

**Ordinance No. 594**

**An ordinance establishing a new Chapter 6 to Title 10 of the Akron Municipal Code, governing the use and placement of shipping containers with the Town of Akron, Colorado, requiring a permit for the placement of such containers, and providing for a fine for violations of the ordinance**

WHEREAS, the Town of Akron, in the County of Washington, State of Colorado, hereinafter referred to as the “Town,” is a body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

WHEREAS, Colorado Revised Statutes, § 31-23-301 gives the governing bodies of municipalities authority to regulate buildings and structures within their municipal boundaries; and

WHEREAS, Colorado Revised Statutes, § 31-15-401 gives the governing bodies of municipalities authority to declare and regulate nuisances within their municipal boundaries for the necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Board has determined that it is necessary and proper to enact the following requirements regarding the placement of shipping containers with the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF AKRON, COLORADO:

That the following Chapter 6 to Title 10 titled “Shipping Containers” is hereby added to the Akron Municipal Code:

**10-6-1: DEFINITIONS:**

A. Shipping Containers: Detachable prefabricated reusable containers intended for transporting cargo, commonly known as cargo containers, storage containers, transport containers (truck, rail, or marine cargo containers), or Conex. Shipping containers are self-contained without axles or wheels. Shipping containers may be allowed as buildings in the Town of Akron, subject to the requirements and conditions contained in this Chapter 6.

B. Residential Property: Property zoned as AA Residence, A Residence, B Residence, C Residence, Ranchette, or Mobile Home Park.

C. Commercial and Industrial Property: Property zoned as Business and Commercial or Industrial.

D. Slab: A flat and solid foundation constructed of concrete or similar material, typically used as a base for the placement of shipping containers or other structures within the Town of Akron. Slabs provide stability and support, ensuring the proper placement and securement of containers on properties subject to the regulations outlined herein.

E. Parcel: Any lot or contiguous group of lots owned by the same person, persons, or entity.

F. Portable/Rental Container Business: A business that leases or sells containers that are transported to another site.

G. Self-Service Storage Facility: Real property designed for renting or leasing individual storage space to occupants for storing and removing personal property. Not a public warehouse.

H. Semi-Truck Trailer: A mobile trailer towed by a truck or tractor, including dry van trailers and refrigerated van trailers, with or without a chassis, axles, and wheels. Includes box trailers.

#### **10-6-2: RESIDENTIAL ZONE AS A PERMANENT USE:**

A single shipping container is allowed in all residential zones for permanent use subject to the conditions set forth in this Section 10-6-2. Failure to comply with any of the conditions, in the sole subjective discretion of the Town Manager or their designee, shall be grounds for immediate revocation of any permit issued under Subsection (K) of this Section 10-6-2.

A. The shipping container shall be placed on a flat, level, and stable surface (e.g., slab, footings, hard-packed soil).

B. Each residential zone permits up to three (3) accessory buildings, including a garage. Only one (1) container is allowed, and shall be counted as one (1) accessory building.

C. Limit of one (1) container per lot, unless under a building permit for habitation or attachment to a permanent structure is obtained from the Town.

D. Shipping container must be on the same lot as the principal structure and included in lot coverage calculation of open and built space as specified in the Akron Municipal Code.

E. Stacking of shipping containers is prohibited unless permitted for habitation. No other materials may be stacked on shipping containers except for optional roofs.

F. All structures, including shipping containers, must be finished neatly and resemble or be compatible with principal structures.

G. Shipping container placement requires approval from the building inspector and must not impair driver visibility.

H. Shipping containers must be placed at a distance from the street equal to or greater than the primary structure's setback.

I. All shipping containers placed within a residential zone must be screened from public rights-of-way and adjacent properties, to provide a visual barrier from the street/streets. A 75% screening visibility, six feet in height must be erected to screen the entire container. Permitted forms of screening are permanent enclosures, using brick, stone, or similar material; permanent fence or wall; landscaping and berming; or any combination thereof. Chain-link fencing shall not be used for required screening. Containers are to be placed on the lot in a manner that minimizes their visual impact on adjacent properties.

