

ORDINANCE NO. 04 - 23
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, DEFINING & REGULATING THE USE OF SHIPPING CONTAINERS WITHIN THE ZONING JURISDICTION OF THE CITY OF AUBURN, NE; PROVIDING A PENALTY PROVISION; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION AND AN EFFECTIVE DATE FOR THE ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEBRASKA:

SECTION 1. A new "Section: *Shipping Containers*" shall be added to Chapter 150 "*Building Regulations; Construction*" to the City of Auburn, Nebraska, Code of Ordinances as follows:

150.70 Definition. A "shipping container" is a six-sided steel unit originally constructed as a general cargo container used for the transportation of goods and materials and includes Portable on Demand Storage (PODS). The maximum dimensions are fifty-three (53') in length by eight feet (8') in width by eight feet (8') in height. Shipping containers do not include similar structures such as railroad cars, recreational vehicles, bus bodies, semi-trailers, and similar prefabricated items.

150.71. Permit Required. It shall be unlawful to place, use, allow, or maintain a shipping container on any property within the jurisdiction of the City of Auburn, NE, without a permit approved by the City Building Inspector/Code Enforcement Officer ("CBICEO" herein). Applications for permits will be available at Auburn City Hall. Completed applications and the application fee shall be submitted to the City Clerk/Deputy Clerk at the Auburn City Hall. The CBICEO or City Administrator may require supplementary information, such as a site plan or inspection, prior to the approval of any permit.

150.72. Residential, Commercial, and Mixed-Use Districts.

- (a) **Residential:** Shipping containers are not authorized for use on any property within Residential Districts (R-1, R-2, R-3, & R-4).
- (b) **Commercial & Mixed-Use Districts:** Shipping containers are not authorized for Commercial, Commercial Residential (C-R), or Agricultural Residential (AGR) Zoning Districts without a permit. Applicants may request an annual use or temporary use permit. Temporary uses are limited to the following:
 - 1. One (1) temporary Portable on Demand Storage (PODS) container for a period not to exceed 30 days for the limited purpose of temporarily loading and unloading household contents and related items. The size of the approved POD shall not exceed the available hard surface area on which it

will be placed, such as driveway or parking pad, and it shall not encroach upon sidewalks or be placed upon a public street.

2. A licensed contractor may use a shipping container for the temporary location of an office or for the storage of equipment and/or materials during construction which is taking place on the property where the shipping container is located, provided the construction is authorized pursuant to a building permit. Such
 - i. temporary shipping containers must be removed within two (2) weeks of completion of construction.

150.73. Industrial District ("M"). Shipping containers may be authorized for temporary or annual use on any property within an Industrial District. A permit, approved by the CBICEO shall be required for temporary or annual use of shipping containers on any property within and Industrial District. The application for a permit shall include a site plan showing lot lines and setbacks and a description of the purpose for the proposed use and length of time of use.

150.74 Regulations. Unless specifically waived by permit, the following regulations shall apply to all shipping containers placed, used, allowed, or maintained within the zoning jurisdiction and extraterritorial zoning jurisdiction of the City of Auburn, NE.

- (a) Shipping containers must be securely anchored to the ground.
- (b) Shipping containers shall be placed on a hard surface, such as concrete, asphalt, or gravel pad, and shall not exceed the size of the hard surface area.
- (c) Shipping containers shall comply with all applicable setbacks for permanent structures and shall not be placed in a manner that impedes access to public rights-of-way, public utility or drainage, easements, or adjacent structures and buildings.
- (d) Shipping containers shall not be used for human habitation.
- (e) Shipping containers shall not be used to store hazardous materials in violation of any local, state, or federal law.
- (f) No signage shall be allowed on any permanent shipping container, and all permanent shipping containers shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.
- (g) Shipping containers shall not be stacked on top of each other or on another structure.
- (h) All shipping containers shall be structurally sound, operated in a safe manner, and maintained in good repair. No shipping container may contain any holes, peeling paint, rust, damage, or structural modifications.
- (i) Shipping containers used for long-term storage shall not be visible from the portion of any public or private street that abuts the property. Acceptable screening features for a shipping container include landscaping, fencing, terrain, existing structure, or a combination of these features as is necessary.

- (j) Shipping containers used for temporary storage must be placed at the rear of the property where and when possible.

150.75. UNSAFE BUILDING/STRUCTURE, NUISANCE. Any shipping container placed, used, allowed, or maintained in violation of the provisions of this Article is hereby declared a nuisance and shall be subject to abatement and assessment under the procedures set forth in Ch. 99: *Health & Sanitation*, and Ch. 150: § 150.03, *Unsafe Buildings; special assessments.*”

150.76. PENALTY. Any violation of §150.70 through §150.75 herein shall be a violation of the City of Auburn, Nebraska Code of Ordinances pursuant to §10.99.

SECTION 2. Any conflicting provisions in the City of Auburn Code of Ordinances are hereby repealed. All other provisions within shall remain in full force and effect except as revised herein.

SECTION 3. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the City of Auburn, NE. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING June 12, 2023


SECOND READING July 10, 2023

THIRD READING August 21, 2023

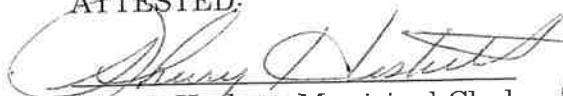
PASSED AND APPROVED THIS 21st DAY OF August 2023 AS FOLLOWS:

Tom Clark (Ward 1) Aye: X Nay: _____ Absent: _____ Abstain: _____
Shawn Clark (Ward 1) Aye: X Nay: _____ Absent: _____ Abstain: _____
Katy Billings (Ward 2) Aye: X Nay: _____ Absent: _____ Abstain: _____
Rick Janssen (Ward 2) Aye: X Nay: _____ Absent: _____ Abstain: _____
Nathan Seitz (Ward 3) Aye: _____ Nay: _____ Absent: X Abstain: _____
Jeff Jeanneret (Ward 3) Aye: X Nay: _____ Absent: _____ Abstain: _____

Chris Erickson, Mayor
(Tiebreaker vote) Aye: _____ Nay: _____
*(Mayor votes as Council only
As needed on a tiebreaker)*

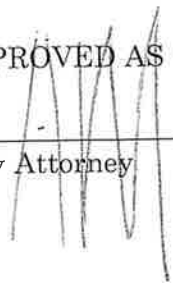

Chris Erickson, Mayor
City of Auburn, Nebraska

ATTESTED:


Sherry Heskett, Municipal Clerk
City of Auburn, Nebraska (Seal)



APPROVED AS TO FORM & LEGALITY:


City Attorney
Date 8-21-2023