ORDINANCE NO. _____
TITLE 11, CHAPTER 10, ARTICLE 20
BEAVER CITY ORDINANCES

WHEREAS Beaver City is a municipal corporation which has an interest in providing for the proper management and regulation of land uses within City limits; and

WHEREAS, Cargo or Shipping Containers are becoming more common additions to cities and towns as homeowners and businesses acquire and utilize containers as accessory buildings; and

WHEREAS, cargo or shipping containers have a useful and valid purpose when properly used and situated; and

WHEREAS, the improper use and location of cargo or shipping containers can be unsightly, improper, attract rodent nesting and create other health hazards so as to affect property values and the overall health, safety, and welfare of the City of Beaver; and

WHEREAS, the City of Beaver desires to regulate and accommodate the proper use of cargo and shipping containers in order to protect the health, safety, and welfare of the City of Beaver; and

WHEREAS, the City did publish on the City's website and posting the proposed ordinance; and

WHEREAS, the City opened the meeting for verbal comments from the Community and Council; and

WHEREAS, notice of a public hearing regarding the adoption of this ordinance was properly published.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of Beaver City, Beaver County, State of Utah, that Title 11, Chapter 10, Article 20: Cargo Storage Container Ordinance, is hereby modified as follows:

11-10-20 Purpose:

The purpose of the cargo and shipping containers standards is to establish regulations for the use of cargo or shipping containers within the city limits of the City of Beaver; requiring a permit for the placement of such containers; providing standards for use and development of storage containers; and providing a punishment for violations of this ordinance.

11-10-20.1 Definitions:

(1) Cargo Storage Container: means, a 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 or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

(2) Active building permit: means an unexpired and unrevoked building permit for which the building inspector has not performed a final inspection, not to exceed one year.

(3) Applicant: means an owner, occupant or authorized agent, or a contractor or person with control of the property or lot.

(4) City: means City of Beaver, Beaver County, Utah.

(5) Storage Cargo Permit: means a permit to place a Cargo Storage Container on an Applicant's property, either temporarily or permanently.

(6) Semi-Trailers: vehicles without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle. (Utah Vehicle Code, 41-1a-102. Definitions)

11-10-20.2 Application, Location and Use of Temporary Storage Containers for Construction:

This ordinance applies to any tract of land developed for commercial or residential purposes (but not including Industrial Zones) within the City limits. The location and use of Cargo Storage Containers shall be as follows:

(1) Temporary Storage Containers for Construction: Excepting as permitted hereafter, no person shall store, maintain, or otherwise keep a cargo or shipping container temporarily on any lot or parcel of property within the City without first having obtained and possessing an active construction building permit issued by the City where construction is ongoing, and Applicant has obtained from City a Storage Cargo Permit for placement of a cargo/shipping container.
   a. Permits are valid for a period not to exceed one (1) year or until 30 days after a certificate of occupancy has been granted, or a building permit has expired.
   b. Upon review of a request for an extension; the City may grant one (1) six (6) month extension.

(2) Building Code Compliance: Cargo Storage Containers must abide by building codes except that: (1) a foundation is not required since they are temporary structures; (2) ventilation is not required; (3) electricity is an option but not required; (4) tie-downs are not required unless electricity is installed;

(3) Placement Requirements: Cargo Storage Containers shall only be placed on the Applicant's property, setbacks are to be at least 8 feet from any other structure, and placement shall be located on the driveway or parking area or, if access exists at the side or rear of the site, the side or rear yard.

(4) Number of Cargo Storage Containers: only one (1) Cargo Storage Container may be placed on a property at any time, unless express authorization is received from the City Zoning Administrator, but in no event shall exceed three (3) Cargo Storage Containers.

11-10-20.3 Application, Location and Use of Temporary Storage Containers for Loading and unloading.:

A Temporary Cargo Storage Container being utilized for the loading or unloading shall be located at such property for a maximum of ten (10) consecutive days, including the days of delivery and removal. An extension may be granted to the Applicant by the City Manager, or designee, subject to conditions, for a reasonable additional time period in an amount not to exceed twenty (20) days.

11-10-20.4 Application, Location and Use of Permanent Storage Containers:

The placement and installation of Permanent Cargo Storage Containers shall not be permitted until City has issued a Cargo Storage Permit, and Applicant has strictly complied as follows:

(1) Cargo Storage Containers may be permanently placed in all Zones with City approval.
(2) No Cargo Storage Containers may be permitted on non-conforming lots, as defined in Title 11-11-10 of the City Code.
(3) Each lot or parcel ranging from 9,800 to 19,400 square feet may have one (1) storage container, provided it is not buried, and shall not exceed 21 feet in length. Lots 19,401 to 21,780 square feet may have one (1) container not exceeding 41 feet in length or two (2) containers exceeding 20 feet in length.
(4) No Cargo Storage Containers can be stacked more than one high.
(5) Maximum number of containers for an approved lot is (2) two.
(6) All Cargo Storage Containers must be behind or beside the main or primary structure on the lot or parcel of land and are subject to setback requirements.
(7) All Cargo Storage Containers shall be secure, structurally sound, stable, and in good repair.
(8) No Cargo Storage Container shall be used for human habitation or commercial business purposes.
(9) All Cargo Storage Containers must be used for storage only, and no Cargo Storage Container shall be used to store hazardous materials.
(10) No Cargo Storage Container shall be used to store and keep refuse or debris in, against, on, or under the Cargo Container.
(11) The use of a Cargo Storage Container must be for the sole benefit of the business or primary, permanent structure located on the same parcel of real property.
(12) The use of the Cargo Storage Container shall be a secondary use requiring that a primary, permanent structure be located on the same parcel of real property where the business associated with the Cargo Storage Container is regularly transacted.
(13) Cargo Storage Containers shall be free of rust.
(14) Containers to be painted with earth-tone colors.

11-10-20.5 Application Procedures:

(1) An application for a Cargo/Shipping Container shall be submitted to the Beaver City Planning Commission for review.

(2) Applications for approval shall be in writing, submitted to the Beaver City Planning Commission at its regular meeting and shall be recommended for approval or disapproval to the Beaver City Council within thirty (30) days, unless an extension of time is approved by the Beaver City Planning Commission. An application recommended for approval or disapproval by the Beaver City Planning Commission shall be submitted to the Beaver City Council,

which decision must be made in writing within fifteen (15) days after recommendation is submitted by the Beaver City Planning Commission to the Beaver City Council.

11-10-20.6 Enforcement:

Any person whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who stores, maintains, or otherwise keeps a cargo/shipping container in violation of any detailed statement of plan submitted by him and approved under the provisions of this ordinance shall be guilty of a Class B Misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Also, guilty party will be responsible for the removal fee of said container (conex box) and any other fees associated with removal such as court fees, etc.

Passed and approved by the City Council of Beaver City, Utah this ___ day of December, 2020.

_____
Matthew Robinson, Mayor

Voting:	Aye	Nay	Abstain	Absent
Councilmember Robin Bradshaw				
Councilmember Tyler Schena				
Councilmember Alison Webb				
Councilmember Hal Murdock				
Councilmember Lance Cox				

Attested by: _____
Anona Yardley, City Recorder