

AN ORDINANCE

AMENDING CHAPTER EIGHTEEN OF THE CODE OF ORDINANCES OF THE CITY OF SWEETWATER ENTITLED "MISCELLANEOUS PROVISIONS AND OFFENSES" BY ADDING ARTICLE III ENTITLED "FREIGHT AND PORTABLE STORAGE CONTAINERS"; DEFINING FREIGHT AND PORTABLE STORAGE CONTAINERS; PROHIBITING THE USE OF SUCH AS AN ACCESSORY STRUCTURE OR BUILDING; PROVIDING EXCEPTIONS; AND PROVIDING A PENALTY.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SWEETWATER, TEXAS, that Chapter Eighteen of the Code of Ordinances of the City of Sweetwater is amended as follows:

Add new Article III entitled "FREIGHT AND PORTABLE STORAGE CONTAINERS" to read as follows:

ARTICLE III FREIGHT AND PORTABLE STORAGE CONTAINERS

Sec. 18-46. Definitions.

1. *A freight container* is a standardized, reusable vessel that was:
 - a. Originally, specifically designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
 - b. Designed for or capable of being mounted or moved on a rail car; and/or
 - c. Designed for or capable of being mounted on a chassis or moved by truck trailer or loaded on a ship.
 - d. The length of a freight container shall not exceed 40 feet.
2. *A portable storage container* is a standardized, reusable vessel that was:
 - a. Originally, specifically designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
 - b. Designed for or capable of being mounted or moved on a truck.
 - c. The length of a portable storage container shall not exceed 16 feet.

Sec. 18-47. Prohibited use as an accessory structure or building.

1. When used for any purpose other than those listed above, a freight container or portable storage container shall be considered an accessory structure or building.

2. The use of a freight container or portable storage container as an accessory structure or building within the corporate limits of the City of Sweetwater shall be prohibited.

Sec. 18-48. Exceptions.

1. Any lawful use of a freight container or portable storage container as an accessory structure or building within the corporate limits of the City of Sweetwater existing at the time of the passage of this ordinance shall be deemed a nonconforming use, and although such use does not conform to the provisions hereof, may be continued provided that such freight containers and portable storage containers are painted to match the primary structure on the tract or lot, or painted tan or beige within 6 months from the passage of this ordinance; but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance. This shall mean that such containers may not be replaced with another container.
2. The use of a freight container or portable storage container in conjunction with a permitted construction project in any zoning district provided said container is removed within ten days of the projects completion or the issuance of a certificate of occupancy whichever comes first.

Sec. 18-49. Penalties.

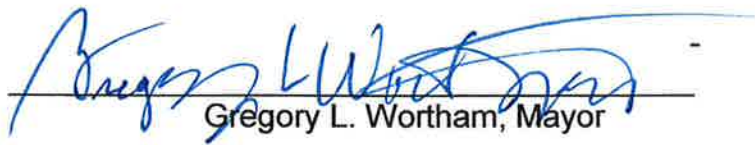
If any person fails or refuses to comply or otherwise violates the provisions of this article, such failure, refusal or violation shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed two hundred dollars (\$200.00) per day or part thereof, per violation, for each day the violation(s) exists.

BE IT FURTHER ORDAINED BY THE CITY COMMISSION OF THE CITY OF SWEETWATER, Texas, that except as set forth herein, Chapter 18 and all other ordinances pertaining to the Code of Ordinances of the City of Sweetwater, Texas, shall remain unaffected by this ordinance.

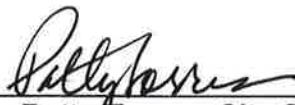
BE IT FURTHER ORDAINED THAT THE City Secretary be directed to cause publication of the descriptive caption of this ordinance as an alternative method as provided by law.

It being found by the City Commission that it is in the best interest and welfare of the public that this ordinance take effect immediately, an emergency is hereby declared and the provisions of this ordinance shall be in full force and effect ten (10) days after the above publication and from and after the first reading and adoption thereof.

READ, PASSED AND ADOPTED THIS THE 8 DAY OF January,
2013.



Gregory L. Wortham, Mayor

ATTEST: 

Patty Torres, City Secretary