

ORDINANCE NO. 18-04

**AN ORDINANCE REGULATING USAGE OF PORTABLE STORAGE CONTAINERS
WITHIN THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, MORTON
COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. Definitions.

- a. Portable Storage Containers: Containers that are used for storage purposes and are also known as shipping containers, cargo containers, cargo-trailer containers, metal freight containers, metal containers designed for freight and cargo. This definition does not include the following: dumpsters actively used for solid waste or recycling collections, contractors' construction trailers or containers being used at active job sites, or trailers normally associated with private use such as stock car trailers, boat trailers, utility trailers, campers, or other similar equipment.
- b. Sight Triangle: An area of unobstructed vision at the intersections of streets, alleys, and driveways. The purpose of the sight triangle is to ensure visibility for operators of motor vehicles, bicycles and pedestrians on intersecting streets, driveways, and alleys.
 - i. For any use on a corner lot, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of twenty-five (25) feet in both directions along the street right-of-way lines and connecting the points to form a sight triangle on the area of the lot adjacent to the street intersection.

- ii. For a commercial, industrial, institutional or multi-family use on a lot at the intersection of a street and an alley, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of fifteen (15) feet along the street right-of-way line and a distance of fifteen (15) feet along the alley right-of-way line and connecting the points to form a sight triangle on the area of the lot adjacent to the intersection of the street and alley.
 - iii. For a commercial, industrial, institutional or multi-family use with a driveway, the sight triangle is the triangle formed by measuring from the point of intersection of the property line adjacent to a street and the edge of the driveway a distance of fifteen (15) feet along the street right-of-way line and a distance of fifteen (15) feet along the edge of the driveway and connecting the points to form a sight triangle on the area of the lot adjacent to the intersection of the street and the driveway.
 - iv. For a commercial, industrial, institutional or multi-family uses, the City engineer may require a greater sight triangle than indicated above on a case-by-case basis when it is warranted based on the posted speed and traffic volumes on the adjacent roadway, topography, sight distance or any other engineering concern.
2. Temporary Usage. Any person or company wishing to utilize a portable storage container pursuant to this section must apply for a temporary permit, available at City Hall and pay a permit fee set by resolution of City Council. Temporary permits shall be available for 30

days, not to exceed 12 months. Portable storage containers shall not be allowed in the City of Hebron for more than 30 days unless the portable storage container is being utilized in conjunction with an active and valid building permit, at which the portable storage container shall only be allowed for duration during which the building permit is active and valid.

3. Permanent Usage. Portable storage containers shall only be allowed to be permanent fixtures subject to the following requirements:

- a. Any person seeking to move the portable storage container onto the property shall be required to obtain a building permit prior to installation of the portable storage container. The City Building Official must approve the building permit application and inspect the container prior to installation of the portable storage container.
- b. A container that is governed by this section may only be used in a manner that would result in the container being subject to taxation as real property and subject to all applicable provisions of the City Building Code and Zoning Ordinances.
- c. Containers shall not occupy any required building setback area as set forth in Title 9 of the Hebron Municipal Ordinances, landscaped area, or buffer yard.
- d. Containers shall not be placed within a sight triangle as defined in section 1 herein.
- e. Containers shall be included in lot coverage computations.
- f. Containers shall be subject to provisions of the Hebron Property Maintenance Code, Ordinance No. 14-02.
- g. Containers up to 100 square feet in dimension may have a treated floor and may be anchored to the earth with tie downs. Containers in excess of 100 square feet in

dimension shall be anchored to a floating concrete slab or foundation four (4) inches thick or may be anchored to 4 point corner footings made of concrete and poured at a depth of four (4) feet.

- h. Containers shall be subject to provisions of the Fire Code concerning Fire Department access and hydrant blockage.
- i. Containers shall not be stacked and shall be placed at ground level in a manner to facilitate inspection of the containers by the City.
- j. Containers shall not be used for the storage of hazardous substances as such term is defined by N.D.C.C. § 19-21-01.
- k. Containers shall not be used as a dwelling or living quarters, nor for camping, cooking, or recreation purposes for any amount of time. Furthermore, containers may not be used for the storage, housing, or maintenance of animals of any kind.
- l. Containers utilized as a permanent fixture shall be painted with a rust prohibitor paint or sided in a similar design and the outside envelope shall have a similar appearance as the main structure located on the property, such that the container matches the corresponding home or building and resembles a garden shed.
- m. Containers must be kept in good repair, secured against unauthorized entry, comply with health regulations, and be stored on a hard surface. A container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust, or it has been infested with vermin or other pests.

4. PENALTY. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute an infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction be fined up to \$1,000.00. A separate violation may be deemed committed for each day that a violation of this Ordinance continues to occur.
5. REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
6. SAVINGS CLAUSE. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.
7. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its final passage and the publication of its title and penalty provisions once in the official newspaper of the City of Hebron.



GRANT WALTH, Mayor

ATTEST:



ERIN BRINK, City Auditor

Introduction and First Reading: August 13, 2018

Second Reading: October 8, 2018

Publication Date: October 17, 2018

Effective Date: October 17, 2018

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, MORTON
COUNTY, NORTH DAKOTA AS FOLLOWS:

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute an infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction be fined up to \$1,000.00. A separate violation may be deemed committed for each day that a violation of this Ordinance continues to occur.

The title and penalty section of the above Ordinance is published in accordance with the Laws of the State of North Dakota.

Dated this 8th day of October, 2018.



ERIN BRINK, CITY AUDITOR
CITY OF HEBRON

Affidavit of Publication

STATE OF NORTH DAKOTA
County of Morton

ss.

Jane Brandt of said County and State, being first duly sworn, on his oath says: That the Hebron Herald is a weekly newspaper of general circulation, printed and published in Hebron, in said County and State, by Jane Brandt, and has been such newspaper during the times hereinafter mentioned; and that I, Jane Brandt the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed Ordinance No. 18-04

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for one successive weeks, the first publication being made on the 17th day of October, and the last publication on the 17th day of October;

The first publication being made on the 17th day of October

The second publication being made on the _____ day of _____

The third publication being made on the _____ day of _____

The fourth publication being made on the _____ day of _____

The fifth publication being made on the _____ day of _____

The sixth publication being made on the _____ day of _____

The seventh publication being made on the _____ day of _____

The eighth publication being made on the _____ day of _____

The ninth publication being made on the _____ day of _____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than three hundred copies; has been published in the English language within the said County of Morton for more than one year prior to the first publication of said notice, and is printed in whole in an office maintained in Hebron, North Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is \$ 36.60 which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Jane Brandt

Subscribed and sworn to before me this 17th day of Oct., 2018
LORI ELMER
Notary Public
State of North Dakota
My Commission Expires October 23, 2019
Lori Elmer
Notary Public, Morton County, North Dakota

My commission expires _____

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1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute an infraction. A person who violates this Ordinance or fails to comply with any of its requirements shall be fined up to \$1,000.00. A second violation of this Ordinance may be deemed committed to a violation of this Ordinance.

The title and penalty section of the Ordinance is published in accordance with the provisions of North Dakota.

Dated this 8th day of October, 2018.

ERIN BRINK, CITY AUDITOR
CITY OF HEBRON