J. Shipping containers cannot be placed on vacant land in a residential zone.

K. A building permit is required for shipping container placement. Applicants must provide a plat showing lot dimensions and shipping container size with their application.

L. If shipping containers are to be attached to each other or to another structure, the permit application must include a site plan and foundation details.

M. Moving an unattached shipping container requires a new building permit application and Town approval.

N. Semi-truck trailers are not allowed for storage, unless a temporary permit is obtained from the Town. Such temporary permit shall be limited to thirty (30) days.

#### **10-6-3: SPECIAL REVIEW; VARIANCE:**

Special review may permit more than one (1) container in residential zones, subject to approval from the Town Board of Adjustment, and subject to the following conditions:

A. Applications for review must be submitted with a building permit at least thirty (30) days before scheduled placement.

B. Shipping containers must be placed a minimum of three (3) feet apart, unless permanently attached.

C. Approval is valid for one (1) year, after the permit is void.

#### **10-6-4: COMMERCIAL AND INDUSTRIAL ZONE AS A PERMANENT USE:**

Up to three (3) shipping containers are allowed in commercial and industrial zones for permanent use subject to the conditions set forth in this Section 10-6-4. Failure to comply with any of the conditions, in the sole subjective discretion of the Town Manager or their designee, shall be grounds for immediate revocation of any permit issued under Subsection (J) of this Section 10-6-4.

A. The shipping container shall be placed on a flat, level, and stable surface (e.g., slab, footings, hard-packed soil).

B. Each commercial and industrial zone permits up to three (3) accessory buildings, including a garage. Three (3) shipping containers are allowed, counted as one (1) accessory building, per container.

C. Limit of three (3) shipping containers per lot, unless under a building permit for habitation or attachment to a permanent structure.

D. Shipping containers must be on the same lot as the principal structure and included in lot coverage calculation.

E. Stacking of shipping containers is prohibited unless permitted for habitation. No other materials may be stacked on containers except for optional roofs.

F. All structures, including shipping containers, must be finished neatly and resemble or be compatible with principal structures.

G. Shipping container placement requires approval from the building inspector and must not impair driver visibility.

H. Shipping containers must be placed at a distance from the street equal to or greater than the primary structure's setback.

I. Shipping containers placed on vacant land must be placed on the rear half of the property, as determined by the Town. Containers must be the same color if multiple containers are placed on a vacant lot.

J. A building permit is required for shipping container placement. Applicants must provide a plat showing lot dimensions and shipping container size with their application.

K. If shipping containers are to be attached to each other or to another structure, the permit application must include a site plan and foundation details.

L. Moving an unattached shipping container requires a new building permit application and Town approval.

M. Semi-truck trailers are not allowed for storage, unless a temporary permit is obtained from the Town. Such temporary permit shall be limited to thirty (30) days.

**10-6-5: SELF-STORAGE FACILITIES USING CARGO CONTAINERS FOR PERMANENT USE:**

In zones that allow self-storage as a use by right, more than three (3) shipping containers may be allowed for self-storage businesses, subject to the conditions set forth in this Section 10-6-5. Failure to comply with any of the conditions, in the sole subjective discretion of the Town Manager or their designee, shall be grounds for immediate revocation of any permit issued under Subsection (H) of this Section 10-6-5.

A. The shipping container shall be placed on a flat, level, and stable surface (e.g., slab, footings, hard-packed soil).

B. Shipping containers must not be stacked.

C. No additional materials may be stacked on top of shipping containers, except for an optional roof, which must be built in accordance with the other requirements of the Akron Municipal Code, including its adopted building code.

D. Shipping containers must resemble each other and must be the same color.

E. Shipping containers must be placed only in approved designated areas, with approval obtained of the building inspector before installation.

F. Shipping containers shall not be placed so as to impede the visual safety of drivers from the road.

G. If more than one shipping container is placed on the same lot, each shipping container must be positioned a minimum of three (3) feet apart from each other to ensure safety. Shipping containers placed closer than three (3) feet must be permanently attached to each other. No variance from this requirement shall be allowed.

