

ORDINANCE NO. 140109

AN ORDINANCE OF THE CITY OF CHINA GROVE REGULATING THE SIZE AND AMOUNT OF TIME PORTABLE STORAGE CONTAINERS “PODS” MAY BE USED IN RESIDENTIAL AND COMMERCIAL ZONES WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; REQUIRING PUBLICATION AND SETTING AN EFFECTIVE DATE

WHEREAS, The City of China Grove wishes to regulate the placement and use of portable storage containers within the City; and

WHEREAS, The City of China Grove has approved and adopted the following regulations; **NOW**

BE IT ORDAINED BY THE CITY OF CHINA GROVE:

SECTION 1. DEFINITIONS. Portable Storage Containers shall be defined as a portable weather-resistant receptacle used for the storage and shipment of household goods, wares, being fully enclosed and no larger in dimension than 8 ft. x 8 ft. 6 in. x 16 ft. and transported to a designated location for storage purposes (typically known as PODS, MODS, etc.). This term shall not include roll-off containers or storage containers having storage capacity of less than 150 cubic feet. (Example of a roll-off container: city yard waste and debris containers or open/unclosed containers.)

SECTION 2. AUTHORIZED USE.

- a.) No more than one (1) portable storage container shall be located on a single lot or parcel of land;
- b.) No other type of container including roll off container or shipping container is located on the same lot or parcel of land;
- c.) Portable storage containers shall not be used to store or transport nonresidential materials and substances, including but not limited to the following; contractors’ materials and equipment, solid waste, hazardous materials, explosives or any other contraband or unlawful substances and materials nor shall such containers be used for human habitation;
- d.) Portable storage containers shall not remain on lots or parcels of land longer than thirty (30) consecutive calendar days and no more than thirty (30) calendar days per calendar year.
 - i. *Portable storage containers otherwise complying with the requirements hereof and the City zoning ordinance, may subject to the issuance of a Variable POD Placement Permit be placed upon residentially zoned property for periods in excess of the times specified in Section (d)(i.) hereof. Such permit shall be minimally subject to a written agreement to obscure the POD’s location from public view by the use of visual screening, fencing or landscaping; placement behind a residence or accessory building; or placement at an elevation obscuring its location. The City Council shall prior to the consideration of a Variable POD Placement Permit require a public hearing.*
- e.) If a portable storage container is placed in the front yard, then the portable storage container shall be located only in the area primarily used for vehicular ingress and egress and must have a ten (10’) feet setback from the edge of the curb. If no curb exists, the portable storage container shall have a ten (10) feet setback from the edge of the pavement.

SECTION 3. PERMIT REQUIRED. Portable storage containers shall be allowed only upon the authorization of the City Council and the payment of a \$50.00 non-refundable fee. Permits shall be signed by the Mayor and will be effective for the periods specified in Section 2 (d) hereof. *Variable POD Placement Permits may as provided by Section 2 (d)(i) be allowed in residential zones upon the payment of a \$100.00 non-refundable fee.*

SECTION 4. PENALTY. Any person violating any term of this ordinance shall be guilty of a misdemeanor and punished in the municipal court by a fine of not less than \$25 nor more than \$500.00 with each day of continuing violation constituting a separate offense and subject to the imposition of a separate fine. In any prosecution arising from a violation of this ordinance, proof of a culpable mental state shall not be a necessary element of the offense.

SECTION 5. REPEALER. All ordinances, resolutions, and code sections in conflict herewith are repealed to the extent of such conflict.

SECTION 6. SEVERABILITY. If any provision of this ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 7. EFFECTIVE DATE. The ordinance shall be effective after approval by the City Council and publication in the Wilson County News in the manner prescribed by Tex. Loc. Gov't Code Ann. § 52.011.

ORDERED AND APPROVED, this 9th day of January, 2014.

CITY OF CHINA GROVE, TEXAS

By: Eugene D. Ripps
Hon. Eugene Ripps
Mayor

ATTEST:
Linda Gill
Linda Gill
City Secretary

