

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AMENDMENT TO ZONING ORDINANCE  
NUMBER 38E SO AS TO NOT ALLOW SHIPPING CONTAINERS  
WITHIN THE CORPORATE LIMITS; REPEALING ALL ORDINANCES IN CONFLICT;  
PROVIDING A SEVERANCE CLAUSE; PROVIDING A PENALTY AND  
PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

WHEREAS, the City Council of the Town of Bayside adopted changes to Ordinance number 38E Zoning on October 13, 2020; and

WHEREAS, said amendment was styled: "Amendment to ZONING-Ordinance Number 38E"; and

WHEREAS, the Town of Bayside is desirous of providing in its Zoning Ordinance that shipping containers shall not be allowed in any District; and

WHEREAS, the City Council of the Town of Bayside held a public hearing on January 13, 2026 to provide the public an opportunity to comment on the proposed ban of shipping containers; and

WHEREAS, the City Council of the Town of Bayside, after hearing the comments of the public, has determined that it is necessary to protect the public health, safety and welfare to ban shipping containers from the Town and not allow them in any District.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAYSIDE AS FOLLOWS:

Section 1. That the Ordinance passed and approved on October 13, 2020, styled "Amendment to ZONING-Ordinance Number 38E" is repealed.

Section 2. That Ordinance Number 38E, Zoning Ordinance is amended at Section 4-8.12, to read as follows:

"4-8-12. Shipping Containers

A. 'Shipping Containers' are defined as a metal container designed for the use in commercial shipping.

B. Shipping containers as defined shall not be allowed in any District."

Section 3. Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

Section 4. If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance

shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 5. A violation of any part of this Ordinance shall constitute a misdemeanor, and subject the offender to a fine, upon a finding of guilty, not to exceed \$2,000.00. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 6. Publication: This Ordinance shall be effective upon the publication of the caption hereof in the official newspaper in accordance with law and shall be effective upon such publication.

PASSED AND APPROVED this the      day of

TOWN OF BAYSIDE

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
, City Secretary

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
, City Attorney