

(First Published in the Great Bend *Tribune* on May, 2017)

ORDINANCE NO. 340

**AN ORDINANCE OF THE CITY OF PAWNEE ROCK, KANSAS,  
REGULATING THE USE OF PORTABLE BUILDINGS AND  
INTERMODAL CONTAINERS ON A TEMPORARY AND PERMANENT  
BASIS WITHIN THE CITY; DEFINING TERMS; PROVIDING A  
SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

*BE IT ORDAINED AND ENACTED by the Governing Body of the City of Pawnee Rock, Kansas:*

**Section 1. PURPOSE.** The Governing Body finds that the use of portable buildings and intermodal containers ancillary for construction purposes or the storage of construction related items, for a limited time, is an appropriate use of such containers but the city council chooses not to allow such containers to be used for long term storage, or for human or animal habitation and hereby regulates the same. Because such containers are an attractive nuisance, the regulation and use of such containers within the city is appropriate. This Ordinance shall not apply to any business entity or corporation that wants to build, rent or sell portable building structures from a facility within the city, if such business employees at least three full time persons.

**Section 2. DEFINITIONS.** (a) As used herein the term "Portable Building or Structure" shall mean- any structure which meets any of the following criteria:

1. Is originally designed to be moved from place to place by any means whatsoever, whether on wheels, skids or otherwise.
2. Any structure which is not originally designed to be permanently attached to the real property on which it sets by means of a permanent foundation.
3. Any structure constructed on site so as not to allow all inspections required of site built structures provided for or required by the building code of the City of Pawnee Rock;
4. Any structure not having permanent water and sewer connections and/or proper utilities.
5. Any metal (50 percent or more) building or structure shall be presumed a portable building subject to the right of the person seeking to construct the same rebuts aid presumption by clear and convincing evidence of the permanency of said structure.
6. Structure means anything constructed or erected with a fixed location on the ground. This term " structure" shall include, but is not limited to small , buildings, sheds, or carports, truck or van trailers or bodies if detached from the cab of the vehicle and

placed on property to be used as a storage facility.

7. A mobile home as defined elsewhere in this code is not a portable building or structure for purposes of this ordinance.

8. Intermodal containers mean an enclosed rectangular containers primarily used for shipping goods and products, which are generally built of heavy gauge steel reinforced and using continuously welded steel frame construction, with fully vertical corrugated steel sides and end walls, marine grade plywood flooring or steel plate flooring, and hinged double doors with rubber gaskets. Intermodal containers are often identified as metal freight containers, storage containers, steel shipping containers, and cargo containers. Their size varies but the most common are 20, 40 or 53 feet in length. The containers are generally designed to be stacked for shipping purposes on trucks, trains or oceanic container ships.

**Section 3. PROHIBITED PORTABLE BUILDINGS OR STRUCTURES.** No portable building or structure that is used or intended to be used for a business or for habitation shall be placed located or assembled, or -converted into residential structure to be placed or located, on property within the legal boundaries of the City of Pawnee Rock. .

**Section 4. PERMITTED PORTABLE BUILDINGS OR STRUCTURES.**

(a) A portable building or structure may be allowed as an accessory use to buildings or residences under the following conditions:

1. An application for a permit to assemble, place or locate an accessory portable building or structure shall be made in writing on a form provided for by the City clerk and obtained at City of Pawnee Rock city office.

2. Said application form shall be completed and signed by the applicant and shall thereafter be filed with the City Clerk, together with the prescribed fees as set forth by the city.

3. Upon receipt of said applicant's form and fees, the City Clerk shall review the application for conformance to city ordinances, and applicable building codes. If upon review the City Clerk finds that the application for accessory building or structure has an adverse aesthetic, environmental, health, safety, or architectural impact upon the existing adjoin properties of the City, does not meet any federal, state or city building code, the Clerk may deny the Issuance of the permit before it is brought before the City Council for final approval.

**Section 5. APPEALS.** Any person aggrieved by a decision of the City Clerk may appeal to the City Council. The appeal shall be in writing and state informally what has occurred, the decision of any city official, and the remedy the aggrieved party seeks from the Council.

**Section 6. LAWFUL USES.** (a) Intermodal containers may be used by a licensed contractor during the building phase of construction within the city limits after obtaining a permit from the City of Pawnee Rock in the amount of \$25.00. The Permit shall indicate how many days the container or containers will be on the job site. The contractor may place the intermodal container or containers on the job site for a period not to exceed ten (10) days after completion of the job. Under this subsection, a licensed contractor may use an intermodal container for storage.

(b) Intermodal containers may be used for shipping purposes in the City of Pawnee Rock, Kansas. The intermodal container must be on a railroad car which must be on a viable railroad track, or said container must be on an operational truck or truck-trailer. If on a truck, the truck may not be parked in the city for more than 24 continuous hours.

(c) Intermodal containers may not be used as storage containers or where human beings or domesticated animals live. Such containers may not be modified in any way for use on any real estate property in Pawnee Rock, Kansas.

**Section 7. VIOLATIONS AND ENFORCEMENT.** (a) Any person, business, or corporation who violates this section, disobeys, omits, neglects, or refuses to comply with or resist the enforcement of any of the provisions of this ordinance shall be charged with a misdemeanor violation of this city ordinance and the same submitted to municipal court. If such person, business or corporation violating this section is adjudged guilty, the fine shall be not less than \$100.00 and no more than \$500.00. Each violation is a separate offence with a separate fine and court costs. Each day of violation that continues shall be deemed an additional and separate violation of this ordinance with a separate fine and court costs. Punishment may also include impoundment of the container or containers by the city.

(b) Any person found to be in violation or who refuses to comply with this ordinance shall be responsible for and pay all costs and expenses, including legal fees incurred

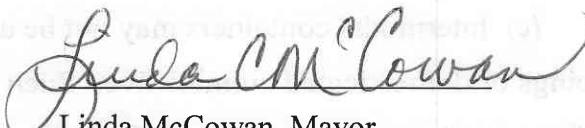
by the city enforcing this ordinance, and will be handled directly as a fine through the City Office or Municipal Court.

**Section 8. SEVERABILITY.** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation of this Ordinance.

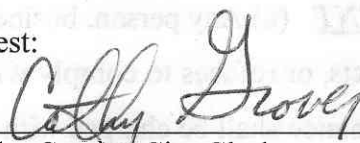
**Section 9. EFFECTIVE.** This Ordinance shall take effect and be in force from and after its publication in the official city newspaper or from and after compliance with K.S.A. 2012 Supp. 12-3007(b).

PASSED BY THE CITY COUNCIL OF THE CITY OF PAWNEE ROCK this 8<sup>th</sup> day of May, 2017.

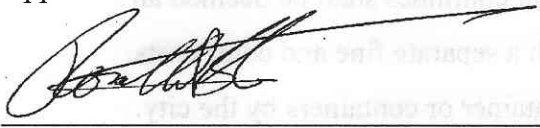
Approved by the Mayor

  
Linda McCowan, Mayor

Attest:

  
Cathy Grover, City Clerk

Approved As To Form

  
Ronald D. Smith, #9069  
City Attorney