H. A building permit is required for shipping container placement. Applicants must provide a plat showing lot dimensions and shipping container size with their application.

### **10-6-6: TEMPORARY USE OF CONTAINERS IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES:**

Temporary use of shipping containers is permitted in all zones, subject to the following conditions:

A. Temporary Use for Loading, Unloading, or Construction Purposes. Up to three (3) shipping containers are allowed on residential, commercial, and industrial properties for a temporary period not exceeding sixty 60 days, specifically for loading and unloading household contents or for construction purposes. The following conditions apply:

1. A temporary permit must be obtained from the Town Clerk's Office at least fifteen (15) days prior to placing any shipping container.
2. Shipping containers shall not be situated closer than five (5) feet to any side or rear lot line, and at least fifteen (15) feet from the front lot line.
3. For safety reasons, shipping containers shall not be placed on any street or alley unless a temporary permit is first obtained through the Town Clerk's Office. The Town Clerk has sole discretion to deny a request for temporary permit if, in the Town Clerk's sole subjective discretion, the requested placement of a shipping container in a street or alley would be unsafe.

B. Temporary Placement on Construction Sites. Up to three (3) shipping containers may be temporarily placed on a construction site in all zones for storage related to an active construction or remodeling project, subject to the following conditions:

1. A building permit must be obtained for the construction site, and the permit must remain valid. Shipping containers shall be removed promptly once construction is completed or when the building permit expires, whichever occurs first. A separate sixty (60) day permit shall not be required.
2. A temporary permit for shipping container placement must be obtained from the Town Clerk's Office.
3. Shipping containers shall not be placed on any street or alley unless required by the Town.

### **10-6-7: PERMANENT USE OF TEMPORARY STORAGE CONTAINERS:**

A business operating within the Town of Akron that utilizes shipping containers for their operations, and regularly moves shipping containers on and off its property for construction or other business purposes, the shipping containers may maintain such shipping containers at their business location, with a certificate of exemption from the Town Clerk's office. The Town Clerk shall have discretion to grant or deny any request for a certificate of exemption.

Upon issuance of the certificate of exemption, the business is permitted to use the container in accordance with the zoning regulations applicable to their property. If the business ceases operations the certificate of exemption shall be considered expired, and any shipping containers must be removed from the property. The Town Clerk reserves the right to revoke any certificate of exemption issued hereunder at the Town Clerk's discretion.

**10-6-8: PREVIOUSLY PLACED CONTAINERS:**

All shipping containers placed within the Town of Akron prior to the effective date of this ordinance are exempt from its requirements. However, any relocation, movement, or change in the character of any previously placed shipping containers shall require Town approval and compliance with the requirements of this Chapter 6.

**10-6-9: VIOLATIONS; PENALTIES:**

A. Violations Prohibited: It shall be unlawful for a person, firm or corporation to place or maintain any shipping container within the Town, or cause or permit the same to be done, in violation of this Chapter 6, Title 10 of the Akron Municipal Code, or in violations of any other ordinance of the Town.

B. Penalty Imposed: Any person, firm or corporation who shall violate any of the provisions of this Chapter 6, Title 10 of the Akron Municipal Code shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable as provided in section 1-4-1 of this Code. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

C. Nuisance; Removal Of Prohibited Condition: Any shipping container placed within the Town in violation of this Chapter 6, Title 10 of the Akron Municipal Code is hereby declared a nuisance, which may be abated pursuant to Chapter 1, Title 5 of the Akron Municipal Code. The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

Following adoption, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Akron book of ordinances. This Ordinance shall take effect thirty (30) days after publication as required by law.

First Reading: September 3, 2024  
Second Reading: October 7, 2024  
Adopted this 11th day of October 2024

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Mayor Brandon Hill

[ S E A L ]

ATTEST: \_\_\_\_\_  
DENCIA RAISH, CMC  
Town Clerk