

**CITY OF HUTCHINS  
ORDINANCE NO. 2024-11-1201**

**AN ORDINANCE OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, TITLED “BUILDING REGULATIONS”, BY ADDING ARTICLE 3.15, TITLED “PORTABLE STORAGE CONTAINERS AND SHIPPING CONTAINERS”; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in an effort to create more affordable housing, some property owners have recently started converting portable storage containers and shipping containers into residential housing and long-term storage units; and

**WHEREAS**, portable storage containers and shipping containers are not constructed to serve as long term storage or living quarters and construction of such containers is not regulated; and

**WHEREAS**, because portable storage containers and shipping containers are typically used to transport materials, chemicals, goods and/or products by ship, rail, and truck many contain high levels of chemical residue and are coated in lead-based paint; and

**WHEREAS**, the City Council has determined that it is in the public’s best interest to prohibit portable storage containers and shipping containers from use in residentially zoned areas.

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

**SECTION 1.** That the City of Hutchins Code of Ordinance is hereby amended by amending Chapter 3 titled “Building Regulation,” by adding a new Section 3.15 titled “Portable Storage Containers and Shipping Containers” to read as follows:

**“CHAPTER 3  
BUILDING REGULATIONS**

...

**ARTICLE 13.15      PORTABLE      STORAGE      CONTAINERS      AND      SHIPPING  
CONTAINERS**

...

§ 3.15.001      Applicability.

The provisions contained in this article shall apply to portable storage containers and shipping containers that are intended to be used for human habitation and long-term storage units.

§ 3.15.002      Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings described in this section. Where terms are not defined in this section, and are defined in other adopted ordinances, such terms shall have the meaning as described to them as in those ordinances. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings as the context implies.

- (a) *Portable storage container* is a container, usually of metal or metal-framed construction, designed and used for the storage of personal or business property of a non-hazardous nature that can be moved from location to location. Containers are typically rented or leased to owners or occupants of property for their temporary use and are typically delivered and removed by truck. Sample proprietary portable storage container companies include but are not limited to, PODS, PACK-RAT, UPack and SMARTBOX.
- (b) *Shipping container* is an industrial container with a design strength suitable to withstand continuous shipment, storage, and handling for the movement of materials, chemicals, goods, and/or products, in repetition, from one place to the next by ship, rail or truck.

§ 3.15.003      Condition and maintenance.

Portable storage containers and shipping containers shall be delivered and maintained in good condition, free from rodents, insects, rust, graffiti, and obscene words or pictures. It shall be the responsibility of the property owner or occupant and the supplying company to maintain each container in accordance with the provisions of this section.

§ 3.15.004      Placement and duration of use.

A container may be placed on a driveway or other approved pavement for a period not to exceed seven days, provided the container is not located within or blocking any public right-of-way or access easement, public sidewalk, or impairing traffic visibility. A container may not be placed on the same property more than three non-consecutive times in a one-year period.

§ 3.15.005      Other uses.

No person shall place, use, or permit the use of a portable storage container or a shipping container as a building, accessory building, or living unit for any type of occupancy in any zoning district in the City of Hutchins.

§ 3.15.006      Temporary construction sites.

Portable storage containers and shipping containers may be used as storage containers at temporary construction sites within the City of Hutchins for the duration of the construction job.

**SECTION 2.** That all provisions of the ordinances of the City of Hutchins in conflict with the provisions of this ordinance be, and the same are hereby repealed and that all other provisions of

the ordinances of the City of Hutchins not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Hutchins, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 4.** That if any article, paragraph, subdivision, clause or provision of this ordinance as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

**SECTION 5.** That any person, firm or corporation violating any of the provisions of this ordinance as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Hutchins, Texas, shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$2000.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

**IT IS ACCORDINGLY SO ORDAINED.**

**DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS ON THIS THE 18<sup>TH</sup> DAY OF NOVEMBER 2024.**

**CITY OF HUTCHINS, TEXAS**

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Mario Vasquez, Mayor

**ATTEST:**

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Cynthia Olguin, City Secretary

**APPROVED AS TO FORM:**

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Joseph J. Gorfida, Jr., City Attorney  
(CGM:10.7.24:4885-2347-3133 v1)