

ORDINANCE NO. 06-2017

AN ORDINANCE PROHIBITING THE KEEPING, STORAGE OR PARKING OF SHIPPING CONTAINERS ON PUBLIC OR PRIVATE PROPERTY IN THE TOWN OF SEDGWICK, AND SETTING FORTH EXCEPTIONS

WHEREAS, the Town has broad authority to exercise its police and zoning powers to promote and protect the health, safety and welfare of the Town and its inhabitant, including the power to enact ordinances regulating and restricting land uses within the Town for the purpose of promoting health, safety, morals, and the general welfare of the community pursuant to state statutes, including but not limited to C.R.S. § 31-15-401, § 31-15-501, § 31-15-601, and § 31-23-301; and

WHEREAS, the Board of Trustees desires to restrict the use of shipping containers in all zone districts within the Town, in order to preserve and maintain the aesthetic character of the Town, to preserve and maintain property values, and otherwise to promote the health, safety and general welfare of the Town and its residents.

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

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

Section 2. The Board of Trustees hereby adopts the following provisions regarding the use of shipping containers within the Town, which provisions may be referred to as the "Shipping Container Ordinance of the Town of Sedgwick:"

Shipping Containers

A. Shipping Containers Defined. For purposes of this ordinance, "shipping container" shall include a cargo container, freight container, portable storage container, cargo box, sea van, or sea crate or any other industrial, standardized, reusable portable vessel commonly used on ocean-going vessels that was originally, specifically or formally designed for use in the packing, shipping or transportation of goods or commodities, and designed to be mounted on rail car, truck or ship.

B. Permanent Shipping Containers Prohibited. Except as provided in Section C, 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.

C. Temporary Shipping Containers Allowed.

1. A person or business may keep, store or park one (1) shipping

container on their property for a period not to exceed ninety (90) days under the following circumstances:

a. The shipping container is being used in connection with construction-related activities during the time period a building permit has been issued and is in effect, which shipping container shall be located entirely on private property at the address for which the building permit was issued and which shipping container shall be removed prior to the issuance of a certificate of occupancy.

b. The shipping container is being used for emergency storage of household materials, including but not limited to furniture, appliances, household electronics, clothing and other items of personal property, when a structure becomes uninhabitable due to fire, flood, tornado, or similar natural disaster.

2. The following rules shall apply to the temporary use of storage containers:

a. Prior to the placement of the storage container within the Town, a person shall apply for and obtain a shipping container permit from the Board of Trustees. The application shall be on a form prescribed by the Town and shall be accompanied by a fee in an amount set by resolution of the Town Board from time to time.

b. 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 owner's expense.

c. 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.

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

3. The Board of Trustees may renew a shipping container permit one time for an additional period not to exceed ninety (90) days.

D. Penalties/Violations.

1. Any person who violates any provision of this ordinance shall be punished by fine of not more than two thousand six hundred fifty dollars (\$2,650), as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113, or by imprisonment not to exceed one year, or by both such fine and imprisonment. Each act or omission in

violation of one or more of the provisions of this emergency ordinance shall be deemed a separate violation for each and every day that such act(s) or omissions(s) occur.

2. The keeping, storage or parking of a shipping container in Town in violation of the terms of this ordinance may be enjoined by the Town in an action brought in a court of competent jurisdiction.

Section 3. The Board of Trustees recognizes and acknowledges that any shipping containers located and lawfully being used as an accessory structure within the territorial boundaries of the Town as of the effective date of this ordinance shall be permitted to continue as nonconforming uses governed by and subject to the requirements and other limitations of Section 4 of the Official Zoning Ordinance of Sedgwick (the "Zoning Ordinance"). In order for an existing shipping container to qualify as a nonconforming use, the shipping container must be in compliance with all provisions of the Zoning Ordinance and other Town ordinances, including those related to setbacks, building heights, maximum lot coverage, etc.


Section 4. 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 5. 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, VOTED ON, ADOPTED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO ON THIS 16th DAY OF October, 2017, AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY" IN COMPLIANCE WITH ORDINANCE #01-2006, AND SHALL BECOME EFFECTIVE THIRTY (30) DAYS FOLLOWING THE PUBLICATION OF SUCH.

TOWN OF SEDGWICK, COLORADO


Alan G. Otsuka, Mayor

ATTEST:

Rhonda K. Jones
Rhonda K. Jones, Town Clerk

