

ORDINANCE NO. 2009-07-17

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE LANCASTER CODE OF ORDINANCES BY REPEALING SECTION 3.6002(a) AND REPLACING IT WITH A NEW PROVISION LIMITING THE APPLICATION OF CARGO CONTAINER REGULATIONS TO DISTRICTS ZONED AS RESIDENTIAL OR AGRICULTURAL UNDER THE CITY'S COMPREHENSIVE ZONING ORDINANCE; PROVIDING A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, cargo containers are routinely used during the construction or remodeling phase of work in commercial and industrial areas; and

WHEREAS, cargo containers, while having a valid temporary construction purpose, are occasionally placed in residential districts which proves to be unsightly; and

WHEREAS, the City desires, in order to protect the health, safety and welfare, to regulate and provide for the use of such cargo containers in districts zoned for residential and agricultural use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

SECTION 1. That Chapter 3, Building Regulations, Article 3.600 of the Lancaster Code of Ordinances be, and the same is, hereby amended by amending Section 3.6002(a), Cargo Container Use, which shall hereinafter read as follows:

“.....

Sec. 3.6002. Cargo Container Use.

(a) No person shall store, maintain or otherwise retail a cargo container on any lot or property in a district zoned for residential or agricultural use under the City's Comprehensive Zoning Ordinance without first having obtained a permit issued by the City Manager or his designee. The provisions under this Article shall not apply to any lot or property located within a LanPort Zoning District, a district zoned for commercial, industrial or manufacturing use, or for any retail establishment in excess of ten thousand square feet (10,000 square feet).”

SECTION 2. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

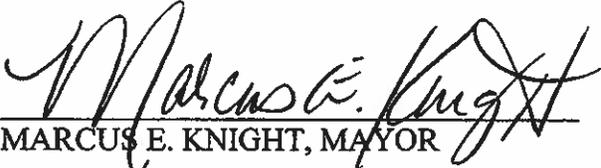
SECTION 3. If any article, paragraph or subdivision, clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Five Hundred (\$500.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5. This Ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

DULY PASSED by the City Council of the City of Lancaster, Texas, on the 13th day of July 2009.

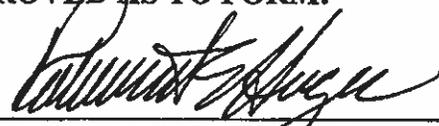
APPROVED:


MARCUS E. KNIGHT, MAYOR

ATTEST:


DOLLE K. SHANE, CITY SECRETARY

APPROVED AS TO FORM:


ROBERT E. HAGER, CITY ATTORNEY
(REH/krl 05/28/09)