

ORDINANCE 363

AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS, ESTABLISHING REGULATIONS FOR THE USE OF CARGO, SHIPPING CONTAINERS OR STORAGE CONTAINERS AND ACCESSORY BUILDINGS WITHIN THE CITY OF SEVEN POINTS; REQUIRING A PERMIT FOR THE PLACEMENT OF SUCH CONTAINERS; PROVIDING STANDARDS FOR USE AND DEVELOPMENT OF STORAGE CONTAINERS; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE AND PUBLICATION DATE.

WHEREAS, the City of Seven Points, Texas deems it in the best interest of the public health and safety of its citizens to enact the following;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

SECTION 1 – PURPOSE

- 1) The purpose of this ordinance is to regulate the use of cargo, shipping, and or storage containers and accessory buildings on real property within the City of Seven Points.
- 2) The provisions of this ordinance shall apply to all shipping/storage/cargo containers and accessory buildings, as those terms are defined herein, within the corporate limits of the City of Seven Points.

SECTION 2 – DEFINITION OF TERMS

- 1) **Accessory storage building** – a building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property. For purposes of this ordinance, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than primary use as a dedicated accessory storage building are not accessory storage buildings.
- 2) **Cargo / Shipping / Storage Container (hereinafter referred to as "Cargo Container")** – any metal or primarily metal container designed or constructed to ship, store, or handle bulk good or items, or which appears substantially like such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods, or commodities; generally capable of being mounted or moved on a rail car, truck trailer, or loaded on a ship.
- 3) **Temporary or portable storage container (hereinafter referred to as "Temporary Storage Container")** – a portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables, or merchandise (typically known as PODS, MODS, etc.), and which is leased on a short-term basis for temporary storage purposes.

SECTION 3

A) ACCESSORY STORAGE BUILDINGS

Accessory storage buildings may be installed in all zoning districts and shall adhere to the following restrictions and requirements:

- 1) No person shall store, maintain, or otherwise keep an accessory storage building on any lot or parcel of property within the City of Seven Points without first having obtained and possessing a permit issued by the City of Seven Points.
- 2) Electricity is not required but may be added, if permissible under applicable codes and ordinances. A permit must be obtained prior to the addition of any electricity to the accessory storage building.
- 3) Any accessory storage building shall meet the setback requirements of the underlying zone.
- 4) No accessory storage building shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
- 5) No accessory storage building shall be used as living quarters.

B) CARGO / STORAGE / SHIPPING CONTAINERS

1) DISTRICTS ALLOWED FOR CARGO CONTAINER USAGE

Cargo containers are not permitted to be used on property zoned residential or on property the primary use of which is residential. A place of business can only have one (1) cargo container placed on the property for storage purposes. The placement of cargo containers as an accessory storage use is limited to the following zoning districts:

- a) General Business District (B-2)
- b) Light Industrial District (I-1)

2) CARGO CONTAINERS FOR PERMANENT STORAGE

When allowed by the City of Seven Points, cargo containers may be permanently placed on the property if all applicable building regulations are followed, and the property owner obtains a permit from the City of Seven Points. The following rules shall also apply:

- a) No person shall store, maintain, or otherwise keep a cargo container for permanent storage on any lot or parcel of property within the City of Seven Points without first having obtained and possessing a permit issued by the City of Seven Points.
- b) Cargo containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
- c) Cargo containers shall be painted in solid neutral colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the container is the responsibility of the property owner and shall be promptly removed.

- d) A solid foundation (road base material or better) is required for permanent accessory storage uses.
- e) Cargo containers shall meet the setback requirements of the underlying zone.
- f) Cargo containers shall not be stacked above the height of a single container.
- g) No electricity or plumbing may be run or connected to a cargo container.
- h) Cargo containers must be placed toward the rear half of the property unless screened so as to not be visible from the street and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
- i) Cargo containers shall not be used to store hazardous materials.
- j) Cargo containers shall be in an approved designated area on the same property as the principal use and be included in the calculation of overall lot coverage.
- k) Cargo containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
- l) Materials stored within cargo containers are subject to review and approval by code enforcement.
- m) No cargo container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
- n) All cargo containers shall be secured from entry by children and the public when not attended.
- o) No cargo container may be used as living quarters.
- p) Ventilation is not required.
- q) Cargo containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the project's final building inspection.

