

PUBLIC NOTICE

(Published in the Rush County News on Wednesday, July 2, 2025)1t

ORDINANCE NO. 792
AN ORDINANCE OF THE CITY OF LA CROSSE, KANSAS; PROVIDING FOR REGULATIONS ON THE USE OF PORTABLE STORAGE CONTAINERS WITHIN THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LA CROSSE, RUSH COUNTY, KANSAS:

Section 1. TITLE. This ordinance shall be known as "Portable Storage Container".

Section 2. UNLAWFUL ACTS. It shall be unlawful for any individual to allow to exist on any residential, commercial, industrial premises or any other premises, any portable storage container unless otherwise in compliance as set forth herein.

Section 3. RULES OF CONSTRUCTION. For the purpose of this ordinance, the following rules of construction shall apply:

(a) Any part thereof - Whenever the words premises, structure, building or yard are used they shall be construed as though they were followed by the words "or any part thereof";

(b) Gender - Words of gender shall be construed to mean neuter, feminine or masculine, as may be applicable;

(c) Number - Words of number shall be construed to mean singular or plural, as may be applicable;

(d) Tense - Words of tense shall be construed to mean present or future, as may be applicable.

(e) Shall - The word shall is mandatory and not permissive.

Section 4. DEFINITIONS. For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) CITY - The City of La Crosse, Kansas;

(b) INDIVIDUAL - Includes a person who owns the property, agent of the owner of the property, occupant, tenant, corporation, partnership, LLC, association or any other entity or person.

(c) PARCEL - A parcel is determined by the parameters set by the Rush County Kansas Appraiser's Office; A parcel shall include the curtilage of the principal structure on a said parcel even if such encompasses an additional parcel; A parcel shall be determined by the Rush County Kansas Appraiser's Office designation and shall include the curtilage of such parcel even if such encompasses addition parcel(s);

(d) PREMISES - shall mean a parcel;

(e) ACCESSORY STRUCTURE - A secondary structure detached from the principal structure but on the parcel;

(f) PORTABLE STORAGE CONTAINER - A portable storage container ("container") is a standardized reusable steel intermodal container commonly used for the storage and movement of materials and

products in a global containerized freight transport system; It shall be a durable, closed rectangular box constructed of rust-retardant Corten steel; A portable storage container shall comply with the following dimensional requirements: Height: 8'6" (2.59 m) or 9'6" (2.90 m); Width: 8' (2.44 m); Length: twenty-foot equivalent units reflecting 20' or 40'; Portable storage container DOES NOT include rail box cars, truck trailers or vehicular transport truck box enclosures which were manufactured as an integral part of a vehicle, or which have or had permanently affixed wheels.

(g) ONGOING BUSINESS OPERATION - Any type of legal entity that is registered as a business with the Kansas Secretary of State which is active and in good standing per the Kansas Secretary of State;

(h) RETURN RECEIPT DELIVERY - Return receipt delivery is as set forth in K.S.A. 60-303;

(i) SCREENING - Subject to compliance with other provisions of the planning and zoning code, consists of existing vegetation, new vegetation, fencing, berms and other structures on said parcel so as to obscure all but an insignificant amount of the visual presence of the container from off-site locations including but not limited to public street and residential property.

Section 5. PERMITTED AND UNLAWFUL ACTS. It shall be unlawful for an individual to have any portable storage container within the city unless authorized pursuant to this ordinance.

(a) RESIDENTIAL AREA: Other than temporary use, portable storage container are prohibited;

(b) TEMPORARY USE. Subject to restrictions herein, a portable storage container is only allowed temporarily in areas zoned residential subject to the following:

1. The use of a portable storage container requires the issuance of a building permit and compliance with all other city requirements including but not limited to the city building code;

2. From the issuance date of a building permit, the portable storage container shall be permitted for a maximum period of 30 days; Upon written request in advance of the expiration of the initial 30-day grant, the city manager may grant 30-day extensions with each 30-day extension request to be submitted in writing and in advance of expiration of the initial grant or prior extension; The maximum number of days allowed shall not exceed 120 days;

3. The maximum number of containers per parcel shall be two;

4. The use shall be restricted to ongoing relocation or remodeling of a structure/residence where the portable storage container is permitted and located;

The only materials/items stored inside a portable storage container shall be normal and ordinary personal

property associated with a residential household; No commercial or business products, equipment or materials nor any and all other material or items that violate federal, state nor local laws, rules or regulations shall be stored in a portable storage container; the storage of construction related equipment for any remodeling or construction is allowed;

5. Portable storage container shall not be placed in a manner that impedes access and use of any road, sidewalk, public rights-of-way, public utility easements, drainage easements, and adjacent structures and buildings; Furthermore, such placement shall not impede, block or otherwise restrict visibility for any motorists or otherwise present a safety hazard;

