

ORDINANCE NO. _____

2

AN ORDINANCE AMENDING ARTICLE 6.55 AND THE SUBSECTIONS THEREOF OF THE ORDINANCES FOR THE CITY OF WISHEK, NORTH DAKOTA BY RENUMBERING 6.55, 6.55.1, AND 6.55.2, AND ADDING SUBSECTION 6.55.3, USE OF SHIPPING CONTAINERS AS ACCESSORY STRUCTURES

WHEREAS, the City Council of the City of Wishek, North Dakota finds and declares it has a substantial interest in promoting the uses of property in the City of Wishek which are compatible with the character of the surrounding properties and the community as a whole;

WHEREAS, the City Council further finds and declares that the use of On-Site Storage Containers, as defined below, as permanent accessory structures or for permanent long-term storage is detrimental to the appearance of the City and is inconsistent with the character of surrounding properties and the community as a whole; and

WHEREAS, the City Council believes that an effective way to minimize the detrimental effects of the presence of cargo containers is to develop regulations for their use which prohibit their use except in limited circumstances;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WISHEK, NORTH DAKOTA DOES HEREBY ORDAIN AS FOLLOWS:

Section 6.55 is amended and supplemented to read as follows:

6.55 Accessory Buildings.

6.55.1 Accessory Buildings in Rear Yard.

Accessory buildings may be built in a required rear yard but shall not occupy more than thirty percent (30%) of a required yard and shall not be nearer than five (5) feet to any side lot line or rear lot line, except that when a garage is entered from an alley at right angle, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as part of the main building for the purposes of determining side yards and rear yards. Such buildings must be attached or anchored to a permanent cement foundation, and cement must be four (4) inches wide and four (4) inches deep.

6.55.2 Erection of Fences

It shall be unlawful for any person to install, erect, construct, relocate, or alter a fence within the City without first obtaining a permit therefore from the City. No permit shall be issued if the Planning Commission determines that the proposed fence does not meet the requirements of this section. A sketch or design of the proposed fence; including a description of materials to be used and specification of the height, shall be submitted with

the application for a permit. All fences except security fences shall be of a decorative nature.

A. Height Restrictions

It shall be unlawful for any person to erect or construct a fence exceeding six (6) feet in height on any residential property within the city. Fences exceeding six (6) feet in height, in zoning where it is permitted, and fences to be placed around school grounds, construction sites, ect. Shall be constructed as required in the Uniform Building Code.

B. Electric Fences Prohibited

It shall be unlawful for any person to erect, install, or maintain any electrically charged fence within the City except, upon approval from the Planning Commission, for retaining animals upon proof that the fence will not be hazardous or dangerous.

C. Barbed Wire Fencing

It shall be unlawful for any person to erect, construct, or maintain any barbed wire fencing within the City except:

1. One course of barbed wire may be installed above the top of a six-foot or higher fence located in a district zoned for industrial purposes or on a property used for industrial purposes under a valid nonconforming use; and
2. Barbed wire fences, which comply with state statutes, may be erected, constructed, and maintained on premises zoned for permitted agricultural uses.

D. Fences Creating Safety Hazards Prohibited.

It Shall be unlawful for any person to erect, install, or maintain a fence which obscures clear view of traffic at intersections or driveways, or which creates a safety hazard to pedestrians or vehicular traffic.

6.55.3 Use of On-Site Storage Container as Accessory Buildings

A. Definition of On-Site Storage Container.

For purposes of this chapter, the term "On-Site Storage Container" shall mean:

1. Any container or vessel originally designed for, or used in, the packing, storage, shipping, movement or transportation of cargo, freight, goods, equipment or commodities;
2. Any container or vessel designed to be, or capable of being, mounted or moved by rail, truck, or ship by means of being mounted on a chassis or other transport device, including portable on-site storage containers, or units having similar characteristics; and/or

3. Any railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar pre-fabricated items originally built for purposes other than the storage of goods and materials;

