

ORDINANCE NO. 20-05-01
INTERMODAL SHIPPING CONTAINER ORDINANCE

AN ORDINANCE AMENDING APPENDIX A, ARTICLE 3 SPECIAL REGULATIONS, ZONING ORDINANCE CHAPTER OF THE CITY CODE OF ORDINANCES FOR THE TOWN OF PECOS CITY TO ESTABLISH GUIDELINES FOR INTERMODAL SHIPPING CONTAINERS.

WHEREAS, the Town of Pecos City Texas ("City"), is a home rule municipality operating pursuant to its Charter and the laws of the State of Texas; and

WHEREAS, the City is committed to fostering a cooperative business climate; and

WHEREAS, intermodal shipping containers can be a temporary solution to elevate storage capacity shortages; and

WHEREAS, the City desires to encourage businesses to expand.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF PECOS CITY, TEXAS THAT:

ARTICLE III. – SPECIAL REGULATIONS of APPEDIX A ZONING of this Code of Ordinances, Town of Pecos City, is hereby amended to read as follows by adding:

Sec 2.1 - Intermodal Shipping (Cargo) Containers

(A). Definitions.

1. An Intermodal Shipping (Cargo) Container: A metal standardized re-sealable transportation box used for utilized freight handling with standardized equipment that are commonly referred to as a "sea container " and that does not have a stamp of approval as industrialized housing or industrialized building structure from the Texas Department of Licensing and Regulation.

2. Intermodal shipping (Cargo) Container Means a standardized, reusable vessel maximum forty feet (40') in length, 8 feet (8') in width, and 8 feet, six inches (8'6") in height that is or appears to be:

- (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.

(B). Used as job trailer

The use of an Intermodal shipping (Cargo) Container as a nonpermanent portable storage unit(s) in conjunction with a permitted construction project in any zoning district provided said container is removed within ten (10) days of the project's completion or the issuance of a certificate of occupancy whichever comes first.

(C). Prohibited use as an accessory structure or building.

When used for any purpose other than those listed above, an Intermodal Shipping (Cargo) Container shall be considered an accessory structure or building. The use of an Intermodal Shipping (Cargo) Container as an accessory structure or building within the corporate limits of the Town of Pecos City shall be prohibited except when located within a Commercial (C-1, C-2), or Industrial (I) zoning district. The use of an Intermodal Shipping (Cargo) Container as an accessory structure or building located in a C-1 or C-2 zoning district shall be allowed for no more than four (4) containers per tract provided they are spaced at least five (5) feet apart and further provided they must be anchored and painted to match the primary structure on the tract or lot, or painted tan or beige. The stacking of said containers or their use for dwelling purposes in any zoning district within the corporate limits of the Town of Pecos City shall be prohibited.

(D). Permit Required

All intermodal shipping (cargo) containers shall be permitted before being moved into city. Commercial (C-1 and C-2) zoning district must obtain a moving permit and a special use permit. Special use permit may be obtained for a (6) six-month period and renewed every (6) months for a total of not more than (2) years.

Industrial (I) zoning district shall obtain a moving permit and can be left indefinitely.

(E). 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

EFFECTIVE DATE: This Ordinance shall take effect 10 calendar days after posting in the newspaper of record following passage of its second reading.

PASSED AND APPROVED by the City Council of the Town of Pecos City, Texas this the 28 day of May, 2020.

TOWN OF PECOS CITY, TEXAS



David Flores, Mayor

ATTEST:

Syra Nichols
Syra Nichols, City Secretary

APPROVED AS TO FORM AND FUNCTION:

Rod Ponton, City Attorney

1st Reading: May 14, 2020

2nd Reading: May 28, 2020

