

ORDINANCE NO. 07-2019

AN ORDINANCE AMENDING ORDINANCE NO. 06-2017 CONCERNING SHIPPING CONTAINERS

WHEREAS, the Board of Trustees previously adopted Ordinance No. 06-2017, which restricted the use of shipping containers within the Town; and

WHEREAS, the Board of Trustees desires to amend Ordinance No. 06-2017 to allow the use of shipping containers by governmental entities when necessary for the performance of their governmental functions; and

WHEREAS, the Board of Trustees finds this limited exception is necessary to allow governmental entities to perform their governmental functions and will not impair the purpose of the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, COLORADO:

Section 1. Ordinance No. 06-2017 is hereby amended by repealing and reenacting Section B to read as follows:

B. Permanent Shipping Containers Prohibited. Except as provided in Sections C and D, it shall be unlawful for any person or business to keep, store or park a shipping container on any public or private property in any zone district within the Town.

Section 2. Ordinance No. 06-2017 is hereby amended by the addition of a new Section D to read as follows:

D. Exemption for Governmental Entities. Subject to approval by the Board of Trustees, a governmental entity, including counties, municipalities and special districts, may keep, store or park one (1) or more shipping containers on their property when the shipping container is being used in connection with the performance of such entity's governmental functions. The following rules shall apply to the use of storage containers by governmental entities:

a. Storage containers shall be safe, structurally sound, in good repair and placed on a stable surface. Any container that becomes unsafe, unstable or otherwise dangerous, as determined by the Town, shall be immediately repaired or removed at the governmental entity's expense.

b. Storage containers shall not be placed in a manner that impedes access to a street, alley, sidewalk public right-of-way, or a public utility or drainage easement.

c. Storage containers shall not impede site lines required for safe traffic flow.

d. The Board of Trustees is authorized to impose conditions on a governmental entity's use of storage containers, including but not limited to, limiting the number of storage containers authorized, screening requirements, and limiting the number of storage containers allowed.


Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


Section 4. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.


INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of June, 2019.

TOWN OF SEDGWICK, COLORADO



Wayne Price, Mayor 

ATTEST:



Heather Moore, Town Clerk

