

ORDINANCE NO. 3664-03-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, SECTION 4-27 OF THE LEWISVILLE CITY CODE, BY ADDING REGULATIONS REGARDING TEMPORARY PORTABLE STORAGE UNITS AND DUMPSTERS; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville City Code, Chapter 4, Buildings and Building Regulations; and,

WHEREAS, the City of Lewisville City Council has determined that some persons in residential neighborhoods are utilizing portable storage containers on their residential properties for an extended period of time despite the fact that such containers are intended and designed for temporary use and that such uses are incompatible with the aesthetic concerns of surrounding residents; and,

WHEREAS, dumpsters on residential property which are intended to be used for temporary projects such as remodeling, clean-ups, landscaping, etc. are being kept onsite for extended periods as well; and,

WHEREAS, while the Building Code requires that a contractor provide dumpsters during construction, units are also being left on site for extended periods of time and are incompatible with the aesthetics of a residential neighborhood; and,

WHEREAS, City Council has balanced the interests of homeowners and the persons in the business of using or providing these types of containers and finds that it is in the best interest

of the public health, safety, comfort, peace, tranquility and general welfare that the use of such uses be limited and regulated.

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

SECTION 1. Chapter 4, Section 4-27 of the Lewisville City Code is hereby amended by adding the following Section 107 to the International Building Code 2006 Edition:

107.1 Definitions

TEMPORARY PORTABLE STORAGE UNIT – Any transportable container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind on a limited basis on residential property and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

DUMPSTER - shall mean portable containers (typically open on top), compactors, roll-offs, and recycling containers used on a temporary basis for the collection and storage of construction waste from ongoing permitted construction projects, house cleans, or temporary uses in residentially-zoned districts, but shall not include any portable, nonabsorbent, enclosed container with a close fitting cover, or doors, which is capable of being serviced by mechanical equipment and which is used on a permanent basis to store large volumes of refuse and which serves as the primary method of garbage collection and disposal for a residence, and which is 5 cubic yards or less.

107.2 Temporary Structures and Uses

It shall be the responsibility of the homeowner and or provider of a Temporary Portable Storage Unit to notify the Building Codes Division of the placement. A Temporary Portable Storage Unit may remain at a site used for residential purposes for up to thirty (30) calendar days, with one portable storage unit allowed at a site at a time. There will be 2 allowances per calendar year. An extension may be granted by Code Enforcement and or Building Codes Division and subject to conditions, for a reasonable additional period in an amount not to exceed thirty (30) days.

Temporary Portable Storage Units may be located in residential zoning districts and shall only be placed on the property owner's driveway or parking area and only so long as they do not obstruct vehicular or pedestrian traffic and provided the units are not placed in the set-back, encroaching into drainage areas/easements or landscaping buffers, or the right-of-way. Such units shall not be placed in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

Temporary Portable Storage Units shall not be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the Temporary Portable Storage Unit is located (i.e.

used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the resident, the City may inspect the contents of any Temporary Portable Storage Unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a Temporary Portable Storage Unit be used for any of these purposes.

Locations where a Temporary Portable Storage Unit is being used in connection with new construction or extensive renovation or repair of property, Temporary Portable Storage Units related to and used for the ongoing construction or storage of personal articles during such construction shall be allowed for the period of continuous construction provided there is an active and valid building permit for the property. Any Temporary Portable Storage Unit at the site that is not specifically related to and used in connection with the construction shall be subject to the limits otherwise imposed in this section of the code. Within 5 calendar days of expiration of a building permit, passage of all final inspections, or issuance of a certificate of occupancy (whichever is later), the Temporary Portable Storage Unit shall be removed.

107.3 Temporary Use of Dumpsters - Duration

A dumpster may remain at a site used for residential purposes for up to thirty (30) calendar days, with one dumpster allowed at a site at a time. There will be 2 allowances per calendar year allowed. An extension may be granted by Code Enforcement and or Building Codes Division and subject to conditions, for a reasonable additional period in an amount not to exceed thirty (30) days.

Locations where a dumpster is being used in connection with new construction or extensive renovation or repair of property shall be allowed for the period of continuous construction provided there is an active and valid building permit for the property. Any dumpster at the site that is not specifically related to and used in connection with the construction shall be subject to the limits otherwise imposed in this section of the code. Within 5 calendar days of expiration of a building permit, passage of all final inspections, or issuance of a certificate of occupancy (whichever is later), the portable storage units shall be removed.

107.4 Severe Weather Conditions

At all times Temporary Portable Storage Units and Dumpsters shall be secured or removed in such a manner so as to minimize the danger of such units causing damage to persons or property from high winds or severe weather conditions.

SECTION 2. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 4. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 6. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0 , ON THIS THE 16TH DAY OF MARCH, 2009.

APPROVED:

Gene Carey, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Ronald J. Neiman, CITY ATTORNEY