

ORDINANCE NO. #307- STORAGE CONTAINERS AND BUILDING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS, AMENDING CHAPTER 4, CODE OF CITY ORDINANCES, CITY OF SHEPHERD, TEXAS, BY ADOPTION OF NEW ARTICLE IV, ENTITLED "STORAGE CONTAINERS AND BUILDINGS," REGULATING THE USE OF STORAGE CONTAINERS AND STORAGE BUILDINGS ON RESIDENTIAL PROPERTY; PROHIBITING THE USE OF STORAGE CONTAINERS AND STORAGE BUILDINGS FOR RESIDENTIAL DWELLINGS; REQUIRING A PERMIT FOR THE TEMPORARY USE OF STORAGE CONTAINERS ON RESIDENTIAL PROPERTY; PROVIDING A FINE NOT TO EXCEED \$500.00 UPON CONVICTION OF A VIOLATION THEREOF; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, the City Council of the City of Shepherd, Texas, finds that the use of commercial shipping containers, cargo containers and other similar containers and structures for storage of personal property on residential property produces unsightly property conditions that threatens to depreciate the value of surrounding property; and

WHEREAS, the City Council finds that the conversion of storage buildings, shipping containers and cargo containers to structures intended for residential use and occupancy does not conform to the minimum requirements and standards of the City's building codes and the use of such storage buildings and containers for residential purposes threatens the value of surrounding property and threatens the public health, safety and welfare; and

WHEREAS, shipping and cargo containers are not designed or intended for long term storage use and the use for such purposes to store combustible household materials poses and increased risk of fire; and

WHEREAS, the regulations implemented by this Ordinance govern fire safety, public health and sanitation;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS, THAT:

SECTION I -- RECITALS AND FINDINGS

The City Council finds that the above recitals and findings are true and correct, and adopts them for the purposes of this Ordinance.

SECTION II – AMENDMENT TO CITY CODE OF ORDINANCES

Chapter 4, “BUILDINGS AND BUILDING REGULATIONS,” of the Shepherd City Code of Ordinances is hereby amended by adding Article IV, “STORAGE CONTAINERS AND BUILDINGS,” to the Code of Ordinances to read as follows:

ARTICLE IV. – STORAGE CONTAINERS AND BUILDINGS

Sec. 4-71. – Storage containers and buildings on residential property.

a) *Definitions.*

- (1) *“Residential property” means property used, or restricted for use, as a single family residence.*
- (2) *“Storage container” means a cargo container, shipping container or other similar transportable container with a volume greater than 100 cubic feet that is suitable for storing building materials, furniture, tools, equipment, household goods and other personal property.*
- (3) *“Storage building” means a small outdoor building or shed, portable or permanent, commonly used for storing building materials, furniture, tools, equipment, household good and other personal property.*

b) *Residential purposes prohibited.* *No storage container or storage building may be used for residential purposes or incorporated into the structure of a building that is used for any type of human occupancy.*

c) *Storage container permits.*

- (1) *Except as provided by this article, a person in control of residential property commits an offense if the person allows a storage container to be placed or remain on the residential property without a valid permit. A permit is not required to place or maintain a storage container on residential property if the container is not visible from a public place or an adjoining residential property and the property is one acre or more in size.*
- (2) *The city secretary is authorized to issue permits allowing temporary placement of a storage container on residential property that is under construction, repair or*

renovation, or on residential property that has been damaged by wind, fire, flood or other natural disaster. A storage container permit expires 90 days after the date of issuance but may be renewed for one additional 90-day period if construction or renovation activities continue on the property. The fee for a storage container permit is \$50.00. Not more than one storage container per property may be permitted.

Sec. 4-72. – Penalty clause

- a) *Any person violating or failing to comply with any provision, requirement or order issued pursuant to this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined up to \$500.00. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.*
- b) *In addition to any other remedies or penalties contained in this section, the City may enforce the provisions of this article pursuant to the applicable provisions of the Texas Local Government Code, Chapter 54, which chapter provides for the enforcement of municipal ordinances.*
- c) *Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.*

SECTION III – CODIFICATION OF THIS ORDINANCE

Whenever any provision of this Ordinance provides for the amendment of the Code of Ordinances of the City of Shepherd, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical order of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of this codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

SECTION IV – SAVINGS CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate and independent provision; and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION V – REPEALING CLAUSE

All ordinances and resolutions, and parts of ordinances and resolutions, in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be

cumulative of other ordinances and resolutions regulating and governing the subject matter covered by this Ordinance.

SECTION VI – TEXAS OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION VII – EFFECTIVE AFTER PUBLICATION

This Ordinance shall take effect from and after the date of its publication as provided by law.

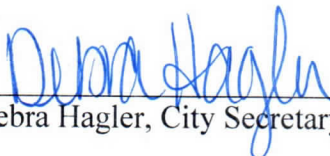
PASSED AND APPROVED this 9TH day of April 2018.

THE CITY OF SHEPHERD, TEXAS



Earl Brown, Mayor

ATTEST:


Debra Hagler, City Secretary