B. Restrictions on On-Site Storage Containers on Residential Properties.

1. No On-Site Storage Container shall be permitted except as where expressly permitted elsewhere in this section in any district of the City regardless of whether or not the On-Site Storage Container would otherwise be permitted as an accessory building.
2. Notwithstanding the restriction set forth above in subsection (B)(1), the temporary placement of portable On-Site Storage Containers for the limited purpose of temporary storage to accommodate a move, a remodeling project, or the clean-up of a casualty loss, shall be permitted for a period of time not exceeding seven (7) days in any one calendar year.
3. Notwithstanding the provisions set forth above in subsection (B)(1), licensed and bonded contractors may use On-Site Storage Containers for the temporary location of an office, or the temporary storage of equipment, and/or materials during construction which is taking place on the property where the On-Site Storage Container is located, if the use of the On-Site Storage Container is authorized pursuant to a city building permit pursuant to subsection (c) below.

C. Permit Required For Temporary Placement. A building permit is required prior to placement of an On-Site Storage within City limits for any of the reasons outlined in Section (B)(2) and (B)(3), and is subject to the following provisions:

1. On-Site Storage Containers shall not be stacked above the height of a single container;
2. As a condition of placement, On-Site Storage Containers may be required to be fenced or screened from abutting properties and/or rights-of-way pursuant to the provisions of the underlying zoning regulations;
3. On-Site Storage Containers shall not occupy required off-street parking, loading or landscaping areas;
4. On-Site Storage Containers shall not be placed on right-of-way or in any other manner that creates a traffic visibility obstruction; and
5. Materials stored within Storage Containers are subject to inspection and approval by local and state fire officials.

D. Conflicts.

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the ordinances of the City, the terms and provisions of this section shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Wishek

City Ordinances shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

E. Violation – Fines, Removal and Impoundment

In addition to the fines for nonconformity with this Chapter which are delineated in section 6.65, the police department may remove or cause to be removed to the City Hall, or any other place within the City selected for storage purposes, any On-site Storage Container which has not obtained a permit pursuant to section 6.55.3(B)(2) or 6.55.3(B)(3), and may impound and retain the same, including all property contained therein, until the expense of removal, storage, and impounding is paid, together with the amount of any fine, costs, bail or other claims of the City against the owner, or any other person lawfully entitled to the possession thereof.

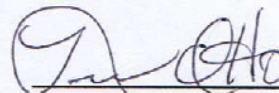
F. Severability Clause.

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

G. Effect on Use of On-Site Storage Containers Prior to Enactment Date.


This Ordinance shall become effective upon publication, and any pre-existing On-Site Storage Containers in place prior to said effective date shall be permitted as a non-conforming until such time as any structural alterations are made to the On-Site Storage Container or the On-Site Storage Container is moved by any amount.

PASSED by the City Council for the City of Wishek, North Dakota on the 5th day of November, 2018 by a vote of 5 voting for the ordinance, 0 voting against the ordinance, 1 absent from the vote, and 0 abstaining from the vote.



Les Otto, Mayor

ATTEST:



Mary Wald, City Auditor

First Reading: 10-1-18
Second Reading: 11-5-18



STATE OF NORTH DAKOTA

CITY OF WISHEK, NORTH DAKOTA

The foregoing instrument was filed for record in my office on the 28th
day of February, 2019, at 3:00 o'clock p M, and was
recorded in the Ordinance Book on page _____ thereof.

Mary Wald

City Auditor, Mary Wald

WISHEK STAR

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA

COUNTY OF MCINTOSH

MELANIE JENNER of said County and State, being duly sworn on her oath, says that The Wishek Star is a weekly newspaper of general circulation printed in Garrison, ND and published in the city of Wishek, ND. In said County and State, and is duly qualified to publish legal notices pursuant to the provision of the statute in such case be made and provided, and has been such newspaper at and all time hereinafter mentioned; that the undersigned is, and during all such time hereinafter mentioned has been an office manager of said newspaper; a has personal knowledge of all the facts in this affidavit and that the advertisement entitled:

Storage Container Ordinance

a printed copy of which is hereto attached, was printed and published in said newspaper for a period of 1 successive weeks in each and every number of the regular and entire issues of said paper on:

<u>10/17/2018</u>	_____ 20
_____ 20	_____ 20
_____ 20	_____ 20
_____ 20	_____ 20

Subscribed and sworn to before me this 28 day of Feb, 2019.

