

ORDINANCE 1422

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.64.220 RAILROAD BOXCARS/MOTOR VEHICLE CARGO CONTAINERS, IN CHAPTER 17.64 OF TITLE 17, BY ADDING NEW SUBSECTIONS A AND B, DEFINING DURATION AND TIME LIMITS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Section 17.64 of Title 17, Chapter 17.64.220 of the Payette Municipal Code is hereby amended as follows:

Chapter 17.64 PERFORMANCE STANDARDS

17.64.220: RAILROAD BOXCARS/MOTOR VEHICLE CARGO CONTAINERS:

Railroad boxcars, motor vehicle cargo containers, old unoccupied mobile or manufactured homes or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the city for storage or other purposes are specifically prohibited from being located within any district within the city or the area of city impact except if utilized on a short term basis as follows: not to exceed three (3) months for construction purposes. Placement of a storage container may be authorized by a conditional use permit.

- A. Portable storage containers used for moving household contents in or out of a residence shall be allowed for a maximum of thirty (30) days in any one calendar year and shall only be located on a driveway or other paved area on private property.
- B. A construction storage container shall not be located on any property for more than six (6) months in any twelve (12) month period, measured continuously from the day the container is first placed. The Building Inspector or designee may grant extensions of up to six (6) months, but only if it is determined that:
 - 1. The storage container is located on a site with an active building permit.
 - 2. The storage container is a necessary part of the construction process.
 - 3. Not be allowed in the public right of way.
 - 4. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.
 - 5. The storage containers shall be removed prior to the granting of a certificate of occupancy.
- C. In the event that an applicant desires to place a railroad boxcar/motor vehicle cargo container that is not permitted by sections A or B above, then said applicant is allowed to apply for a Conditional Use Permit.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 6. Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the state of Idaho. Each day a violation is allowed to exist shall be a separate violation.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 22nd day of February, 2017.

CITY OF PAYETTE, IDAHO

BY _____

Jeffrey T. Williams, Mayor

ATTEST:

City Clerk