

**ORDINANCE 2016-01
AN ORDINANCE OF THE
CITY OF WALHALLA, NORTH DAKOTA,
ESTABLISHING REGULATIONS FOR THE USE OF CARGO OR
SHIPPING CONTAINERS WITHIN THE CITY LIMITS
OF THE CITY OF WALHALLA; REQUIRING A PERMIT FOR THE
PLACEMENT OF SUCH CONTAINERS; PROVIDING STANDARDS
FOR USE AND DEVELOPMENT OF STORAGE CONTAINERS;
PROVIDING A FINE FOR VIOLATIONS OF THIS ORDINANCE;
PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING
FOR AN EFFECTIVE DATE**

This ordinance is enacted as Article XII of Chapter 6 of the City Ordinances of the city of Walhalla, North Dakota.

BE IT ORDAINED by the city council of the city of Walhalla, North Dakota:

That the code of city ordinances of the city of Walhalla, North Dakota, Chapter 6, Article XII is hereby set forth as follows:

Article XII Cargo\Shipping Containers.

Section 6.1201 Purpose.

WHEREAS, cargo or shipping containers are becoming more common additions to cities and towns as homeowners and businesses acquire those containers as accessory buildings; and

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

WHEREAS, the proper use and location of cargo or shipping containers can be unsightly, dangerous and inappropriate so as to effect property values and the overall health, safety and welfare of the city of Walhalla; and

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

WHEREAS, it is therefore ordained by the city council of the city of Walhalla as follows:

Section 6.1202. Definitions.

1. Shipping or cargo or storage containers means, 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 re-usable vessel that was designed for and use 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 un-revoked building permit.
3. Applicant: means an owner occupant or authorized agent, or a contractor or person with control of a property or lot.
4. City: means city of Walhalla, North Dakota.

Section 6.1203. Temporary cargo container use.

1. No person shall store, maintain or otherwise keep a cargo or shipping container temporarily on any lot or parcel of property within the city of Walhalla without first having obtained and possessing an active building permit issued by the city of Walhalla, and a permit for placement of a cargo\shipping container.
 - a. Permits are valid for a period not to exceed six months.
 - b. Upon review of a request for an extension; the city may grant one six month extension.
2. Cargo\shipping containers must abide by building codes except that:
 - a. A foundation is not required since they are temporary structures;
 - b. Ventilation is not required;
 - c. Electricity is an option but not required;
 - d. Tie downs are not required unless electricity is installed;
 - e. Setbacks are to be at least 15 feet from any other structure including other cargo\shipping containers.
3. Cargo\shipping containers may only be temporarily maintained in the commercial zoning district, the residential single family district, the mobile home district and the residential multi-family districts with the following restrictions:
 - a. Only one cargo\shipping container per lot or owner if multiple lots are a part of one parcel.
 - b. No cargo\shipping containers may be stacked on top of one another or on top of any other object.
 - c. Cargo\shipping containers must be behind or beside the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure.
 - d. No cargo container shall be used for human habitation, animal housing or commercial business purposes.

- e. No cargo container shall be used to store hazardous materials.
- f. No cargo containers shall be used to store and keep refuse or debris in, against, on or under the cargo container.
- g. Any cargo container shall be secure, structurally sound, stable and in good repair.

Section 6.1204. General terms of use for temporary use.

1. Any permit issued under this ordinance may be revoked upon 10 days written notice to the owner, occupant or person in control of the property if such person is storing, maintaining, or otherwise keeping a cargo container in violation of this ordinance.
2. Any person aggrieved by a decision of the city to revoke a permit may appeal to the city council, whose decision shall be final.

Section 6.1205. Allowed in industrial zone.

1. Shipping containers are allowed in the industrial zone; provided, Placement of a shipping container for permanent or semi permanent use shall require a building permit and shall be placed upon a foundation slab or footings, and meet all other codes for placement on the property.
2. Shipping containers are not allowed on industrial zone properties on which the primary use is a non-conforming residential single family use, commercial use, mobile home use, or residential multi-family use unless a temporary permit is obtained in accordance with Section 6-1203.

Section 6.1206. Repealer.

All provisions of ordinances of the city of Walhalla in conflict with the provisions of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the ordinances of the city not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6.1207. Severability.

If any article, paragraph, sub-division clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the parts so deemed to be invalid or unconstitutional.

Section 6.1208. Any person, firm or corporation violating any of the provisions of this ordinance of the city of Walhalla, North Dakota, or amendments thereto, shall be guilty of a misdemeanor and, upon conviction in the municipal court of the city of Walhalla, North Dakota, shall be subject to a fine not to exceed \$1,000 and a jail term of

30 days for each offense, and each and every day such offense shall continue shall be deemed a separate offense.

Section 6.1209. Effective date.

This ordinance shall take effect immediately from and after the 2nd reading and publication of its caption and penalty provision.

Dated this 7 day of November, 2016.

City of Walhalla

By 
Chris Jackson, Mayor

ATTESTED TO:

By 
Shirley Robillard, Auditor

First Reading: October 3, 2016

Second Reading: November 7, 2016

Published: November _____, 2016