6. Adequate means for fire and emergency vehicle access to the parcel and storage containers shall be provided;

7. Vertical stacking of portable storage containers is prohibited; The placement of any type of material or items upon the top of any portable storage container is prohibited;

8. All portable storage containers shall be structurally sound, stable, safe, and in good repair.

(c) PERMANENT USE. Portable storage containers are allowed to be used within the City in areas zoned commercial for permanent use as accessory structures subject to the following restrictions:

1. The use of a portable storage container requires the issuance of a building permit and compliance with all other city requirements including but not limited to the zoning and building code;

2. The maximum number of containers per parcel shall be two; If the parcel is 1.42 acres (62,000 square feet) or greater and additionally has approved screening, as defined herein, the maximum number of containers is 4 per parcel;

3. No storage container shall be placed on a parcel which does not contain a principal structure and has an ongoing business operation other than a commercial storage business including but not limited to a self-service storage facility as defined by Kansas Statutes;

4. All containers on any one given parcel shall all be the same width and height but not in length with all such subject to the dimension restrictions set forth herein; All containers shall be aligned so that they are in physical contact with each other, subject to the immediately above length exception, with all longer sides adjacent with each other and all narrower ends adjacent with each other;

5. The only items allowed to be stored inside a portable storage container shall be those materials, products,

equipment, inventory and other associated items directly related to the ongoing business operation located on such parcel; Any and all items that would violate federal, state or local laws are prohibited; The prohibition

includes, but not limited to, prohibiting containers being modified for habitation including having windows, heating and cooling, plumbing or multiple entrances. Electrical, ventilation, and refrigeration system;

6. All portable storage containers must be of one color that matches or complements the principal structure on the parcel or is an earth tone color; All signage on a portable storage container shall be completely removed and/or appropriately painted so as to not be visible at all except for the following manufacturer applied markings are permitted: (a) Container Number as determined by the International Standards Organization - consisting of a unique sequence made up of 4 letters and 7 numbers which is displayed on the top right part of the container door; (b) Check Digit generated by the Bureau of International Containers - the last digit of the container number; (c) International Standards Organization Code - a sequence of 4 letters or digits that provide information about the container dimensions and type of container (Usually located below the container number); (d) Operational Markings - displaying the maximum gross weight, the container weight (tare), the net or payload, the maximum cargo volume; (e) CSC Plate - Typically located in the lower left of a unit's doors; (f) Convention for Safe Containers (CSC) Plate - typically located in the lower left of a unit's doors; (g) Classification Mark; (h) owner's logo; (i) manufacturer's logo; (j) Hazard warnings - plates that identify any hazardous materials contained in the shipment are present; (k) Caution stickers - includes "Warning High Cube" and other cautions; No other markings shall be added other than those already existing as above listed.

7. All portable storage containers shall structurally sound, stable, safe, and in good repair including but not limited to normal functioning doors, free of rust, holes and other deterioration.

8. All containers shall be placed on a suitable surface; Such surface must be a solid surface capable of preventing the growth of grass, weeds or other vegetation and capable of sustaining vehicle and foot traffic loads without the formation of muddy or soft conditions; these surfaces may include concrete, asphalt, gravel, paving stones, or other similar durable, non-biodegradable material.

9. Vertical stacking of portable storage containers is prohibited; the placement of any and all other material or items upon the top of any portable storage container is prohibited;

10. Portable storage containers shall be setback at least 20 feet from adjacent commercial parcel property lines, setback at least 30 feet from adjacent residential parcel property lines and 100 feet from occupied residence; The container shall

be located at least 20 feet behind the leading edge of the front of the principal structure on the parcel.

11. Adequate means for fire and emergency vehicle access to the parcel and containers shall be provided.

12. Portable storage containers shall not be placed in a manner that impedes access and use of any road, sidewalk, public rights-of-way, public utility easements, drainage easements, and adjacent structures and buildings. Furthermore, such placement shall not impede, block or otherwise restrict visibility for any motorists or otherwise present a safety hazard.

Section 6. PUBLIC OFFICER. The City Manager or the City Manager's designated representative shall be charged with the administration and enforcement of this ordinance.

Section 7. COMPLAINTS; INQUIRY AND INSPECTION. The public officer shall make inquiry and inspection of premises upon the following instances:

(a) Receiving a complaint in writing signed by one or more persons stating that a nuisance exists and describing the same and where located;

(b) Notification by other governmental entity;

(c) The public officer's own inquiry and inspection resulting in the observation of what appears to be a violation of this ordinance.

Section 8. RIGHT OF ENTRY. The public officer has the right of access and entry upon private property at any reasonable times for the purpose of making inquiry and inspection to determine if a violation is or has occurred.

Section 9. NOTICE OF VIOLATION. Upon determination of a violation of this ordinance the following shall occur:

(a) SAME; SERVICE. The governing body shall serve notice upon the individual associated with the property found to be in violation of the ordinance; Such notice shall be served upon the individual by return receipt delivery or by personal service; If the property is unoccupied and the owner is a nonresident, then by mailing the notice by return receipt delivery to the last known address of the owner.

