

# THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

## BY-LAW NUMBER 2017-133

### BEING A BY-LAW TO REGULATE THE ERECTION OF TEMPORARY STRUCTURES, COMMONLY KNOWN AS "TEMPO GARAGES"

**WHEREAS** Council is empowered under section 128 of the Municipal Act, 2001, 5.0. 2001, c.25, as amended, to pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of Council, are, or could become or cause public nuisances; 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 City of Clarence-Rockland 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.

**THEREFORE** the Council of the Corporation of the City of Clarence-Rockland does enact as follows that:

#### 1.0 Definitions:

In this By-Law:

- a) **"City"** means the Corporation of the City of Clarence-Rockland.
- b) **"Council"** means the Council of the Corporation of the City of Clarence-Rockland
- c) **"Chief Building Official"** means the agent or employee appointed by the City of Clarence-Rockland to enforce the provisions of the Building Code Act or any other by-law of the City, and includes employees acting under his/her direction.
- d) **"Municipal Law Enforcement Officer"** means a peace officer for the purpose of enforcing municipal by-law, as set out in the **Police Services Act**.
- 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) **“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.

## **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 a temporary storage structure closer than 1 meter to any front lot line and shall not be located closer than 3.0 meters to any exterior side lot line.
- 2.2 No person shall erect a temporary storage structure closer than 0.5 meter to any interior side lot line unless the opposite interior side yard is 1.2 meters or more. If the opposite interior side yard is less than 1.2 meters, no person shall erect a temporary storage structure closer than 1.0 meter from the interior side lot line closest to the temporary storage structure.
- 2.3 Only one (1) temporary storage structure shall be permitted within the front yard or exterior side yard.
- 2.4 No person shall erect a temporary storage structure on a vacant lot.
- 2.5 The owner or occupant of an occupied building or the owner of an unoccupied building within the limits of a residential zone may erect no more than (1) temporary storage structure in the rear yard.
- 2.5.1 Section 2.6 and 2.7 of this By-law shall not apply to section 2.5.
- 2.6 No person shall erect a temporary storage structure prior to October 15 of any given year.
- 2.7 No person shall fail to dismantle and remove a temporary storage before April 30<sup>th</sup>, of every year.

- 2.8 No person shall erect or maintain a temporary storage structure in a manner deemed unsafe or create hazard conditions.
- 2.9 No person shall keep a temporary storage structure or any part of it in such condition as to be damage or dilapidated or out of character with the neighboring properties.

### **3.0 EXEPTIONS**

- 3.1 Exemptions to this By-law may be granted on an individual basis (by resolution of Council), only if such request is made in writing and that Council gives consideration to the Director of Protective Services' report/recommendation.

### **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 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 City 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.
- 4.3 Where any matter or material is removed in accordance with Section 4.2, it may be immediately disposed of by the Municipal Law Enforcement Officer.
- 4.4 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.
- 4.5 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.
- 4.6 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 SEVERABILITY**

5.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part thereof shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

## **6.0 REPEAL**


6.1 That by-Laws 2009-138 and 2011-156 are hereby repealed.

## **7.0 EFFECT**

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

**READ, DONE AND PASSED IN OPEN COUNCIL, THIS 6<sup>TH</sup> DAY OF NOVEMBER 2017.**

  
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**GUY DESJARDINS, MAYOR**

  
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**MONIQUE OUELLET, CLERK**