Melanie Jenner
OFFICE MANAGER, MELANIE JENNER

(Seal)

Joan Wishek

NOTARY PUBLIC IN AND FOR
MCINTOSH COUNTY, NORTH DAKOTA

JOAN WISHEK
Notary Public
State of North Dakota
My Commission Expires July 31, 2020

MY COMMISSION EXPIRES 20

RATES:

FIRST PUBLICATION

STRAIGHT MATTER 102 LINES @ .60 = 61.20

OPEN DISPLAY _____ COL. INCH @ _____ = _____

ADDITIONAL PUBLICATIONS

STRAIGHT MATTER _____ LINES @ _____

X _____ Insertions = _____

OPEN DISPLAY _____ COL. INCH @ _____

X _____ Insertions = _____

THE WISHEK STAR

PUBLIC NOTICE

Storage containers ordinance

The Wishek City Council met for a special council meeting on October 10, 2018, 5:00 pm. Mayor Otto calling the meeting to order and Councilpersons Jacobson, Pinke-VIA phone, Cooper, Welder, Dohn & Lipp answering roll call. Also present were Harley Brandner, Sandy Paulus, Jay Kamletz, Mike Hastings, Harley Vossler, Mike Martell, and per the Mayor's request County Commissioner Perry Turner.

Motion by Cooper 2nd by Dohn to accept Officer Matt Beehler's resignation (6-0).

Police department position opening and options were discussed. Perry Turner county commissioner discussed some of the options, issues, and concerns with contracting with the Sheriff's office for police services in Wishek.

Motion by Lipp 2nd by Dohn to begin the process to replace Officer Beehler, roll call vote Jacobson-y, Cooper-y, Dohn-y, Welder-n, Lipp-y, Pinke-y (5-1).

Motion by Pinke 2nd by Lipp to have the interview committee be Chief Tunheim, 3 area law enforcement officers and the Mayor, they will bring forward a candidate to the council, roll call vote Lipp-y, Welder-n, Dohn-y, Cooper-y, Jacobson-y, Pinke-y (5-1).

Motion by Cooper 2nd by Jacobson to offer single and family dental, vision insurance & holiday pay to employees, open to negotiation. Pinke moved to amend the motion 2nd by Cooper to get 3 quotes for dental and vision plus total cost and recommendation on holiday pay to be discussed at the November meeting, roll call vote on acceptance of amendment Jacobson-y, Cooper-y, Pinke-y, Dohn-y, Welder-y, Lipp-y (6-0). Roll call vote on amended motion Jacobson-y, Cooper-y, Pinke-y, Dohn-y, Welder-n, Lipp-y (5-1).

On a motion by Cooper 2nd by Lipp to adjourn the meet-

ing at 5:50 pm (6-0).

Attest:
Mary Wald, Auditor
Les Otto,
Mayor

Ordinance # 2

An Ordinance Amending Article 6.55 and the Subsections Thereof of the Ordinances for the City of Wishek, North Dakota by Renumbering 6.55, 6.55.1, and 6.55.2, and Adding Subsection 6.55.3, Use of Shipping Containers as Accessory Structures, 6.55.3

B. Restrictions on On-Site Storage Containers on Residential Properties.

1. No On-Site Storage Container shall be permitted except as where expressly permitted elsewhere in this section in any district of the City regardless of whether or not the On-Site Storage Container would otherwise be permitted as an accessory building.

6.65 Violations and Penalties

Any person who violates any provision of this ordinance or fails to comply with any of its requirements including the conditions for modification of use, building or structure shall upon conviction thereof forfeit up to \$500.00 per day and in addition pay all cost and expenses involved in the case. Each day such violation continues shall constitute a separate offense.