

ORDINANCE NO. 236

SHIPPING CONTAINER ORDINANCE

AN ORDINANCE TO REGULATE THE PLACEMENT, SIZE AND DISPLAY OF SHIPPING
CONTAINERS WITHIN THE CITY OF WAKEFIELD, THE COUNCIL OF THE CITY OF
WAKEFIELD ORDAINS:

WHEREAS, the City of Wakefield has the authority to promulgate regulations governing zoning and land use and to promote the health, welfare, and safety of the inhabitants of the City; and

WHEREAS, storage containers are permitted only on parcels greater than 18 acres, and temporarily during active, permitted construction with prior approval; and

WHEREAS, the City Council respects the rights of private property owners to use and enjoy their property, but desires to ensure that storage containers are utilized in a manner that protects the health and safety of the residents of Wakefield; and

WHEREAS, the Building Inspector and the City Manager are the appropriate offices to manage storage container regulations as identified in this Ordinance; and

WHEREAS, the Gogebic County Sheriff's Office is the appropriate agency for enforcement of this Ordinance if compliance cannot be gained through the Building Inspector or City Manager; and

WHEREAS, the City of Wakefield hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants of Wakefield.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WAKEFIELD,
MICHIGAN AS FOLLOWS:

Section 1. Title and Purpose.

The title of this Ordinance is the City of Wakefield Storage Container Ordinance. The purpose of this Ordinance is to regulate the use of storage containers in the City of Wakefield and to provide for enforcement procedures and penalties for violations of this Ordinance, because their unauthorized use is a health and safety hazard and a public nuisance.

Section 2. Authority.

This Ordinance shall be read and facilitated in conjunctions with the Michigan Zoning and Enabling Act, that being Act 110 of the Public Acts of 2006, as amended.

Section 3. Scope.

This Ordinance shall apply to all districts, and all parcels less than eighteen (18) acres, in the City of Wakefield.

Section 4. Definitions.

Storage container: a container prefabricated for the purpose of transporting freight or goods on a truck, railroad, or ship, including cargo containers, shipping containers, storage units, or other similar portable structures placed on private property and used for storage of items.

Temporary Portable Storage Container: a temporary storage container shall include, but not limited to moving "pods", or any other similar portable storage container, whether with or without wheels, and whether with or without a chassis.

Standard size: the City recognizes one size, twenty (20) feet length, eight (8) feet eight (8) inches or nine (9) feet six (6) inches in height, and eight (8) feet in width.

All weather surface: a surface that shall be built with one of the following: asphalt, concrete, chip seal, graded and compacted gravel, or other stabilized system.

Section 5. Regulations and Restriction Pertaining to Storage Containers in the City of Wakefield.

A. General

- i. Storage containers count towards the accessory structure limit in all zone districts.
- ii. A building permit is required for placement of storage containers on all parcels.
- iii. Building Inspector and Zoning Administrator approval is required.
- iv. Storage containers are forbidden in front yards or corner lots.
- v. Storage containers not of standard size require approval by the Planning Commission.
- vi. Shipping containers shall be repainted in earth tones to foster and enhance the visual image and vernacular character of the City and neighborhood.
- vii. Visual mitigation, acceptable to the Planning Commission, is required for storage containers on less than eighteen (18) acres. Mitigation may include, but not limited to, painting, berming, fencing, siding, or other means to reduce visibility and/or improve aesthetics.

B. Restrictions by Districts

- A. Residential Districts (R-1, R-2, R-3).

1. Only one storage container shall be permitted per-parcel in all residential zone districts where a permitted dwelling is located or active or permitted construction of a dwelling unit is ongoing.
2. Storage containers are not permitted on vacant parcels.
3. No storage container is permitted on a vacant parcels.
4. No storage containers shall be placed or located in a public utility easement, public right-of-way, alleyway or fire lane.
5. A storage container shall not be located in a manner that would impede ingress, egress, or emergency access.
6. Setbacks shall be as set in Title 15, Section 155 of Wakefield Code of Ordinances.
7. Requires a Special Land Use Permit.

B. Commercial Districts (C-1, C-2)

8. The use of storage containers in Neighborhood Commercial (C-1), or Downtown and Highway Commercial (C-2) is prohibited.

C. Industrial Districts (I)

9. The use of storage containers are permissible in Industrial Districts (I), provided they are not placed in a public utility easement, public right-of-way, alleyway or fire lane.
10. A storage container shall not be located in a manner that would impede ingress, egress, or emergency access.

D. Open Area District (O)

11. The use of storage containers are permissible in an Open Area District (O), provided they are not placed in a public utility easement, public right-of-way, alleyway or fire lane.
12. A storage container shall not be located in a manner that would impede ingress, egress, or emergency access.
13. Requires a Special Land Use Permit.

- C. Vertical stacking of storage containers and stacking of any other materials on top of or around any portable storage container shall be prohibited in all zones. An exception may be approved by the Planning Commission for those commercial businesses that have a valid business license to sell portable storage containers.

- D. In all zones, portable storage containers must be kept in good repair, be secured against unauthorized entry, comply with health regulations, and be stored on an all-weather surface.
 - 14. A storage 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 has been infested with vermin or other pests.
 - 15. Storage containers must be kept in good, non-flaking condition.

- E. Storage containers may not be used for temporary or permanent dwelling, living quarters, camping, or recreation purposes for any amount of time, in any zone.

Section 6. Authorized Enforcement Personnel.

- A. The following City officers and officials are authorized to enforce this ordinance:
 - 1. City Manager
 - 2. City Building Inspector
 - 3. City Blight Officer
 - 4. Gogebic County Sheriffs Department
 - 5. Any other person designated by the Wakefield City Council.

Section 7. Violations and Penalties.

Any violation of this Ordinance may be separately, concurrently, or together through Ordinance Number 211 or 10.99.

Section 8. Current Violations- Time to Comply.

All owners of property within the City shall have 365 days from the date of publication of this ordinance to bring their properties, which currently contain storage containers or temporary portable storage containers that are in violation of this ordinance, into full compliance with this ordinance.

Section 9. Conflicts.

In the event any conflict exists between the provisions of this Ordinance, and other Ordinances of the City, the terms and provisions of this Ordinance shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the City's Ordinance shall be hereby amended insofar as necessary to conform to the provisions of this Ordinance.

Section 10. Severability.

If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 11. Effective Date.

This Ordinance shall become effective thirty (30) days after its publication by the City Clerk (or publication of a summary thereof) in a newspaper in general circulation within the City of Wakefield.

CERTIFICATION:

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Wakefield this 28 day of December, 2020.


First Reading: December 1, 2020

Public Hearing: December 15, 2020

Second Reading: December 15, 2020

Published: January 7, 2021

ATTEST:



Susan J Ahonen, City Clerk