

ORDINANCE NO. 08-067

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, TO TEMPORARILY SUSPEND ALL REGULATIONS RELATING TO THE USE AND PLACEMENT OF TEMPORARY STORAGE UNITS AND AUTHORIZING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO ADOPT AND ENFORCE TEMPORARY REGULATIONS INCLUDING BUT NOT LIMITED TO PLACEMENT, REMOVAL, AND OTHER RELATED HEALTH AND SAFETY MATTERS FOR TEMPORARY STORAGE UNITS LOCATED ON RESIDENTIAL AND COMMERCIAL PROPERTIES IN REPOSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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WHEREAS, the City of Galveston on the 10<sup>th</sup> day of September 2008 the Mayor of the City of Galveston pursuant to Government Code Chapter 418 (the Texas Disaster Act of 1975) declared a Local State of Disaster pending the imminent threat of widespread or severe damage, injury, and loss of life and property, resulting from the approaching storm "Hurricane Ike", and

WHEREAS, the President of the United States, the Governor of the State of Texas, and the County of Galveston, Texas declared a Declaration of Disaster in response to the occurrence of widespread and severe damage resulting from Hurricane Ike in the City of Galveston, Texas; and,

WHEREAS, the Mayor of the City of Galveston, pursuant to the Texas Disaster Act of 1975, extended the Declaration of a Local State of Disaster due to the catastrophic damage to the City including but not limited to infrastructure including loss of water, sewer, natural gas, and electric power, limited emergency response services including police and fire, debris creating hazardous situations and health related hazards throughout the City, the medical community cannot meet emergency needs of individuals in the City, and normal City services are not available; and,

WHEREAS, on September 24, 2008, the City Council adopted Ordinance No. 08-052 continuing the Declaration of a Local State of Disaster for one year due to the catastrophic damage created by Hurricane Ike; and,

WHEREAS, due to widespread residential and commercial property damage necessitating repairs and rehabilitation to structures, the City has an urgent need to allow temporary outside storage units; and,

WHEREAS, a temporary storage unit shall mean a transportable unit including any container, storage unit, shed-like container or other portable structure designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis and shall not include storage of hazardous or toxic materials; and,

WHEREAS, the City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to temporarily suspend all regulations relating to the use and placement of temporary outside storage units and authorize the Director of Planning and Community Development to adopt and enforce temporary regulations including but not limited to placement, removal, and other related health and safety matters for temporary outside storage units located on residential and commercial properties in response to widespread damage caused by Hurricane Ike:

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council hereby finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to temporarily suspend all regulations relating to the use and placement of temporary outside storage units at residential and commercial locations. A temporary storage unit shall mean a transportable unit including any container, storage unit, shed-like container or other portable structure designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis and shall not include storage of hazardous or toxic materials. The temporary storage units must be removed from the property by June 1, 2009 unless further extended by City Council.

SECTION 3. The City Council hereby adopts the following temporary rules and regulations:

## **Hurricane Ike Temporary Storage Unit Information**

### **Residential:**

In order to place a temporary storage unit at your residential location, the following requirements apply:

- The temporary storage unit may **only** be utilized by the property owner. No subletting of the temporary storage unit will be permitted.
- Temporary storage units must be located on the property where the damaged residential building is located, not in the city right-of-way (including sidewalk areas, streets or alleys) unless authorized by the City of Galveston Department of Planning and Community Development and required traffic control measures are applied.
- Temporary storage unit shall meet the zoning setbacks for the district upon which it is located, where practicable.

- The Temporary storage unit may not be utilized for habitation or for the storage of toxic or hazardous materials.
- No additional structures or accessory structures may be added to the temporary storage unit.
- The temporary storage unit must be removed from the property upon issuance of a Certificate of Occupancy for the repaired building or by June 1, 2009, whichever comes first.

**Commercial:**

In order to place a temporary storage unit at your commercial location, the following requirements apply:

- Temporary storage unit may **only** be utilized for permanent businesses within the City of Galveston that have sustained damage to their buildings.
- Temporary storage unit must be located on the property where the permanent business is located, not in the city right-of-way (including sidewalk areas, streets or alleys) unless authorized by the City of Galveston Department of Planning and Community Development and required traffic control measures are applied.
- The Temporary storage unit may not be utilized for habitation or for the storage of toxic or hazardous materials.
- No additional structures or accessory structures may be added to the temporary storage unit.
- A maximum of three (3) temporary storage units may be located per commercial property. Temporary storage unit should be grouped together to allow the maximum parking area possible.
- The Temporary storage unit must be removed from the property upon issuance of a Certificate of Occupancy for the repaired building or by June 1, 2009, whichever comes first.

SECTION 4. The City Council hereby authorizes the Director of Planning and Community Development to adopt and enforce temporary regulations including but not limited to placement, removal, and other related health and safety matters for temporary outside storage units located on residential and commercial properties that are consistent with the general purposes and intent of this Ordinance and in accordance with any applicable rules contained in this Ordinance.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clause, sentences, paragraphs and sections of this Ordinance.

SECTION 6. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

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Susie Green  
City Attorney.

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at a special meeting held on the 16<sup>th</sup> day of October, 2008, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Secretary for the City Council  
Of the City of Galveston