

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES AT CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE II “TECHNICAL CODES,” BY ADDING A NEW DIVISION 4 “PORTABLE BUILDINGS AND CONTAINERS”; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$500; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council may establish building regulations within the corporate limits of the city; and

WHEREAS, the City Council has determined that it would be advantageous and beneficial to the citizens of the City of Gatesville, Texas to set regulations for portable buildings, including cargo and shipping containers;

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

SECTION 1. The findings set forth in the above preamble to this Ordinance are true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended at Chapter 10 “Buildings and Building Regulations,” Article II “Technical Codes,” by adding a new Division 4 “Portable Buildings and Containers” which shall read in its entirety as follows:

“DIVISION 4. PORTABLE BUILDINGS AND CONTAINERS

SEC. 10-129. DEFINITIONS.

- (1) A portable storage container is a container intended to store or transport personal property which is transported to a desired location for drop-off by truck or trailer. The common name for such containers is PODS (portable on-demand storage).
- (2) Portable buildings are also any prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.
- (3) A cargo and/or shipping container is 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.

SEC. 10-130. PORTABLE BUILDINGS AND CONTAINER REGULATIONS.

- (1) Portable storage containers are not permitted except for temporary use in all zoning districts within the city limits of the City of Gatesville.
- (2) A portable storage permit is required if a portable storage container is to be located on property for more than five days in a 360-day period. A portable storage permit must be obtained from the Building Official. A permit fee set by the city council is applicable and must be paid before the permit is issued. The permit duration is 30 days from issuance.
- (3) The Building Official may grant an extension not to exceed 30 days if the permit holder demonstrates extenuating circumstances beyond his/her control that justify the extension.
- (4) If the portable storage container is being used directly in conjunction with work being performed under an unexpired city building permit, the container may be located on the property for a period not to exceed 180 days or the duration of the building permit, whichever is less.
- (5) Except as otherwise expressly provided in this subsection, the following standards apply to any use of a portable storage container:
 - a. only one such container is allowed per address in a 360-day period
 - b. if located in a front or side yard, the container must be placed on an asphalt or concrete surface
 - c. the container may not be placed on a street or on street right-of-way
- (6) A portable storage container shall not be used as a permanent substitute for an accessory storage structure in any zoning district.
- (7) No cargo container shall be used for human habitation or commercial business purposes.
- (8) No cargo container shall be used to store hazardous materials.

- (9) No cargo container shall be used to store and keep refuse or debris in, against, on or under the cargo container.
- (10) Any cargo container shall be secure, structurally sound, stable and in good repair.
- (11) A 15-ft. setback required from any other structure.
- (12) No cargo/shipping containers can be stacked on top of one another or on top of any other object.

SEC. 10-131. PORTABLE BUILDINGS AND CONTAINER EXCEPTIONS.

- (1) CF, C-G, DT, IND Districts. More than one container is allowed per 360-day period and no permit is required even if the total number of days that containers are located on the property exceeds five days in a 360-day period, provided that:
 - a. the containers are used for shipping and receiving inventory
 - b. the containers are located in the rear yard of the property
 - c. the containers are placed on a concrete or asphalt surface
 - d. the containers comply with applicable setback requirements for the district
 - e. on average each container is located on the property for a period of less than ten days.
- (2) AG, R-SF, R-TH, R-2F, R-MF, R-MH, R-MHP Districts. More than one container is allowed per 360-day period and no permit is required even if the total number of days that containers are located on the property exceeds five days in a 360-day period, provided that:
 - a. the containers are used solely for moving the personal property of a new resident to the property or removing the personal property of a resident moving from the property
 - b. the containers are placed in an area that does not create a safety hazard
 - c. each container is on the property for five days or less.

SEC. 10-132. PORTABLE BUILDINGS AND CONTAINER PENALTIES.

- (1) Any permit issued under this chapter may be revoked upon ten 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 chapter.

- (2) A cargo container otherwise existing on property prior to the adoption of this chapter that was lawfully placed and maintained shall be deemed a legal non-conforming use. Such non-conforming use shall not be increased, enlarged, extended or altered except if the use may be voluntarily changed by the owner to a conforming use which meets the requirements of the city code.
- (3) Any person, firm or corporation violating any of the provisions of this chapter of the city or amendments thereto, shall be guilty of a misdemeanor and, upon conviction in the municipal court of the city shall be subject to a fine not to exceed the sum of \$500 for each offense, and each and every day such offense shall continue shall be deemed a separate offense.

SECTIONS 10-133 THROUGH 10-158. RESERVED.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Gatesville, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 4. It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and the public notice of the time, place and purpose of this meeting was given as required by law.

SECTION 5. This Ordinance shall become effective immediately upon its passage and approval.

The foregoing Ordinance No. 2024-12 was read the first time and passed to the second reading this 22nd day of October 2024.

The foregoing Ordinance No. 2024-12 was read the second time and passed to the third reading this 14th day of November 2024.

The foregoing Ordinance No. 2024-12 was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this 10th day of December 2024.

BY: _____
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM:

HOLLY OWENS, T.R.M.C.
CITY SECRETARY

VICTORIA THOMAS
CITY ATTORNEY

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