

VILLAGE OF NEWBURG

ORDINANCE NO. 03-2017

AN ORDINANCE TO CREATE A CLASSIFICATION FOR TEMPORARY STRUCTURE/USE AS A NUISANCE WITHIN CHAPTER 90 OF THE MUNICIPAL CODE OF NEWBURG

SECTION I. PURPOSE

WHEREAS, the Village Board having previously adopted Chapter 90 of the Municipal Code of Newburg Establishing Prohibited Nuisances regulated within the village and

WHEREAS, the Village Board recently added the an expanded the definition for Temporary Structures and their Use to include for Dumpsters, Polystructures/Carports, and Portable Storage Structures, and

WHEREAS, it is the desire of the Board to regulate the use of Temporary Structures per the guidelines stated in Chapter 90, Nuisances, of the Village of Newburg Municipal Code

NOW THERFORE, the Village Board of the Village of Newburg, Wisconsin, does hereby add Section 90.09 Temporary Structure/Use to the Municipal Code to read:

SECTION II. CREATE

90.09 TEMPORARY STRUCTURE/USE

Dumpsters. The use of dumpsters is subject to the following conditions:

- (i) Dumpsters shall be allowed in the following Residential Districts, R-1, R-2, R-3, R-4, and RD-1, subject to obtaining a permit. This reference to the temporary use of dumpsters does not apply to properties in the following districts: RM-1, MH, B-1, B-2, PUD, M-1, M-2, A-1, A-2, C-1, and C-2.
- (ii) There must be no more than one (1) dumpster per property, unless granted a Conditional Use Permit.
- (iii) Dumpsters shall be no larger than 30 cubic yards (880 cubic feet).
- (iv) A dumpster can be used for ninety (90) days per calendar year. An extension beyond ninety (90) days can be requested with approval from the Plan Commission as a Conditional Use Permit.
- (v) The dumpsters used for construction purposes must be removed within fourteen (14) days after the completion of said construction.
- (vi) The dumpster must be leak proof or covered.
- (vii) A dumpster associated with a business, school or church may remain in the Residential Zoning Districts but must meet all setback requirements.

- (viii) Must meet all district setback requirements for Accessory Structures, unless granted special permission as part of the permit.
- (ix) Placement must not interfere with public access (street, sidewalk, alley, right-of-way, or other public property) without advance approval as part of the permit.
- (x) Safety materials, such as lights, barricades, and/or reflective tape is required to increase visibility of dumpsters located within the right-of-way.
- (xi) In the event a dumpster needs emptying, repair, or alteration, as such temporary structure is unsightly, is or could cause a public nuisance, the Zoning Administrator or the designee shall serve an order to remove said structure and allow the property owner/occupant five (5) business days to empty or remove the structure. No citation shall be issued to the property owner/occupant until the issuance of said order and the expiration of five (5) business days in order to allow the property owner/occupant to remove the portable structure so as to meet with the approval of the Zoning Administrator or the designee.
- (xii) Any variances from these conditions may be considered for a conditional use permit.

Polystructures. The use of polystructures in all Zoning Districts is subject to the following conditions:

- (i) Polystructures shall be allowed in Residential Districts subject to obtaining a permit.
- (ii) There must be no more than one (1) polystructure per property, unless granted a Conditional Use Permit.
- (iii) Polystructures must not be placed at any one property in excess of six (6) months (180 days) in any calendar year.
- (iv) Polystructures must not be larger than 12 feet by 20 feet.
- (v) All polystructures must meet all district setback requirements for Accessory Structures.
- (vi) Placement must not interfere with public access (street, sidewalk, alley, right-of-way, or other public property) without advance approval as part of the permit
- (vii) Polystructures do not include temporary greenhouses, or screen houses that are not used for storage.
- (viii) In the event a polystructure needs repair or alteration, as such temporary structure is unsightly, is or could cause a public nuisance, the Zoning Administrator or the designee shall serve an order to remove said structure and allow the property owner/occupant five (5) business days to remove the structure. No citation shall be issued to the property owner/occupant until the issuance of said order and the expiration of five (5) business days in order to allow the property owner/occupant to remove the

portable structure so as to meet with the approval of the Zoning Administrator or the designee.

- (ix) Any variances from these conditions may be considered for a conditional use permit.

Portable Storage Structures / Containers. The use of a portable storage structure, PODs, shipping container, or trailer (not including recreational vehicles) in all Zoning Districts subject to the following conditions:

- (i) Portable Storage Structures, PODs, Shipping Containers, or Trailers shall be allowed in all Districts subject to obtaining a permit.
- (ii) There must be no more than one (1) portable storage structure, POD, shipping container, or trailer per property, unless granted a Conditional Use Permit.
- (iii) The portable storage structure, POD, shipping container, or trailer shall not be used for the purpose of living quarters.
- (iv) Portable Storage Structures, PODs, Shipping or Cargo Containers, or Trailers can be used for ninety (90) days per calendar year. An extension, or additional Portable Storage Structures / Containers beyond ninety (90) days can be requested with approval from the Plan Commission and strict accordance with all standards as a Conditional Use Permit:
 - (a.) An affidavit indicating the temporary structure shall be removed within the granted time frame;
 - (b.) A nonrefundable application fee;
 - (c.) A detailed site plan showing the location of the temporary structure; and
 - (d.) Any other information reasonably requested by the Village Zoning Administrator and/or the Plan Commission.
- (v) The portable storage structure, POD, shipping container, or trailer must be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high. Any structure in excess of these dimensions requires a conditional use permit.
- (vi) A portable storage structure, POD, shipping container, or trailer must meet all district setback requirements for Accessory Structures.
- (vii) Placement must not interfere with public access (street, sidewalk, alley, right-of-way, or other public property) without advance approval as part of the permit
- (viii) A portable storage structure, POD, shipping container, or trailer associated with construction on a site where a building permit has been issued must be placed within the buildable area of the lot and comply with all setback requirements, unless granted a conditional use permit. A portable storage structure, POD, shipping container, or trailer is permitted for the duration of construction and must be

removed from the site within fourteen (14) days of the end of construction.

- (ix) In the event a portable storage structure, POD, shipping container, or trailer needs repair or alteration, as such temporary structure is unsightly, is or could cause a public nuisance, the Zoning Administrator or the designee shall serve an order to remove said structure and allow the property owner/occupant five (5) days to remove the structure. No citation shall be issued to the property owner/occupant until the issuance of said order and the expiration of five (5) days in order to allow the property owner/occupant to remove the portable structure so as to meet with the approval of the Zoning Administrator or the designee.
- (x) Any variances from these conditions may be considered for a conditional use permit.

SECTION III. MISCELLANEOUS

SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provision, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION IV. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted by the Village Board of the Village of Newburg, Washington and Ozaukee Counties, Wisconsin, this 12th day of January, 2017.

Mike Heili, Village President

ATTEST:

Rick J Goeckner, MMC
Village Administrator/Clerk