

## TOWN OF MIDALE

### BYLAW NO. 01- 2018

#### A BYLAW TO REGULATE THE USE OF SHIPPING CONTAINERS WITHIN THE TOWN OF MIDALE

The council of The Town of Midale in the Province of Saskatchewan enacts as follows:

1. a) "C.A.O." shall mean the Town Administrator
  - b) "Shipping container" shall mean a prefabricated metal container or box specifically constructed for the transport by rail, ship, or transport truck.
  - c) "Town" shall mean the Town of Midale
  - d) "Yard, Rear" shall mean the area between the side site lines, and the rear side line to the rear building line.
  - e) "Yard, Side" shall mean the area between the front and rear yards and between the side site line and the side building line
2. Shipping containers shall be prohibited as an accessory building or structure in all properties except those areas deemed as commercial or construction sites
3. All existing shipping containers located on residential property must be removed from the Town of Midale .
4. Notwithstanding section 2, shipping containers may be placed temporarily on a site in any district:
- i. During construction on a site when the shipping container is utilized solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for the construction site.
  - ii. The shipping container must be removed from the site upon completion of the construction or within six months, whichever comes first.
  - iii. A permitting fee of \$250.00 must be paid before a shipping container is allowed on a construction site.
  - iv. When placed on a site, the shipping container shall:
    - a) Not be placed on a public right-of-way or dedicated lands; and
    - b) Be located a minimum of 1.2 meters from any property line
    - c) Be located so as not to create a safety hazard i.e traffic sight lines
    - d) Be located so it is readily accessible at all times to be removed
  - v. Only one shipping container will be allowed on a construction site, and must not exceed 20 feet in length.
5. Any person who violates or fails to comply with any of the provisions of the Bylaw is guilty of an offence and liable to summary conviction to the penalties set out in the Municipalities Act or the Nuisance Abatement Bylaw of the Municipality.

#### **Offences and Penalties:**

##### **Order to Remedy Contraventions**

6. If a designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

7. Orders given under this Bylaw shall conform to section 364 of *The Municipalities*

Act.

8. Orders given under this Bylaw shall be served in accordance with Section 390 (1) (a), (b) or (c) of the *Municipalities Act*.

#### **Registration of Notice or Order**

9. If an order is issued pursuant to section 24, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by Registering an interest against the title to the land that is the subject of the order.

#### **Appeal of Order to Remedy**

10. A person may appeal an order made pursuant to Section (3) and (4) in accordance with Section 365 of the *Municipalities Act*.

#### **Municipality Remedying Contraventions**

11. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
12. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of the *Municipalities Act*.

#### **Recovery of Unpaid Expenses and Costs**

13. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
  - a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
  - b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

#### **Offences and Penalties**

14. No person shall:
  - a) fail to comply with an order made pursuant to this Bylaw;
  - b) obstruct or interfere with any Designated Officer or any other person acting under

the authority of this Bylaw; or  
c) fail to comply with any other provision of this Bylaw.

15. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of two hundred and fifty dollars (\$250.00) to be paid to the Municipality within seven (7) clear days from the date of the Notice of Violation.

16. Where the Municipality receives voluntary payment of the amount prescribed under Section 16 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

17. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section (3) and (4) of this Bylaw.

18. Every person who contravenes any provision of Section (3) and (4) is guilty of an offence and liable on summary conviction:

- a) in the case of an individual, to a fine of not more than \$10,000.00;
- b) in the case of a corporation, to a fine of not more than \$25,000.00;
- c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 dollars per day.

#### Coming Into Force

19. This Bylaw shall come into force on the day of its final passing.



Allan Hauglum, Mayor



Linda Dugan, Town Administrator

Certified a true copy of Bylaw #2018- 01  
adopted by resolution of council on the  
08th of May, 2018