(b) SAME; FAILURE TO ACCEPT SERVICE. If the individual associated with the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding twenty-four month period, the governing body may provide notice additional notices of violations on such property by door hangers, conspicuously posting notice on the property, personal notification, telephone communication, electronic (including but not limited to email) or first class mail; If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication, electronic (including but not limited to email) or first-

class mail.

(c) SAME; CONTENT OF NOTICE. The written notice shall include the following:

1. A summary of the condition which has caused the violation including the use of photographs; and

2. With respect to criminal prosecution, that the individual in violation shall have ten (10) days from the receipt of the notice to alleviate violation or be subject to criminal prosecution;

3. With respect to abatement, that the individual in violation shall have ten (10) days to request a hearing before the governing body as set forth in the abatement procedure of this ordinance.

Section 10. CRIMINAL PROSECUTION. The public officer shall forward any violation of this ordinance to the city attorney for filing a municipal court complaint if the individual fails to alleviate the violation as set forth in the notice; Failure of the individual to abide by this ordinance shall, upon conviction, be punished by a fine of not more than \$100.00 or by jail for not more than 30 days, or by both such fine and jail, for each offense.

Section 11. ABATEMENT. In addition to, or as an alternative to prosecution as provided in ordinance, the violation may be abated by the governing body in the following manner:

(a) SAME; RESOLUTION. If individual who has been served a notice to abate and neither alleviates the conditions causing the violation nor requests a hearing before the governing body within the time period specified in the notice, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution; The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of real property on which the violation was located.

(b) SAME; RESOLUTION. A copy of the resolution shall be served upon the individual in violation in one of the following ways:

1. Personal service;

2. Return receipt delivery; or

3. Publication. In the event the whereabouts of such individual is unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises

where such condition exists.

4. If the individual associated with the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice, resolution or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further notice, resolution and orders by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, electronic (including but not limited to email) or first-class mail;

(c) SAME; REQUEST FOR HEARING. If an individual requests a hearing, the request for hearing shall be in writing, indicate that a hearing is requested, made within the ten (10) days as prescribed in the notice provision of this ordinance, and delivered to the La Crosse City Clerk's Office; Furthermore, the request for hearing shall include the method of contact for the individual requesting a hearing; Failure to make a timely and proper request for a hearing shall constitute a waiver of the individual's right to contest the findings of the public officer; If a hearing is obtained, the hearing shall be held by the governing body or its designated representative within a reasonable amount of time after the filing of the request for hearing; The individual shall be advised by the city of the time and place of the hearing at least ten (10) days in advance of such hearing; At any such hearing, the individual may be represented by counsel, and the individual or the individual's attorney and the city representative may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative; The hearing shall not be conducted according to the formal rules of evidence; Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the served upon the individual in the same manner provided in the notice provision of this ordinance.

(d) SAME; CONTINUANCE OF HEARING. Upon proper compliance with the procedure for obtaining a hearing, the individual, at the designated hearing date, may request a continuance of the hearing; The governing body or its designated representative has the sole discretion with respect to granting any such continuance; The governing body or its designated representative may take into consideration, but not limited to, if the individual

associated with the property demonstrates due diligence in the abatement of the conditions which have caused the violation.

(e) SAME; APPEALS. Any individual affected by any determination of the governing body under abatement section of this ordinance may appeal such determination in the manner provided by K.S.A. 60-2101.

(f) SAME; COSTS ASSESSED. If the city abates the violation of this section, the city shall give written notice to the individual, pursuant to return receipt delivery, of the total cost of the abatement and removal incurred by the city; The notice shall also state that the payment is due within 30 days following receipt of the notice; The city also may recover the cost of providing notice, including but not limited to publication and postage, required by this section; The notice shall also state that if the cost of the abatement and removal is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the violation was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid; The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

Section 12. PORTABLE STORAGE CONTAINERS IN USE. All storage containers in existence at the time of adoption of this ordinance which do not conform to the requirements set forth herein shall meet the above stated requirements within 90 days of the adoption of this ordinance.

Section 13. EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its publication.

Passed and approved by the Governing Body on this 25th day of June, 2025.

Bill Schroter
Mayor
ATTEST: (Seal)
Kimberly L. Jay
City Clerk



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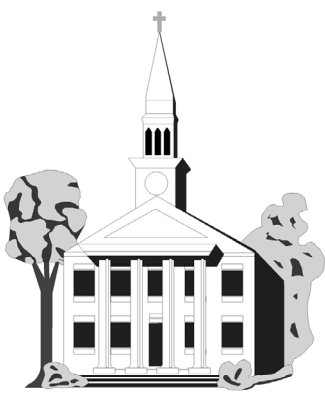
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