

ORDINANCE NO: 2018-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE GROVE, IOWA, BY ADDING A NEW SECTION LIMITING THE USE OF TEMPORARY PORTABLE STORAGE CONTAINERS WITHIN THE CORPORATE LIMITS OF THE CITY OF EAGLE GROVE

BE IT ENACTED by the City Council of the City of Eagle Grove, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Eagle Grove, Iowa, is amended by adding a new Section 165.53 in Chapter 165 entitled “Temporary Portable Storage Containers”, which is hereby adopted to read as follows:

165.53 TEMPORARY PORTABLE STORAGE CONTAINERS

1. Definitions

- a. “Temporary Portable Storage Container” shall be defined as: a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishing, materials and merchandise. This definition will also include accessory buildings used for temporary storage.
- b. Temporary Portable Storage Containers also include, but not limited to storage box shipping containers, storage moving “pods”, or any other similar portable storage containers, whether with or without wheels, and whether with or without a chassis.

2. Districts

- a. Residential Districts: The use of Temporary Portable Storage Containers in a Residential District is prohibited, except for the following uses:
 - i. A single Temporary Portable Storage Container may be used in all residential zoning districts when a building permit has been issued for construction of a residential unit on that parcel. The Temporary Portable Storage Container shall be allowed on the residential parcel during construction only. The Temporary Portable Storage Container shall be removed within ten (10) days after final building inspection upon completion of the residential unit or ten (10) days after the end of construction period defined within the City of Eagle Grove building permit issued for the parcel, whichever comes first.
 - ii. No Temporary Portable Storage Container shall be permitted on a vacant parcel unless the vacant parcel is adjacent to the parcel where a construction or remodel project has been approved by the Eagle Grove Zoning Official.

- iii. Temporary Portable Storage Container may be otherwise allowed on a residential parcel for a period not to exceed ten (10) days through an official motion by the City of Eagle Grove Board of Adjustment.
 - iv. Temporary Portable Storage Containers shall not impede traffic or pedestrians. No Temporary Portable Storage Container shall be located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets, sidewalks, and park strips.
- b. Business Districts: The use of Temporary Portable Storage Containers in any Business District is prohibited, except for the following uses:
- i. Temporary Portable Storage Containers may be used for shipping and receiving merchandise and goods, provided that the Temporary Portable Storage Container does not remain stationary for more than ten (10) days.
 - ii. Temporary Portable Storage Containers may be used for storing merchandise or goods, including long-term storage, provided that the Temporary Portable Storage Container is not kept in the front setback area or landscaped area, designated parking areas, fire access lanes, public right-of-way, in an area visible from the property's primary street or on parcels that are adjacent to a residential district.
 - iii. Temporary Portable Storage Containers may be used for construction or remodeling purposes when a building permit has been issued for construction on a commercial parcel. The Temporary Portable Storage Container shall be allowed during construction only. The Temporary Portable Storage Container shall be removed within ten (10) days after final building inspection upon completion of the business unit or ten (10) days after the end of construction period defined within the City of Eagle Grove building permit issued for the parcel, whichever comes first. No Temporary Portable Storage Container shall be permitted on a vacant parcel unless the vacant parcel is adjacent to the parcel where a construction or remodel project has been approved by the Eagle Grove Zoning Official.
 - iv. Temporary Portable Storage Containers shall not impede traffic or pedestrians. No Temporary Portable Storage Container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets, sidewalks, and park strips.
- c. Industrial Districts: The use of a Temporary Portable Storage Container is permissible in all industrial districts, provided they are not stored on

public rights-of-way, in fire access lanes, in landscaped or front setback areas or in an area visible from the property's primary street.

- i. Temporary Portable Storage Containers shall not impede traffic or pedestrians. No Temporary Portable Storage Container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets, sidewalks, and park strips.
3. Vertical stacking of Temporary Portable Storage Containers and stacking of any other materials on top of or around any Temporary Portable Storage Container shall be prohibited in all districts.
4. In all districts, Temporary Portable Storage Containers must be kept in good repair, be secured against unauthorized entry and comply with health regulations.
 - a. A Temporary Portable Storage Container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust or it has been infested with vermin or other pests.
 - b. Any Temporary Portable Storage Container that has deteriorated and not in state of good repair must be removed immediately.
5. Temporary Portable Storage Containers used for construction purposes must be approved by the Eagle Grove Zoning Official prior to placement when used during construction for less than twelve (12) months. The Planning & Zoning Commission has the authority to authorize but is not required to approve the use of Temporary Portable Storage Containers for construction or remodel purposes for any period in excess of twelve months.
6. A Temporary Portable Storage Container may not be used as a dwelling or living quarters, nor for camping, cooking or recreation purposes for any amount of time in any district.
7. Any Temporary Portable Storage Container existing on any property in the City of Eagle Grove on the date of final passage of this ordinance shall either be removed from such property or be brought into compliance with the provisions of this section within thirty (30) days of final passage of this ordinance.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council of the City of Eagle Grove on this 2nd day of April, 2018, and approved this __ day of ____, 2018.

