

## ORDINANCE NO. 246

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROLFE, IOWA, BY ADDING A NEW CHAPTER, CHAPTER 154 PORTABLE STORAGE CONTAINERS

**BE IT ENACTED** by the City Council of Rolfe, Iowa:

**SECTION 1. NEW CHAPTER.** The Code of Ordinances of the City of Rolfe, Iowa, is amended by adding a new Chapter 154, entitled PORTABLE STORAGE CONTAINERS, which is hereby adopted to read as follows:

#### CHAPTER 154 PORTABLE STORAGE CONTAINERS

<b>154.01 Purpose</b>	<b>154.06 Good Repair</b>
<b>154.02 Definition</b>	<b>154.07 Residential Use</b>
<b>154.03 Residential Property</b>	<b>154.08 Compliance</b>
<b>154.04 Non-Residential Property</b>	<b>154.09 Conflicts</b>
<b>154.05 Stacking</b>	<b>154.10 Violation-Penalty</b>

**154.01 PURPOSE.** The purpose of this Chapter is to regulate the placement within the City of certain Portable Storage Containers in order to protect the public health, safety, and welfare, and promote the aesthetics of residential and non-residential properties within the City of Rolfe.

**154.02 DEFINITION.** “Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed within City boundaries, and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

**154.03 RESIDENTIAL PROPERTY.**

1. The use of portable storage containers on a property used for residential purposes is prohibited, except for the following uses:
  - a. A portable storage container may be used on a residential property when a building permit has been issued for construction of a residential unit on that parcel. The portable storage container shall be allowed to remain on the residential parcel during construction only. The portable storage container must be removed within ten (10) days after completion of the construction project or expiration of the building permit.

- b. Portable storage containers shall not impede traffic or pedestrians. No portable storage container shall be located in a fire lane, public utility easement, or on public right-of-way, including streets, sidewalks, and parking strips.

**154.04 NON-RESIDENTIAL PROPERTY.**

1. Portable storage containers are prohibited for use on non-residential property, except as follows:
  - a. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.
  - b. Portable storage containers may be used for storing merchandise or goods sold or used at the non-residential property on which it is located, provided that the portable storage container is in an area that is not visible from any public street and is not in any designated parking areas, fire lane, or public right-of-way.
  - c. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the non-residential property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.
  - d. Portable storage containers may be used for commercial long and short-term rental storage of goods and property provided:
    1. The Rental Container is owned and rented by an agent or company that is registered with the State of Iowa and City of Rolfe as a rental storage business, and is bonded or otherwise insured for said rental storage business purposes, as is necessary; and,
    2. The Rental Container is located on a parcel owned by the agent or company; and,
    3. The Rental Container is located so that it is not placed upon or in the front of the parcel, in a fire lane, in a public utility easement, or in a public right-of-way, including streets, alleys, sidewalks, and parking strips.

**154.05 STACKING.** Portable storage containers may not be stacked above the height of a single container, and the stacking of any other materials on top of, or around any storage containers shall be prohibited within City boundaries.

**154.06 GOOD REPAIR.**

1. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.
2. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.
3. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

**154.07 RESIDENTIAL USE.**

1. A portable storage container may not be used as a dwelling or living quarters.
2. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

**154.08 COMPLIANCE.** A portable storage container existing on any property in the City on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within sixty (60) days of the ordinance's effective date.

**154.09 CONFLICTS.** In the event that any conflict exists between the provisions of this chapter and other currently existing provisions of the Code of Ordinances of the City of Rolfe, or other ordinances of the City, the terms and provisions of this chapter shall take precedence.

**154.10 VIOLATION – PENALTY.** A Violation of the provisions of this chapter shall be deemed a Municipal Infraction pursuant to Code of Iowa, Sec. 364.22, and subject to enforcement and remedial action as permitted thereunder.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Motion to approve the above first reading of Sections of Chapter 154 of the City Code of Ordinances made by \_\_\_Aaron Cox\_\_\_\_\_ seconded by \_\_\_Rob Jackson\_\_\_\_\_.

Ayes: Rob Jackson, Dan Allen, Aaron Cox, and Lana Pratt

Nays: Al Minkler

Absent:

Motion: Carried

Motion to approve the above second reading of Sections of Chapter 154 of the City Code of Ordinances made by \_\_\_Aaron Cox\_\_\_\_\_ seconded by \_\_\_Dan Allen\_\_\_\_\_.

Ayes: Rob Jackson, Dan Allen, Aaron Cox, Lana Pratt, and Al Minkler

Nays:

Absent:

Motion: Carried

Motion made by \_\_\_Aaron Cox\_\_\_\_\_, seconded by \_Rob Jackson\_ to waive the third and final reading.

Ayes: Rob Jackson, Dan Allen, Aaron Cox, Lana Pratt, and Al Minkler

Nays:

Absent:

Motion: Carried

Mayor Pentico declared the Ordinance passed, approved, and adopted by the City of Rolfe, City Council on this \_\_\_\_9th\_\_\_\_ day of \_\_December\_\_ 2024.

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Jim Pentico, Mayor

ATTEST:

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DeAnn Sindergard, Acting City Clerk