ORDINANCE NO. 2026-6

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ELKHART, IOWA BY ADDING CHAPTER 154, PERTAINING TO TEMPORARY STORAGE CONTAINERS

Be It Enacted by the City Council of Elkhart, Iowa that

SECTION 1. Chapter 154 of the Elkhart City Code is hereby added as follows:

154.01 PURPOSE. The purpose of this chapter is to regulate the placement within the City of certain On-Site Storage Containers that are designed and intended to be used for commercial storage, or for the transportation of goods or other cargo, in order to protect the public health, safety, and welfare, and promote aesthetics on residential properties in the City of Elkhart.

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

1. Any container or vessel designed for or used in the packing, storage, shipping, movement or transportation of cargo, freight, goods, equipment, or commodities; and/or

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;

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, that are currently being utilized for the storage of goods and materials.

154.03 RESTRICTIONS ON ON-SITE STORAGE CONTAINERS ON RESIDENTIAL PROPERTIES.

1. An On-Site Storage Container shall not be considered to be an "Accessory Building" under Chapter 165.

2. No On-site Storage Container shall be permitted in any residentially-zoned district of the City, or on any property within the City used for residential purposes.

3. Notwithstanding the provisions set forth in subsection (1) of this section, the temporary placement of storage containers and/or portable On-Site Storage Containers on residentially-zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 14 days in any one calendar year or for longer periods only as long as a permit is obtained pursuant to the requirements of §154.04.

4. Notwithstanding the provisions set forth in subsection (2) of this section, licensed, insured 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 cargo container is located, if the use of the cargo container is authorized pursuant to a City permit under §154.04 below.

154.04 PERMIT REQUIRED.

1. A building permit is required prior to placement of an On-Site Storage Container larger than 200 square feet in area. The proposed On-Site Storage Container must be accessory to the permitted use of the property and shall meet the setback requirements of the underlying zone.

2. A permit will be required for temporary storage containers in accordance with subsection 154.03 above. Permits will be available at City Hall and must be approved by the building inspector prior to placement of the temporary Storage Container.

3. In the event the On-Site Storage Container is to be used by a licensed and bonded contractor 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 cargo container is located, residential or otherwise, a special permit may be issued by the City building inspector for the time period required for the project.

4. Storage Containers shall not be stacked , except within a light industrial zone, and only in the rear yard of the property and then only double stacked

5. On-Site Storage Containers shall be kept free of all alpha-numeric signage, advertising and writing other than to identify the owner of a leased storage container.

6. 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 or the requirements, judgment and discretion of the building inspector.

7. Pursuant to the requirements of the license, on-Site Storage Containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.

8. On-Site Storage Containers shall not occupy required off-street parking, loading, or landscaping areas.

9. Materials stored within Storage Containers are subject to inspection and approval by local and state fire officials for fire and explosive safety and the building inspector for any environmental concerns.

154.05 CURRENT VIOLATIONS. All owners of property within the City shall have 120 days from the effective date of the Ordinance codified in this chapter to bring properties which currently contain On-Site Storage Containers that are in violation of the terms of this chapter, into full compliance. Containers that are not in compliance with this chapter after 120 days from the effective date of this Ordinance will not be considered under any "grandfathered" protection or rights and will be subject to all sanctions under the Code of Ordinances including removal.

154.06 CONFLICTS. In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Elkhart City Code or other ordinances of the City, the terms and provisions of this chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Elkhart City Code or other ordinance of the City shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

154.07 VIOLATION – PENALTIES. A violation of the provisions of this Chapter shall be deemed to be a municipal infraction pursuant to Iowa Code §364.22, and subject to enforcement and remedial action as permitted thereunder.

SECTION 2. 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.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect upon its final passage, approval and publication as provided by law.

Passed by the City Council of Elkhart, Iowa this 19 day of October, 2026 and approved this 19 day of October, 2026.

John M Kaczmarczyk

Mayor John M. Kaczmarczyk

Attest: Debra J Nabity

Debra J. Nabity, City Clerk

INCORPORATED JULY 15 CITY ELKHART IOWA