

PREPARED BY:
CITY OF LEAD
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ORDINANCE #1114-24
AN ORDINANCE MODIFYING
LEAD CITY ORDINANCES TITLE XV, LAND USAGE

BE IT ORDAINED by the City Commission of the City of Lead that, pursuant to SDCL 9-19, Lead Ordinance Title XV, Chapter 157, Portable Storage Containers be added to read as follows:

CHAPTER 157: PORTABLE STORAGE CONTAINERS

Section

- [157.01](#) Purpose and Intent.
- [157.02](#) Definitions.
- [157.03](#) Permitted Temporary Placement of PSCs.
- [157.04](#) Permitted Permanent Placement of PSCs.
- [157.05](#) Exemptions from this Chapter.
- [157.99](#) Penalty

§ 157.01 PURPOSE AND INTENT.

The unregulated use, maintenance, and placement of portable storage containers (PSC's) within the city create potentially unsightly and incompatible conditions. The following regulations are established to allow the use of PSCs that allow residents and business owners flexibility in their use, with reasonable limits to promote compatibility with adjoining land uses.

§ 157.02 DEFINITIONS.

For this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) *Conform*. To be similar in form or type

(B) *PSC*. Standardized prefabricated metal structures originally designed for, or used in, the packing, storage, shipping, movement or transportation of cargo, freight, goods, equipment, or commodities. The **PSC** is fully enclosed with a floor, walls, ceiling, and a sealed door to withstand harsh environmental conditions and is transported from place to place by being loaded on a flatbed trailer.

§ 157.03 PERMITTED TEMPORARY PLACEMENT OF PSCs.

(A) PSCs are permitted on private property when a city-issued building or grading permit is in effect for that same property. PSCs for city construction projects on city property or in the public right-of-way are permitted with the approval of the Public Works Director, Public Safety Director, and Building Inspector.

- (B) If not in relation to a construction site, a maximum of one PSC is allowed with a parking variance issued by the Chief of Police that allows it to be located within a public right-of-way, city parking lot or city street. This would be for a period of 72 hours. The Chief of Police may extend this period for up to a maximum of 30 days.

§ 157.04 PERMITTED PERMANENT PLACEMENT OF PSC'S.

- (A) A PSC shall be permitted to be permanently placed in the Commercial District outside of the Historic District and Industrial Zoned Districts.
- (B) A PSC may be permitted to be placed in areas zoned residential, open space or special use if the PSC conforms to the surrounding area. Exterior review of PSC must be completed and Building Permit issued (if required) by the Building Inspector before the placement of PSC.
- (C) PSCs shall be located on property where the primary permitted use is established and shall comply with the area regulations of the applicable zoning district and shall not unreasonably create an impact on parking spaces or parking lot driveways.
- (D) A PSC shall be placed so that it is set back the same distance from the street as the existing building. For lots having two or more street frontages, both frontages must comply with this requirement. A variance can be considered for the purpose of encroachment of property lines.
- (E) A maximum of two PSCs are allowed to be stacked vertically.
- (F) The containers shall always be maintained from all types of visible deterioration such as rusting, peeling paint, graffiti, and the like. The owner of the portable storage container shall be responsible for its maintenance.

§ 157.05 EXEMPTIONS FROM THIS CHAPTER.

The following are exempt from the regulations of this section:

- (A) Businesses that offer PSCs for sale or rent to the public and the PSCs are stored from time to time at the business owner's Commercial or Industrial zoned property. The requirements for setbacks and placement locations shall apply.
- (B) PSCs that are part of a construction contractor's business equipment inventory and are stored from time to time at the contractor's place of business located in a commercial, industrial property.
- (C) PSCs that are used in connection with an emergency as declared by public safety officials; and
- (D) PSCs that comply with the adopted building, fire, plumbing and mechanical codes of the city, and are used for residential and nonresidential occupancy and not storage.

§ 157.99 PENALTY.

Any person violating any provisions of this chapter shall be subject to a penalty of \$100 per day for every day of the violation.

Those voting aye:

Those voting nay:

ATTEST:

Ron Everett
City of Lead, Mayor
(Seal)

John Wainman
City of Lead, Administrator

First Reading:

Second Reading:

Published:

Enacted: