

ORDINANCE NO. 2021- 3

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOPERSTOWN, GRIGGS COUNTY, NORTH DAKOTA THAT ORDINANCE NO. 2021- 3 PROHIBITING THE PLACEMENT AND USE OF SHIPPING CONTAINERS WITHIN THE CITY LIMITS OF COOPERSTOWN, NORTH DAKOTA BE ENACTED TO READ AS FOLLOWS:

SHIPPING CONTAINERS PROHIBITED

SECTION 1: DEFINITION.

A shipping container is defined as a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by shipping container upon ships, rail, or other types of transportation; and includes any structure that is a reusable and closed, semi-closed or open vessel or cargo shipping container that is used for the storage of freight articles, goods, solid waste, personal belongings, commodities or the like and that is a minimum size of 512 cubic feet. Look-alike shipping container buildings or metal buildings marketed as “shipping containers” or “portable storage units” are hereby deemed and regulated as shipping containers to which this ordinance shall apply. For purposes of this ordinance, a shipping container shall not include a commercially owned waste dumpster.

SECTION 2: SHIPPING CONTAINERS PROHIBITED. EXCEPTIONS.

- A. Except as provided herein, the placement and use of any shipping container as an accessory building, storage building or living unit within the city limits of the City of Cooperstown is prohibited.
- B. Except as provided herein, no person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building or living unit within the city limits of the City of Cooperstown.
- C. No shipping container is permitted within a Residential District (R-1, R-2, and R-3) or a Commercial District (C-1) without first obtaining a permit approved by the city council.
 - 1. Residential and Commercial permits may be obtained upon approval by the city council upon application made and signed by the owner or occupant, accompanied by a fee in an amount established from time to time by resolution of the city council.

2. Residential and Commercial permits shall be valid for a period of time not to exceed 30 days.
 3. No owner or occupant may request more than one Residential Permit or one Commercial Permit within one calendar year.
 4. Failure of an applicant to satisfy application and permit requirements shall result in denial of a requested permit.
 5. Failure of a permittee to satisfy permit requirements shall result in revocation of a permit.
 6. Approval or denial of requested permits and revocation of granted permits shall be at the sole and absolute discretion of the city council.
- D. No shipping container is permitted within an Agriculture District (A-1) or an Industrial District (I-1) without first obtaining a permit approved by the city council.
1. Agriculture and Industrial permits may be obtained upon approval by the city council upon application made and signed by the owner or occupant, accompanied by a fee in an amount established from time to time by resolution of the city council.
 2. Agriculture and Industrial permits shall be valid for a period of time not to exceed one (1) year.
 3. Failure of an applicant to satisfy application and permit requirements shall result in denial of a requested permit.
 4. Failure of a permittee to satisfy permit requirements shall result in revocation of a permit.
 5. Approval or denial of requested permits and revocation of granted permits shall be at the sole and absolute discretion of the city council.
- E. An owner, occupant, or licensed and bonded contractor may place and use a shipping container for temporary storage of equipment and materials during a construction project authorized by a city building permit, subject to the following conditions and requirements:
1. Before an owner, occupant or licensed and bonded contractor brings a shipping container in to City limits, a shipping container permit must first be approved by the city council.

2. Owner, occupant or licensed and bonded contractor shall grant consent to any duly authorized representative of the City to enter upon the premises listed in the permit for inspection of the shipping container to determine compliance with this section;
3. Owner, occupant or licensed and bonded contractor shall place the shipping container in such manner that it will not affect access to the property or to the property of adjacent landowners. The shipping container shall not be maintained in a setback area. The shipping container shall not be placed upon a street or other public right of way. The Public Works Director shall have discretion to determine if the location of a shipping container is appropriate and the authority to direct the permittee to re-locate said shipping container;
4. Owner, occupant or licensed and bonded contractor shall control rodents, vermin, and other pests which shall include, but not be limited to: closing or sealing all forklift stake pockets and lock holes;
5. Owner, occupant or licensed and bonded contractor shall ensure that the shipping container is painted one solid, flat, neutral color and is devoid of defective doors and latches, holes, rust, art, advertising and graffiti;
6. Owner, occupant or licensed and bonded contractor shall secure the shipping container in such a manner as to prevent the attraction of children or other persons to the shipping container;
7. Owner, occupant or licensed and bonded contractor shall maintain the shipping container in such a manner that does not affect the public's health and safety and complies with all other local, state, and federal regulations;
8. A shipping container permitted pursuant to this subsection shall be placed and used on the same premises for which the building permit was issued;
9. A shipping container permitted pursuant to this subsection shall not remain within City limits longer than six (6) months after the shipping container permit was issued. However, for good cause, one extension may be granted, commensurate with the time expected to be required to complete the construction project, not to exceed an additional six (6) months;
10. A permit issued pursuant to this subsection authorizes the placement of only one shipping container on the premises listed in the permit;
11. Failure of an applicant to satisfy application and permit requirements shall result in denial of a requested permit.

12. Failure of a permittee to satisfy permit requirements shall result in revocation of a permit.
13. Approval and denial of requested permits and revocation of granted permits shall be at the sole and absolute discretion of the city council.

SECTION 3: PERMIT REQUIREMENTS FOR RESIDENTIAL (R-1, R-2, R-3) AND COMMERCIAL (C-1) DISTRICTS.

- A. An applicant and permittee, as a condition of a permit, shall agree to all of the following:
 1. Grant consent to any duly authorized representative of the City to enter upon the premises listed in the permit for inspection of the shipping container to determine compliance with this ordinance;
 2. Place the shipping container in such manner that it will not affect access to the property or to the property of adjacent landowners. The shipping container shall not be maintained in a setback area. The shipping container shall not be placed upon a street or other public right of way. The Public Works Director shall have discretion to determine if the location of a shipping container is appropriate and the authority to direct the permittee to re-locate said shipping container;
 3. Control rodents, vermin, and other pests which shall include, but not be limited to: closing or sealing all forklift stake pockets and lock holes;
 4. Ensure that the shipping container is painted one solid, flat, neutral color and is devoid of defective doors and latches, holes, rust, art, advertising and graffiti;
 5. Secure the shipping container in such a manner as to prevent the attraction of children or other persons to the shipping container; and
 6. Maintain the shipping container in such a manner that does not affect the public's health and safety and complies with all other local, state, and federal regulations.
- B. A permit authorizes of the placement of one shipping container on each lot or parcel. Only one permit will be given for each lot or parcel.

SECTION 4: PERMIT REQUIREMENTS FOR AGRICULTURE (A-1) AND INDUSTRIAL (I-1) DISTRICTS.

- A. An applicant and permittee, as a condition of the permit, shall agree to all of the following:
1. Grant consent to any duly authorized representative of the City to enter upon the premises listed in the permit for inspection of the shipping container to determine compliance with this ordinance;
 2. Limit the total cubic feet of shipping container(s) located on each lot or parcel to 3,840 cubic feet;
 3. Anchor the shipping container(s) onto a concrete foundation;
 4. Place the shipping container(s) in such manner that it will not affect access to the property or to the property of adjacent landowners. The shipping container(s) shall not be maintained in a setback area. The shipping container(s) shall not be placed upon a street or other public right of way. The Public Works Director shall have discretion to determine if the location of a shipping container is appropriate and the authority to direct the permittee to re-locate said shipping container;
 5. Control for rodents, vermin, and other pests which shall include, but not be limited to: closing or sealing all forklift stake pockets and lock holes;
 6. Ensure that the shipping container is painted one solid, flat, neutral color and is devoid of defective doors and latches, holes, rust, art, advertising and graffiti;
 7. Secure the shipping container(s) in such a manner as to prevent the attraction of children or other persons to the shipping container(s); and
 8. Maintain the shipping container(s) in such a manner that does not affect the public's health and safety and complies with all other local, state, and federal regulations.
- B. A permit authorizes the placement of shipping containers to the maximum cubic feet allotment as set forth above, for each lot or parcel. Only one permit will be given for each lot or parcel.

SECTION 5: DENIAL OR REVOCATION OF PERMIT.

Failure of an applicant or permittee to meet the conditions set forth in this ordinance shall be cause for denial of an application or revocation of a permit. Such denial or revocation shall be at the sole and absolute discretion of the city council.

In the event of denial of an application or revocation of a permit, the City Auditor shall send a letter to the address provided in the application notifying the applicant or permit holder of the denial or revocation.

Upon revocation of a permit, owner, occupant or permittee must cause any and all shipping containers to be removed from the city limits of the City of Cooperstown within 30 days of the date of the letter.

SECTION 6: SHIPPING CONTAINERS DEEMED A NUISANCE.

All shipping containers placed within the city limits of the City of Cooperstown in violation of this ordinance are hereby declared to be a nuisance as defined by subsection K of section 2 of City of Cooperstown Ordinance No. 2017-3. All remedies available for nuisances pursuant to City of Cooperstown Ordinance No. 2017-3 hereby apply to shipping containers.

SECTION 7: EXISTING NONCONFORMING USES.

Any shipping containers that were legally placed upon property within the City of Cooperstown prior to the adoption of this ordinance are considered existing nonconforming uses. Shipping containers that constitute existing nonconforming uses shall not be moved from one lot or parcel to another lot or parcel within the City of Cooperstown. Shipping containers that constitute existing nonconforming uses, immediately upon discontinued use by the owner or occupant thereof or immediately upon removal thereof from the city limits of the City of Cooperstown, shall not be re-established and the future use thereof shall be in conformity with the provisions of this ordinance.

SECTION 8: INTENT.

The prohibitions set forth in this ordinance are for the purpose of promoting the health, safety, morals, general welfare and the aesthetic quality of the City of Cooperstown.

SECTION 9: PENALTY.

In addition to any other remedies provided for in this ordinance, any person, firm or corporation violating or failing to comply with any of the terms or provisions of this ordinance may be assessed a fine not to exceed \$500.00. Each day or part thereof that any person, firm or corporation shall be in violation of the provisions of this ordinance shall be considered a separate violation.

SECTION 10: SAVINGS CLAUSE.

If any provision of this ordinance or its application to any person, firm, corporation or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 11: EFFECTIVE DATE OF ORDINANCE.

This ordinance shall be in full force and effect from and after its final adoption and publication of its title and penalty clause in the manner provided by law.

Paul Paintner

PAUL PAINTNER, Mayor

ATTEST:

Christine Olson

CHRISTINE OLSON, City Auditor

First Reading Nov 1, 2021

Second Reading Dec 9, 2021

Final Passage and Adoption Dec 9, 2021

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