C) TEMPORARY OR PORTABLE STORAGE CONTAINERS

1) PLACEMENT

Temporary storage containers may be installed in all zoning districts and shall adhere to the following restrictions and requirements:

- a) No person shall store, maintain, or otherwise keep a temporary or portable storage container on any lot or parcel of property within the City of Seven Points without first having obtained and possessing a permit issued by the City of Seven Points.
- b) No temporary storage container may be stacked on top of another or on top of any other object.
- c) Temporary storage containers shall not be used to store hazardous materials.
- d) Temporary storage containers shall meet the setback requirements of the underlying zone.
- e) No electricity or plumbing may be run or connected to a temporary storage container.
- f) Temporary storage containers must be placed toward the rear half of the property.
- g) Temporary storage containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.

- h) Temporary storage containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.
- i) Temporary storage containers shall not occupy required off-street parking, loading, or landscaping areas.
- j) Materials stored within temporary storage containers are subject to review and approval by code enforcement.
- k) No temporary storage container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
- l) All temporary storage containers shall be secured from entry by children and the public when not attended.
- m) No temporary storage container may be used for living quarters.

2) TIME LIMIT

- a) Temporary storage containers shall be removed from the property within thirty (30) calendar days from the date of initial installation, delivery and/or construction. Upon request, one (1) extension, not to exceed thirty (30) days, may be approved by code enforcement. The temporary placement of temporary or portable storage containers on residentially zoned properties, or on properties where the primary use of which is residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) total days in any one (1) calendar year.
- b) In no event shall the continuous or intermittent use of a temporary storage container exceed sixty (60) cumulative days during any twelve (12) month period.
- c) Temporary storage containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the project's final building inspection.

SECTION 4 – CURRENT VIOLATIONS – “TIME TO COMPLY”

All owners of property within the city shall have one hundred and twenty (120) days from the effective date of this ordinance to bring the properties which currently contain cargo containers, temporary storage containers, or non-compliant accessory storage buildings that are in violation of the terms of this ordinance into full compliance.

SECTION 5 – GENERAL PROVISIONS

This ordinance shall include all future annexations.

SECTION 6 – ENFORCEMENT

Code Enforcement and any designated city official are empowered to enforce all this ordinance.

SECTION 7 – PENALTY

Any person, firm, or corporation found guilty of violation any provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense, together with the costs of such prosecution. Each day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City of Seven Points shall have the right to seek injunctive relief for all violations of this ordinance (REF: Ordinance #243).

SECTION 8 – REPEAL

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 9 – SEVERABILITY CLAUSE

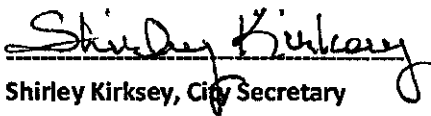
It is hereby declared to be the intention of the City Council that the sections, paragraphs, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

SECTION 10 – EFFECTIVE AND PUBLICATION DATE

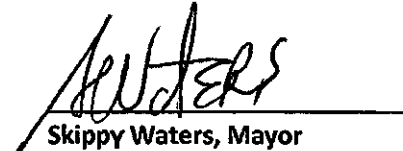
This ordinance shall take effect immediately from and after its passage and publication of the caption in the official newspaper of the city, as the law in such cases provide.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS, ON THIS 10TH DAY OF JUNE 2021.

ATTEST:


Shirley Kirksey, City Secretary

APPROVE:


Skippy Waters, Mayor

