

ORDINANCE NO. 1053

Prohibits Permanent Erection or Placement of Certain Portable Structures in Residential Districts but Allowing Placement in Business and Industrial Zones Under Certain Conditions and Allowing a Temporary Permit for Such Use in all Zones.

Amends Ordinance No. 937

This ordinance repeals and replaces ordinance number 937 in part; prohibiting the permanent erection or placement of certain portable structures within the residential zoning districts of Smith Center, Kansas, which structures are intended to be used for storage but which were not originally designed for such use, allowing permanent placement in the business and industrial districts under certain conditions, and allowing temporary permits for use of said structures as approved.

Whereas, the governing body of the City of Smith Center, Kansas, has the right to define the types of buildings which shall, or shall not, be erected on private property in the residential zoning districts within the corporate limits of said City, and

Whereas, grain bins are intended to be used for storage of grain and railroad boxcars, trailers from highway tractor/trailer units, or shipping containers for transportation and shipping of goods over water, are intended for transportation on highways, waterways, oceans, and railroads and these items would be unsightly and would detract from the character and appearance of residential or commercial areas of said City if said items are allowed to accumulate on, or be placed in, residential or commercial areas of said City, for any purpose other than their original intended use, including but not limited to, storage of personal items, storage of equipment or housing of animals, and Whereas, "residential and business/industrial districts" shall be defined as set forth in the zoning ordinances of this city.

Now, therefore, be it ordained by the Governing Body of the City of Smith Center, Kansas:

Section 1. No person or corporation shall be allowed to place upon any private property within the residential districts of this City, any tractor/trailer unit or any part thereof, railroad car or grain bin or shipping box or container which is to be used for any purpose other than the purpose for which it was originally manufactured and specifically, no person or corporation, landowner or other person shall use such items for storage within the limits of said City.

Section 2. Penalties. Any person found to be in violation of this Ordinance shall, upon conviction in the Municipal Court of Smith Center, Kansas, pay a fine not to exceed \$500.00 for each offense, plus court costs, and shall immediately remove the offending structures from said property. Each day said structure remains in place shall be considered a separate offense.

Section 3. Exceptions. This ordinance shall not apply to any commercial business which is located in any business or industrial district of said City, provided the container is placed and utilized subject to the following conditions;

- (1) Containers shall not be placed in a manner that impedes access to public right-of-way's, public utility or drainage easements, adjacent structures or buildings;
- (2) Containers shall be safe, structurally sound, in good repair, and placed on a stable surface;

- (3) All signage on the container shall be removed and the container painted on earth tone color or a color compatible with the adjacent surrounding properties or the container shall be sided with a siding material compatible with the surrounding environment and adjacent structures. The painting or siding shall occur within 30 days of placement of the container;
- (4) Any container that becomes unsound, unstable, blighted, or otherwise dangerous, as determined by the public officer, shall be immediately repaired or removed by the property owner;
- (5) Stacking of containers is prohibited;
- (6) Units shall not be connected to utility services, except for electricity, nor shall any other utility service be utilized within a container;
- (7) Units placed upon property in the City of Smith Center at the time of adoption of this article which do not conform to the requirements set forth in this article shall be required to meet the adopted requirements within ninety (90) days of adoption

Section 4. Temporary Use Permits. Notwithstanding the provisions set forth in Section 1 of this ordinance, any person or legal persons may use shipping containers on a temporary basis, if the use of the shipping container is authorized pursuant to an approved city temporary use permit.

(a) use of transport containers and/or portable site storage containers for temporary use are allowed in all zoned districts so long as the use of the Storage/Shipping Containers meets one or more of the following uses:

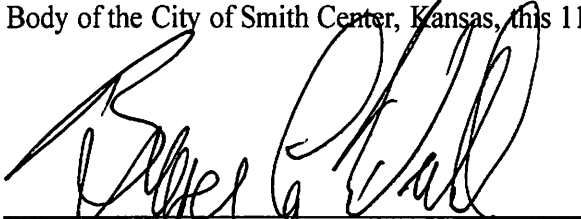
- (1) At a construction site for the duration of the construction project;
- (2) Natural disaster recovery and/or clean-up;
- (3) Relocation purposes for a residence or commercial business

(b) if any person or legal persons seeks approval for temporary use of shipping containers and/or portable site storage containers within the City Limits for any reason, an application for a Temporary Use Permit must be sought. Any such Temporary Use Permit:

- (1) Will be reviewed and granted at the discretion of the City Council;
- (2) Shall not exceed 120 days;
- (3) The cost for any resulting Temporary Use Permit is \$20.00 per month of time requested, payable in full and in advance of permit issuance; and
- (4) Each applicant, and each location, is restricted to one such Temporary Use Permit per calendar year.

This ordinance shall be in force and shall be effective following its publication in the Smith County Pioneer.

Passed and approved by the Governing Body of the City of Smith Center, Kansas, this 11th day of May, 2026.



Bryce Wiehl, Mayor

ATTEST:



Brittany Niles, City Clerk