

ORDINANCE NO. 1804

AN ORDINANCE ADDING ARTICLE 3.18, SHIPPING, CARGO, AND STORAGE CONTAINERS TO CHAPTER 3, BUILDING REGULATIONS, OF THE CITY'S CODE OF ORDINANCES, REGULATING PERMANENT SHIPPING, CARGO, AND STORAGE CONTAINER USE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission desires to provide regulations regarding permanent shipping, cargo, and storage container use within the corporate limits of the City; and

WHEREAS, the City Commission has determined that the following Ordinance is necessary to protect the public health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS:

SECTION I

- A. That the City of Pampa Code of Ordinances be amended as follows (for reference purposes, new additions to the Code of Ordinances are underlined and italicized with deleted or omitted provisions indicated by strike out type): Chapter 3, Building Regulations, Article 3.18, Shipping, Cargo, and Storage Containers, shall me added to read as follows:

Article 3.18, Shipping, Cargo, and Storage Containers

Sec. 3.18.001 Scope

The provisions of this article shall apply to all shipping, cargo, and storage containers, as that term is defined herein, within the corporate limits of the city.

Sec. 3.18.002 Definitions

Certain terms are defined for the purpose of this article as follows:

Anchorage system. A system that is designed to make a customary portable storage container become locked to a permanent placement and to prevent the container from moving.

Non-steel 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.).

Shipping or cargo container. Generally, an all-steel container with strength to withstand shipment, storage and handling. 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.

Sec. 3.18.003 Permanent shipping, cargo, and storage container use

a. No person shall store, maintain or otherwise keep a shipping or cargo container or non-steel storage container permanently on any lot or parcel of property within the city without having obtained and possessing an active building permit issued by the Code Enforcement Department related to a permit for placement of a shipping or cargo container or non-steel storage container. A permit fee as listed in ARTICLE 3.03.006 is required.

b. Permanent shipping and cargo containers and non-steel storage containers must abide by building codes in addition to the following requirements:

(1) A foundation is required for permanent establishments; or

(2) A pre-designed anchoring system is required and must be approved by the city.

(3) Ventilation is not required.

(4) Electricity is an option but not required (must inform code enforcement department if electricity is added);

(5) All setbacks are to be respected and adhered to.

c. Permanent shipping and cargo containers and non-steel storage containers may be installed in all zoning districts and shall adhere to the following restrictions and requirements:

(1) No shipping or cargo container, or a non-steel storage container can be stacked on top of one another or on top of any other object.

(2) Shipping or cargo containers and/or non-steel storage containers must be behind the main or primary structure on the lot or parcel of land and are subject to all setback requirements.

(3) Shipping or cargo containers and/or non-steel storage containers must be placed toward the rear half of the property.

(4) Shipping or cargo containers and/or non-steel storage containers shall not be used to store hazardous materials.

(5) Shipping or cargo containers and/or non-steel storage containers shall not be used to store and keep refuse or debris in, against, on, or under the container.

(6) Any shipping or cargo container and/or non-steel storage container shall be secure, structurally sound, stable, and in good repair.

(7) Shipping and cargo containers and/or non-steel storage containers must be painted a neutral color that does not create a blight to the community.

(8) Permanent shipping and cargo containers and/or non-steel storage containers may only be used for storage; human habitation is strictly prohibited.

Sec. 3.18.004 Penalties

A violation of any provision of this article shall be a misdemeanor, and any person, firm or corporation convicted hereunder, shall be punished as specified in section 1.01.009, general penalty for violations of code.

SECTION II

Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION III

Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

SECTION IV

Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Commission and publication as may be required by governing law.

SECTION V

Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed 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, Gov't. Code.*

PASSED AND APPROVED on first reading this 22nd day of July 2024.

PASSED, APPROVED, AND ADOPTED on second reading this 12th day of August 2024.

CITY OF PAMPA, TEXAS

By: _____
Lance DeFever, Mayor

ATTEST:

Barbara Stucker, City Secretary

APPROVED AS TO FORM:

Bryan J. Guymon, City Attorney