

ORDINANCE NO. 977
AN ORDINANCE REGULATING THE PLACEMENT AND USE OF SHIPPING
CONTAINERS, TRAILERS AND SEMI-TRAILERS FOR USE AS ACCESSORY
BUILDINGS, STORAGE OR LIVING UNITS WITHIN THE CITY OF DOWNS,
OSBORNE COUNTY, KANSAS
Published December10, 2016

Be it Ordained by the Governing Body of the City of Downs:

Section 1. There is hereby created a new Article 7 of Chapter 4, titled “Shipping containers, trailers, and semi-trailer Regulations” to the Ordinance Code of the City of Downs, Kansas be created to read as follows:

Section 2. The Article 7 shall read as follows:

4-701. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following means unless the context otherwise requires:

- (a) Front Lot Line: the same definition as used in the Zoning Ordinance of the City of Downs, Kansas
- (b) Shipping container: reusable steel boxes used for inter-modal shipments or other steel boxes either with or without axles and wheels.
- (c) Semi-trailers: a detachable trailer for hauling freight, with wheels at the rear end, the forward end being supported by the rear of a truck tractor when attached, either with or without axles and wheels.
- (d) Trailer: a long box with wheels that is pulled behind a truck or car and used to transport things either with or without axles and wheels.
- (e) Yard, side or rear: the same definition as used in the Zoning Ordinance of the City of Downs, Kansas

4-702. RESTRICTIONS ON LOCATIONS. No person shall place or caused to be placed or use or permit the use of any shipping container, trailer or semi-trailer as an accessory building, storage building, or living unit in any zoned district except in Industrial or Highway Commercial Districts. If allowed in the District, the shipping container, trailer or semi-trailer must be located in either the side or rear yards, but no closer to the Front lot line as the principal building.

4-703. APPEARANCE AND MAINTENANCE. Any shipping container, trailer or semi-trailer must be painted in the same or complimentary color to the principal building. Words, murals or logos are not allowed.

4-704. BUILDING PERMITS. Before placement of any shipping container, trailer or semi-trailer a building permit must be obtained from the city clerk after approval by the chief building official or his or her duly authorized assistant.

4-705. ORDER OF VIOLATION. Whenever the city discovers or it is brought to the city’s attention, in writing, that there is a shipping container, trailer or semi-trailer located in a district where it is prohibited, the city clerk shall cause written notice to be served upon the owner of the property on which the shipping container, trailer or semi-trailer is located by registered mail or by personal service. Such notice shall state that the shipping container, trailer or semi-trailer shall be removed within 10 business days of receipt of notice.

4-706. VIOLATION: REMOVAL OR ABATEMENT. If the owner or occupant of the of the property fails to comply with the order to abate and remove the shipping container, trailer or semi-trailer within 10 days from receipt of the notice to abate, the city may have such work done and the cost and expense of such work shall be paid by the owner of the property.

4-707. COSTS ASSESSED. If the city abates or removes the shipping container, trailer or semi-trailer pursuant to section 4-706, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested or by personal service, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the shipping container, trailer or semi-trailer was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

Section 3. This ordinance shall take effect and be in force from and after its publication in the official newspaper of said City, all as provided in K.S.A. 15-427.

Passed by the City Council this 21st day of November, 2016.

Approved by the Mayor on the 21st day of November, 2016.

Jennifer Brush, Mayor

ATTEST:

Vickie Oviatt, City Clerk