

## ORDINANCE #2019-2

### AN ORDINANCE REGULATING THE PLACEMENT OF INTERMODAL CONTAINERS UPON PUBLIC AND PRIVATE PROPERTY IN THE TOWN OF SAGUACHE COLORADO

WHEREAS, the Town Clerk of the Town of Saguache has received inquiries from Town citizens who have either placed intermodal containers (also known as “storage/shipping containers”) on their property, desire to do so or desire to have such placement regulated; and

WHEREAS, the placement of such containers may negatively affect residential and business property values, and cause harm to the aesthetic beauty and pleasure of the Town of Saguache as a small mountain community; and

WHEREAS, the Town Board of Trustees passed Ordinance 2018-E on July 9, 2018 – which imposed a six (6) month moratorium upon the further placement of such containers within the Town to allow the Town Board of Trustees time to study the effect of placement of such containers in the Town and thereafter extended the moratorium for an additional six (6) months until June 10, 2019 and on May 30, 2019 extended the moratorium through September 10, 2019; and

WHEREAS, the Town Board of Trustees has recognized that regulations are necessary in order to protect the health, welfare, and safety of Town residents and businesses.

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Saguache that Article 2 (Regulations) of Chapter 15 – Land Use Regulations of the Saguache Municipal Code be amended by addition of the following Section:

#### **Sec. 15-2-110 Intermodal, Storage/Shipping Containers**

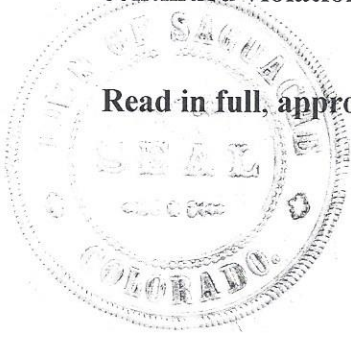
- (a) Definition – *Intermodal Container, also known as Storage/Shipping Container* means a metal, fiberglass, or similar unit designed for intermodal freight transport, used for different modes of transport – including ship, rail, and truck – without unloading and reloading their cargo. Intermodal Containers shall not be confused with sheds, storage sheds whether metal or other material, or metal tool boxes, or containers. This definition applies to all such containers regardless of size.**
- (b) Size – This ordinance shall affect any and all sizes of Intermodal Containers.**
- (c) Setback Requirements: Storage Containers shall abide by the same provisions of setback requirements for buildings set forth in Sec. 15-6-30 of the Saguache Municipal Code. Such Containers shall not be placed in the front yard of any industrial, commercial, or residential**

areas. Such containers must be placed in back yards. If the lot cannot accommodate an intermodal container in the back yard the building permit shall not be approved.

- (d) Intermodal Containers shall be of colors compatible with the industrial, commercial, or residential areas upon which they are placed.
- (e) Intermodal containers, shipping /storage containers of any size or configuration shall not be allowed to be placed on private property within the boundaries of the Town of Saguache, unless it meets the following criteria:
  - 1. *Containers must be painted in color that is the same color palate as the residential or business structure.*
  - 2. *Containers shall not have signage or advertising.*
  - 3. *Containers shall be placed in accordance with current setbacks and criteria as specified in Chapter 15 – Land Use Regulation of the Saguache Municipal Code.*
- (f) Intermodal containers, shipping /storage containers shall not be placed on public streets or rights-of- way and, if so placed, shall be subject to immediate removal and impoundment by the Town.
- (g) Intermodal containers, shipping /storage containers can be temporarily placed on private property for the purpose of construction with appropriate permits. If placement exceeds 90 days, property owner may apply for an extended permit, not to exceed one (1) year.
- (h) Intermodal containers placed on private property prior to the adoption of this ordinance shall be removed as planned if designated as a temporary placement by agreement between the owner and the Town via the Town Clerk of Deputy Clerk. Any intermodal container placed on private or public property prior to this ordinance and deemed to be a permanent addition to said property or as a part of a land lease agreement with the Town shall be removed within one year from said property if not brought into compliance with this section.

**Health and Safety Clause:** The placement of intermodal containers in the Town of Saguache is found to have a significant impact on public health, safety, and welfare due to the visual, aesthetic, and property values which may be occasioned by inappropriate placement of such units in the Town and this ordinance shall therefore become effective upon passage by the Town Board of trustees.

**Penalty – Any person who violates the provisions of this ordinance shall be subject to a fine not exceeding two thousand, six hundred and fifty dollars (\$2,650.00). Each day of continued violation shall be considered a separate offense.**



**Read in full, approved and adopted** this 12<sup>th</sup> day of August, 2019.

Elvie M. Samora  
Elvie Samora, Mayor

Iris Garcia  
Iris Garcia, Town Clerk

APPROVED AS TO FORM:

Eugene L. Farish  
Eugene L. Farish, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the 12<sup>th</sup> day of August, 2019, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on August 22, 2019.

Iris Garcia  
Iris Garcia, Town Clerk