

The Corporation of the Township of North Frontenac

By-law #86-22

Being a By-law to Licence, Regulate and Govern Shipping Containers in the Township and Repeal By-law #66-22

Whereas Section 11(2) of the Municipal Act, S.O. 2001, as amended authorizes the Township to pass by-laws with respect to economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

And Whereas Council deems it expedient to licence, regulate and govern Shipping Containers to ensure proper use and placement;

Now Therefore the Council of the Corporation of the Township of North Frontenac hereby enacts as follows:

1. Title and Application

- a) This By-law shall be cited as the "Shipping Container Licence" By-law.

2. Definitions

For the purpose of this By-law the following definitions shall apply:

Applicant means the person who applies for a licence under this By-law.

Council means the Council of The Corporation of the Township of North Frontenac.

Public Service Use means a building, structure or lot used for public services by any public authority, any telephone, communications or Railway Company, any company supplying natural gas, Ontario Power Generation, Hydro One Networks Inc., any Conservation Authority, Public Utilities Company or similarly recognized agencies. This definition shall include an ambulance facility, fire station, police station, public boat launch, waste site, and municipal office.

Public Utility means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings, or equipment required for the administration or operation of any such system and which is operated by a Public Authority or a publicly governed company

Shipping Container means a container with strength suitable to withstand shipment, storage, and handling. Shipping Containers include large reusable steel boxes used for intermodal shipments. This definition also includes sea cans.

Shipping Container Licence means a licence issued by the Township in accordance with this By-law.

Storage means the placement of items for future use or safekeeping.

Township means the Corporation of the Township of North Frontenac.

Zoning By-law means the Township's Zoning By-law, as amended.

3. General Provisions

- a) This By-law does not apply to a Shipping Container used for habitation which requires a permit under the Ontario Building Code. In this case the Shipping Container would need to comply with all applicable law including the Township's Zoning By-law and Ontario Building Code.

- b) Shipping Containers licensed under this By-law shall only be used for Storage.
- c) No person shall place a Shipping Container which does not hold a valid Shipping Container Licence issued by the Township's Chief Building Official under the authority of this By-law, within the Township.
- d) A Shipping Container Licence shall not be required for:
 - i) Shipping containers placed on properties zoned in the Zoning By-law. Residential Multiple; Mobile Home Park Residential; Rural, Limited Service Rural; Rural Co-operative; General Commercial; Recreational Commercial; Industrial, Mineral Aggregate Extraction; Mining; Waste Management Facility; and Environmental Protection.
 - ii) Shipping Containers placed for less than 60 days for emergency or natural disaster purposes. The time may be extended under extenuating circumstances at the discretion of the Chief Administrative Officer;
 - iii) A Public Service Use or A Public Utility;
 - iv) Properties where a building permit has been issued for a dwelling, garage or storage building for up to 60 days after the final inspection.
 - v) Properties with a commercial use which has a Business Registration or Harmonized Sales Tax (HST) Number and
 - vi) Infrastructure projects, including road construction, communication tower construction, etc.
- e) Any person may apply for a Shipping Container Licence, granting the holder the right to place a Shipping Container.
- f) The Township shall issue a Shipping Container Licence provided that a complete application is submitted to the Township; if the applicable fee is paid; and the Shipping Container conforms with all other applicable law.

4. Requirements for Licence

- a) The following provisions apply to Shipping Containers placed on properties zoned Hamlet, Waterfront Residential and Limited Service Waterfront:
 - i) Shipping containers shall only be permitted on a lot with a principal use or a Recreational Vehicle Licence.
 - ii) The number of Shipping Containers permitted are as follows:
 - Less than 0.8 hectares (2 acres) – 1 Shipping Container
 - Greater than 0.8 hectares (2 acres) and up to 4 hectares (10 acres) – 2 Shipping Containers
 - Greater than 4 hectares (10 acres) and up to 20 hectares (50 acres) – 3 Shipping Containers
 - Greater than 20 hectares (50 acres) – 4 Shipping Containers.
 - The Applicant shall complete a separate application and pay the applicable fee for each Shipping Container.
 - iii) The setbacks for a Shipping Container measured from the property line or natural feature shall be:
 - Waterbody or wetland – 30 metres
 - Front Yard (non-waterfront) – 7 metres
 - Rear Yard – 7 metres
 - Interior Side Yard – 3 metres
 - Exterior Side Yard – 7 metres
 - Setback from Township Road – 7 metres
 - Setback from Easement/Right of Way – 7 metres.
 - iv) The Shipping Container shall not contain any plumbing fixtures, kitchen facilities, or be connected to any water or sanitary services.

- v) The Shipping Container shall have a system installed to ensure they cannot close with someone inside.
- vi) No expansions, additions, roof-overs, overhangs, decks, or platforms are permitted on or abutting the Shipping Container.

5. Regulations

- a) The Licence shall not be transferred, assigned, conveyed or sold to another person.

6. Licence Fees

- a) All Applications submitted for consideration shall be subject to an Application Fee (non-refundable deposit) as set out in the Fees and Charges By-law. If the Licence is refused the fee is non-refundable. This fee covers the review of the Application and the location inspection.
- b) The Licence Fees for Shipping Containers to which this By-law applies shall be as set out in the Township's Fees and Charges By-law.
- c) No Licence shall be issued unless the prescribed fee has been paid.

7. Penalty

- a) Any person who contravenes this By-law is guilty of an offence and upon conviction is liable to payment of a fine.

8. Notice of Violation

- a) If the Township is satisfied a contravention of this By-law has occurred, the Township may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the contravention.
- b) An order under this section shall identify:
 - i. The location where the contravention occurred;
 - ii. The reasonable particulars of the contravention;
 - iii. The actions necessary to correct the contravention; and
 - iv. The date and time by which there must be compliance with the order.
- c) If a person fails to comply with an order under this By-law the Township may:
 - i. Revoke the license granted under this by-law upon written notice of revocation being served on the owner of the property or such notice being posted conspicuously on the property for which the Licence was issued;
 - ii. Correct the contravention at the person's expense; and
 - iii. Remove the trailer at the person's expense.
- d) All costs incurred by the Township pursuant to section 9(c) may be recovered from the owner and/or Licence holder by action or placed on the tax roll for the property where the contravention occurred and collected in the same manner as municipal property taxes in accordance with Section 446 of the *Municipal Act, 2001*.

9. Application

- a) Any section, subsection or part thereof of this By-law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.
- b) This By-law shall come into force and take effect immediately upon the date of passing.

- c) That all resolutions, By-laws or part of By-laws, which are contrary to or inconsistent with this By-law, are hereby repealed.

Read a first and second time this 16th of December, 2022.

Read a third time and passed this 16th of December, 2022.

Mayor

Clerk