Sandra McGrath

Sandra McGrath
Mayor

ATTEST:

Bryce Davis

Bryce Davis
City Administrator/Clerk

First Reading: March 19th 2018
Second Reading: April 2nd 2018
Third Reading: waived April 2nd 2018

I certify that the foregoing was published as Ordinance No. 2018-02 on the 12th day of April, 2018.

Bryce Davis

City Clerk

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b. Temporary Portable Storage Containers also include, but not limited to storage box shipping containers, storage moving "pods", or any other similar portable storage containers, whether with or without wheels, and whether with or without a chassis.

2. Districts

a. **Residential Districts:** The use of Temporary Portable Storage Containers in a Residential District is prohibited, except for the following uses:

i. A single Temporary Portable Storage Container may be used in all residential zoning districts when a building permit has been issued for construction of a residential unit on that parcel. The Temporary Portable Storage Container shall be allowed on the residential parcel during construction only. The Temporary Portable Storage Container shall be removed within ten (10) days after final building inspection upon completion of the residential unit or ten (10) days after the end of construction period defined within the City of Eagle Grove building permit issued for the parcel, whichever comes first.

ii. No Temporary Portable Storage Container shall be permitted on a vacant parcel unless the vacant parcel is adjacent to the parcel where a construction or remodel project has been approved by the Eagle Grove Zoning Official.

iii. Temporary Portable Storage Container may be otherwise allowed on a residential parcel for a period not to exceed ten (10) days through an official motion by the City of Eagle Grove Board of Adjustment.

iv. Temporary Portable Storage Containers shall not impede traffic or pedestrians. No Temporary Portable Storage Container shall be located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets, sidewalks, and park strips.

b. **Business Districts:** The use of Temporary Portable Storage Containers in any Business District is prohibited, except for the following uses:

i. Temporary Portable Storage Containers may be used for shipping and receiving merchandise and goods, provided that the Temporary Portable Storage Container does not remain stationary for more than ten (10) days.

ii. Temporary Portable Storage Containers may be used for storing merchandise or goods, including long-term storage, provided that the Temporary Portable Storage Container is not kept in the front setback area or landscaped area, designated parking areas, fire access lanes, public right-of-way, in an area visible from the property's primary street or on parcels that are adjacent to a residential district.

iii. Temporary Portable Storage Containers may be used for construction or remodeling purposes when a building permit has been issued for construction on a commercial parcel. The Temporary Portable Storage Container shall be allowed during construction only. The Temporary Portable Storage Container

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iv. Temporary Portable Storage Containers shall not impede traffic or pedestrians. No Temporary Portable Storage Container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets, sidewalks, and park strips.

c. **Industrial Districts:** The use of a Temporary Portable Storage Container is permissible in all industrial districts, provided they are not stored on public rights-of-way, in fire access lanes, in landscaped or front setback areas or in an area visible from the property's primary street.

i. Temporary Portable Storage Containers shall not impede traffic or pedestrians. No Temporary Portable Storage Container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets, sidewalks, and park strips.

3. Vertical stacking of Temporary Portable Storage Containers and stacking of any other materials on top of or around any Temporary Portable Storage Container shall be prohibited in all districts.

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7. Any Temporary Portable Storage Container existing on any property in the City of Eagle Grove on the date of final passage of this ordinance shall either be removed from such property or be brought into compliance with the provisions of this section within thirty (30) days of final passage of this ordinance.

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Sandra McGrath
Mayor

ATTEST:
Bryce Davis
City Administrator/Clerk
First Reading: March 19, 2018
Second Reading: April 2, 2018
Third Reading: April 2, 2018

PROOF OF PUBLICATION

STATE OF IOWA }
Wright County } SS.

I, the undersigned, being duly sworn, depose and say, that I am Ryan Harvey, President of the Eagle Grove Eagle, a weekly newspaper printed in the English language, published at Eagle Grove in Wright County, State of Iowa, and that the annexed City of Eagle Grove - Ordinance NO. 2018-02

notice was published in said paper once each week for 1 consecutive weeks, the first publication thereof was on the 12th day of April, 2018, the second on the ___ day of ___, 20___, the third on the ___ day of ___, 20___, the fourth on the ___ day of ___, 20___.

JSH

Ryan Harvey, President

Subscribed and sworn to before me and in my presence the 12th day of April, 2018.
Lynette M. Richardson
Notary Public; In and for the State of Iowa



LYNNETTE RICHARDSON
Commission Number 771667
My Commission Exp FEB. 14, 2021

Printer's Fees, \$ 80.67