container within the time specified by the Code Official.

D. Failure to comply with an order issued pursuant to this chapter shall constitute a violation and shall be subject to the applicable penalties and enforcement provisions of the Town Code.

Section 2. This ordinance shall become effective upon approval.

ADOPTED THIS _____ DAY OF _____, 2026.

(SEAL)

Kenneth L. Branner, Jr., MAYOR

ATTESTED TO BY:

WITNESS, TOWN OF MIDDLETOWN