

ORDINANCE NO. 1266
INTRODUCED BY ALL COMMISSIONERS

AN ORDINANCE ADDING A NEW CHAPTER 8.32 TO THE WARRENTON
MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR SHIPPING
CONTAINERS

WHEREAS, the public interest and welfare necessitate that the use of shipping containers on properties within the City of Warrenton be subject to reasonable regulations; and

WHEREAS, the current City code does not provide such regulations, and as such the use of shipping containers in the City has to this point been entirely unregulated;

NOW THEREFORE, the City of Warrenton ordains as follows:

Section 1. A new Chapter 8.32 is hereby added to the Warrenton Municipal Code as follows:

Chapter 8.32 Shipping Containers

8.32.010 Purpose.

The purpose of this chapter is to establish regulations pertinent to the use of shipping containers on properties within the City of Warrenton to protect public health, safety, and welfare against unkempt, unsightly, unsafe, and otherwise undesirable uses of shipping containers. The regulations are intended to protect the community from adverse effects on the value, utility, and habitability of property, including on adjoining and nearby properties. Through this chapter, the City intends to provide regulations that will enhance the character, livability, appearance, and the social, economic, and environmental conditions of the community.

8.32.020 Administration.

The regulations set forth in this chapter shall be administered by the Planning Director or their designee. The Planning Director is authorized to adopt such forms and administrative rules as may be necessary or appropriate to implement the regulations set forth herein.

8.32.030 Definitions.

“Shipping container.” A unit originally designed or currently or previously 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, or designed to resemble such a unit. This definition includes seagoing 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. Shipping containers are also commonly referred to as portable or moving storage unit containers, pods, cargo containers, oceangoing containers, transport containers, and portable moving storage pods.

"Vacant property." A property without any occupied structures.

8.32.040 Permit Required.

- A. No person shall place, cause to be placed, allow to be placed, or allow to remain in place, a shipping container on any property within the City of Warrenton without first obtaining a permit therefore, and without complying with the regulations set forth in this chapter.
- B. A person seeking to obtain a permit for the placement of a shipping container shall apply to the Planning Department, on a form specified by the Planning Director, and pay an application fee in an amount established by the City Commission by resolution. The application must include at least the following information, in addition to any other information determined by the Planning Director to be necessary for ensuring compliance with the requirements of City code:
 - 1. Site plan
 - 2. Elevations with dimensions of the shipping container
 - 3. Proposed use of the shipping container
 - 4. Demonstration of compliance with the requirements of this chapter

8.32.050 Allowable Locations.

Shipping containers are prohibited in the R-40, R-10, R-M, and RH zones, and in the CMU zone where the primary use of the property is residential, except as provided in Section 8.32.070. Shipping containers are permitted in the CMU zone where the primary use of the property is commercial and in all other zones subject to the requirements of this chapter.

8.32.060 General Shipping Container Requirements.

All shipping containers shall comply with the following requirements:

- A. Shipping containers shall be used only for storage of materials or goods, or temporarily placed as an empty structure, and in any case shall only be accessory to the primary use of a principal structure located on the same lot.

- B. Shipping containers shall be placed on concrete, asphalt, or other level, compact, hard surface.
- C. Shipping containers shall be no less than eight (8) feet high, eight (8) feet wide, and ten (10) feet long and no more than ten (10) feet high, eight (8) feet wide, and forty-five (45) feet long, with no alterations to their original manufactured physical dimensions (width, length, and height).
- D. Shipping containers shall be painted a similar color to the building(s) that they are associated with under subsection (A).
- E. Shipping containers shall be protected from rust and corrosion and kept free from holes, breaks, and any other conditions that might permit rain, dampness, or vermin to the interior portions of the walls.
- F. Shipping containers shall not be visible from the public right-of-way nor from adjacent properties used for residential purposes unless the visual impacts of such shipping containers are mitigated by screened fencing or vegetation that meets the standards of Chapter 16.124 of this Code.
- G. Placement of shipping containers shall abide by all setback requirements applicable to the zone in which they are located.
- H. 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 and may not be placed in such a manner as to obstruct the view of pedestrians or users of vehicles within the public right of way, or otherwise interfere with the wires, poles or fixtures lawfully maintained thereon.
- I. Shipping containers shall not be placed on vacant property.
- J. Shipping containers shall not be stacked.
- K. Only one (1) shipping container shall be permitted on each lot, except that up to two (2) shipping containers may be permitted on a lot that is one (1) acre or greater in size.

8.32.070 Temporary Residential Shipping Container Requirements.

- A. In the R-40, R-10, R-M, and RH zones, and in the CMU zone where the primary use of the property is residential, shipping containers shall comply with either the requirements of subsection (B) or (C) below, in both cases in addition to the requirements in Section 8.32.060, except that such shipping containers need not comply with Section 8.32.060(D) or Section 8.32.060(F).
- B. Temporary Shipping Containers for Moving or Property Improvement.
 - 1. A permit may be issued only on a temporary basis and only once in a calendar year and shall be effective for a maximum of six (6) consecutive months.

2. The shipping container shall be used only for the purposes of temporarily storing or shipping personal property in association with moving or property improvement.
 3. Shipping containers shall be placed on designated driveways when possible but may be exempted from Section 8.32.060(H) when necessary.
 4. The shipping container shall be placed at least three (3) feet away from any residential structure and shall allow for at least five (5) feet of clear access between the shipping container and the property line.
- C. Temporary Shipping Containers for Construction
1. A permit may be issued only on a temporary basis and only in conjunction with an active building permit. The permit shall expire upon expiration or final approval of the building permit or fourteen (14) days after issuance of a certificate of occupancy, whichever occurs first.
 2. The shipping container must be placed on the same lot for which the building permit was issued.
 3. The shipping container must be placed a minimum of five (5) feet away from all adjacent property lines and public rights-of-way.

8.32.080 Shipping Containers as Permanent Structures.

Nothing in this chapter shall prevent a shipping container from being utilized as a permanent structure, provided that such structure complies with all applicable building codes, City regulations, and City design and development standards.

8.32.090 Transferability.

Shipping container permits are issued to a specific person for a specific property and are non-transferable and non-assignable to a different person (such as upon sale of the property) or a different property.

8.32.100 Enforcement.

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the City of Warrenton, be punished by a fine of not less than \$100 and not more than \$1,000.
- B. Each day on which such a violation continues shall constitute a separate violation.
- C. In addition to the other remedies in this section, the City may seek an injunction prohibiting a person from further violation of this chapter.
- D. In any action or suit authorized by this section, the City, if it prevails, shall recover reasonable attorney fees, in addition to the City's costs and disbursements.

Section 2. This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

First Reading: May 14, 2024

Second Reading: June 11, 2024

ADOPTED by the City Commission of the City of Warrenton, Oregon this 11 day of June, 2024.

APPROVED:


Henry A. Balensifer III, Mayor

ATTEST:


Dawne Shaw, CMC, City Recorder