

CORPORATION OF THE VILLAGE OF CASSELMAN

BY-LAW NO. 2019-010

BEING a by-law to regulate the erection of temporary structures, commonly known as “Tempo Garages”.

WHEREAS Section 128 (1) of the Municipal Act, S.O. 2001, Chapter 25 does authorize a municipality to pass by-laws with respect to Public Nuisance.

AND WHEREAS Section 427 of the Municipal Act, S.O. 2001, Chapter 25 does authorize a municipality to enter onto lands and undertake work to be done at the expense of a person and assign the costs to the tax rolls and collecting the costs in the same manner as taxes.

AND WHEREAS the Council does believe the proliferation of temporary storage structures made of plastic and metal or similar materials to be a detriment to the streetscapes and a visual nuisance.

AND NOTWITHSTANDING the functional nature of these structures, the Council of the Corporation of the Village of Casselman does believe a level of control should be placed on the installation of these structures in order to achieve a balance between function and the impact on the visual nature of the municipality.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Village of Casselman does enact as follows that:

1.0 DEFINITIONS:

In this By-Law:

- a. **“Council”** means the Council of the Corporation of the Village of Casselman.
- b. **“Chief Building Official”** means the agent or employee appointed by the Village of Casselman to enforce the provisions of the Building Code Act or any other by-law of the Municipality, and includes employees acting under his/her direction.
- c. **“Municipal Law Enforcement Officer”** means a peace officer for the purpose of enforcing municipal by-law, as set out in the Police Services Act.
- d. **“Municipality”** means the Corporation of the Village of Casselman.
- e. **“Person”** means an individual, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal

representatives thereof to whom the context means a human being of the male or female gender;

- f. **“Sight Triangle”** means a triangular space, 6 meters by 6 meters, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this by-law.
- g. **“Temporary storage structure”** means any manufactured structure kit fabricated of plastic and metal or treated fabric and metal or any structure that is erected for the purpose of providing a tarp type roof cover and, or including side wall panels over goods, materials, motor vehicles or leisure vehicles.
- h. **“Yard”** Means a space, appurtenant to a building or structure, located on the same lot as the building or structures, open, uncovered and unoccupied from the ground to the sky except for accessory buildings, structures or uses specifically permitted by this by-law.
- i. **“Yard, Front”** Means the space extending across the full width of the lot between the front lot line and the nearest part of any main building or structure on the lot.
- j. **“Yard, Rear”** Means the space extending across the full width of the lot between the rear lot line and the nearest part of any main building or structure on the lot.
- k. **“Yard, Side”** Means a yard extending from the front yard to the rear yard between the side lot line and the side wall of the main building or main structure.
- l. **“Yard, Side – Exterior”** Means a yard extending from the front yard to the rear yard between the exterior side lot line and the side wall of the main building or main structure.
- m. **“Yard, Side – Interior”** Means a yard extending from the front yard to the rear yard between the interior side lot line and the side wall of the main building or main structure.

2.0 GENERAL PROHIBITIONS

Temporary storage structures as defined under this By-law shall be permitted in a residential zone and the following provisions shall apply:

- 2.1 No person shall erect temporary storage structures closer than 1.5 meters to any front lot line, shall not be located closer than 1.2 meters to any interior side lot line and 2.0 meters to any exterior side lot line and shall not exceed 4 meters in height.
- 2.2 No person shall erect temporary storage structures within the sight triangle.

- 2.3 The owner or occupant of an occupied building or the owner of an unoccupied building or vacant land within the limits of the Municipality shall not erect temporary storage structures for permanent storage.
- 2.4 No person shall erect temporary storage structures prior to October 15th of any given year in the front yard, side yard or part thereof.
- 2.5 No person shall have temporary storage structures erected after April 30th of any given year in the front yard, side yard or part thereof.
- 2.6 No person shall erect or maintain temporary storage structures in a manner deemed unsafe or create hazard conditions.
- 2.7 No person shall keep temporary storage structures or any part of it in such condition as to be damaged or dilapidated or out of character with the neighboring properties.
- 2.8 No permit is required for temporary storage structures if they are located in the rear yard between October 15th and April 30th of any given year.
- 2.9 A permit is required for temporary storage structures if they are located in the rear yard between April 30th and October 15th of any given year.

3.0 EXEMPTIONS

- 3.1 Exemptions to this By-law may be considered on an individual basis; only if a building permit application has been filed, approved and a permit issued by the Chief Building Official for the Corporation of the Village of Casselman.

4.0 ENFORCEMENT AND PENALTIES

- 4.1 The provisions of this By-law shall be administered and enforced by the Municipal Law Enforcement Officer.
- 4.2 Every person who contravenes any section of this By-law is guilty of an offence and upon conviction is liable to a fine as set out for in the Provincial Offence Act R.S.O. 1990, Chapter 33 as amended.
- 4.3 Where any requirement in accordance with this by-law is not carried out, the Municipal Law Enforcement Officer or persons designated by the Municipal Law Enforcement Officer for the Corporation of the Village of Casselman may, upon such notice as he deems suitable, remove the temporary storage structure or do such thing at the expense of the person required to do it and, in so doing, may charge an administration fee of 15% of the amount expended by or on behalf of the municipality and such total shall be recovered by action or in like manners as municipal taxes.
- 4.4 Where any matter or material is removed in accordance with Section 4.3, it may be immediately disposed of by the Municipal Law Enforcement Officer.
- 4.5 The removal of structures by the municipality shall not relieve any person from liability for the penalty for breach of any of the provisions herein, or for further compliance with any of the provisions herein contained.
- 4.6 In addition to the imposition of a fine or other remedy, as court of competent jurisdiction may, upon conviction on an offence under this by-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

5.0 BY-LAW IN FORCE

- 5.1 This By-law shall come into force and take effect on the day it is duly adopted by the Council of the Corporation.

READ A FIRST, SECOND AND THIRD TIME and duly passed in open council this 22th day of January 2019.



Daniel Lafleur, Mayor



Sébastien Dion, Clerk