

CHAPTER 148

SHIPPING CONTAINERS

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148.01 PURPOSE. This chapter is intended to reduce or eliminate the presence of shipping containers within residential and the downtown (C-1) commercial district, except for their temporary use under permit for on-site storage, their temporary use during the period of construction when in compliance with this chapter, and their ongoing use within the light and heavy industrial zones, and commercial zones, other than the commercial (C-1) central business district.

148.02 APPLICABILITY. Shipping containers located on any property within the City of Marengo shall comply with the regulations set forth in this chapter. No person shall place or cause to be placed or use or permit the use of any shipping containers as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes, and/or within any commercial land zoned as C-1 Central Business District.

148.03 DEFINITIONS. “Shipping container” means a unit originally used for the transport, shipping, or hauling of materials or goods by land, sea, or air; capable of being moved or mounted by rail, truck, or boat. This definition includes steel sea or oceangoing containers marked with the American Bureau of Shipping’s emblem or meeting the International Standard Organization’s standards which can be detached from a trailer, chassis or frame, and which were formerly used for transporting sea or oceangoing cargo. This definition includes the terms “portable moving/storage unit/container/pod” and “cargo/oceangoing/transport container”. In addition, this definition applies to any structure designed to imitate the look of a shipping container.

148.04 SHIPPING CONTAINERS AS STORAGE FACILITIES OR EMPTY STRUCTURES.

1. Shipping containers as defined in section 148.03 shall be permitted within the light and heavy industrial zones and commercial districts other than C-1 Central Business District pursuant to the regulations set forth below.

2. All containers shall:
 - A. Be placed on concrete, asphalt, or level, compacted, hard surface at all times;
 - B. Be painted solid, so as to blend in with the buildings to which they are associated; for the purposes of authorized retailers, solid paint not required, however container cannot display graffiti;
 - C. Not be stacked;
 - D. Abide by all setback requirements applicable to the zone in which they are located.

148.05 EXCEPTIONS FOR TEMPORARY PLACEMENT OF SHIPPING CONTAINERS IN RESIDENTIAL SINGLE-FAMILY AND MULTI-FAMILY DWELLING ZONES (R-1, R-2, R-3) OR CENTRAL BUSINESS DISTRICT (C-1).

A temporary permit for the placement of one shipping container per lot may be issued once in a calendar year, temporarily, for a maximum of 90 consecutive days within single-family or multi-family dwelling zones(R-1, R-2, R-3) or the Central Business District (C-1) (, for the purposes of temporarily storing or shipping personal property in association with moving or property improvement.

Temporary shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, or obstruct the view of pedestrians or users of vehicles thereon or interfere with the wires, poles or fixtures lawfully maintained thereon;

148.06 EXCEPTIONS FOR PLACEMENT OF SHIPPING CONTAINERS ON CONSTRUCTION SITES IN RESIDENTIAL SINGLE-FAMILY AND MULTI-FAMILY DWELLING ZONES (R-1, R-2, R-3) OR CENTRAL BUSINESS DISTRICT (C-1). A temporary permit for the placement of shipping container(s) shall be issued.

1. The temporary permit will be valid for a period of 180 days from the date of issuance, but may be extended for an additional 180 days subject to active construction status and building official's determination, and;
2. Temporary shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, or obstruct the view of pedestrians or users of vehicles thereon or interfere with the wires, poles or fixtures lawfully maintained thereon;
3. All temporary shipping containers must be placed on the construction site;
4. All temporary shipping containers must be placed a minimum of five feet away from all adjacent property lines and public rights-of-way;
5. Temporary shipping containers may not be stacked;
6. Temporary shipping containers must be secured at night time and maintained in good condition.

148.07 EMERGENCY PLACEMENT OF SHIPPING CONTAINERS – CITY WIDE. In the event of a natural hazard, accident, or other emergency or disaster, that has resulted in significant damage to a property or structure within City limits, a temporary permit for the placement of shipping container(s) may be issued by the City. The temporary permit will be valid for a period of one calendar year from the date of issuance, but may be extended for an additional 180 days subject to building official's determination.

148.08 EXISTING CONTAINERS – RESOLUTION TIME FRAME. Existing containers within the City which would otherwise be prohibited under this ordinance shall be exempt, provided the owner of said container has requested and obtained a written exemption from the City prior to the effective date of this ordinance. A written exemption document issued by the City indicating an exempted status must be obtained by the property owner and shall be made available for proof upon request. Written exemptions will only be granted for containers on property prior to July 1, 2020. Any exemption granted shall be specific to a container, and not to the property. Violations of this code section shall be enforced pursuant to Chapter 50-NUISANCE ABATEMENT PROCEDURE.

148.09 CONFLICTS WITH EXISTING CODE SECTIONS. In the event a conflict exists between the regulations of this chapter and other code or ordinance sections of Marengo Code of Ordinance, the terms and provisions of this chapter shall take precedence.

148.10 NUISANCE. Any containers located within the City which are prohibited by this Chapter shall be deemed to be nuisances in the City.

148.11 ENFORCEMENT OFFICIAL. Any law enforcement officer, the City Administrator or their designee(s) ("enforcement official") is authorized to enforce this chapter and issue notices, citations, or take abatement procedures, as provided herein. Such enforcement action or actions may be taken by the enforcement official(s) mentioned herein upon observation of the acts or things declared to be a nuisance or upon citizen complaints of the occurrence of such acts or things declared to be a nuisance.

148.12 ENFORCEMENT. Enforcement procedures and penalties resulting from violations of this chapter shall be administered pursuant to Chapter 50 – NUISANCE ABATEMENT