

**CITY OF TIMMINS**  
**BY-LAW NO. 2016- 7898**

**BEING** a by-law to regulate temporary tent shelters and small accessory structures in the City of Timmins;

**WHEREAS** Section 8 of the *Municipal Act*, 2001, S.O. 2001, c. 25 conveys the capacity, rights, powers and privileges of a natural person to the municipality, and;

**WHEREAS** Section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes municipalities to pass by-laws respecting structures, fences and signs, and;

**WHEREAS** it is deemed necessary to require owners of temporary tent shelters and small accessory structures to require a permit before such structures are erected;

**THEREFORE**, the Council for the Corporation of The City of Timmins enacts as follows;

**1. DEFINITIONS**

"Property Standards and By-Law Appeal Committee" means a committee appointed by the City of Timmins for the purpose of facilitating an appeal process for decisions related to municipal by-laws

"City" shall mean the Corporation of the City of Timmins

"City of Timmins Zoning By-Law" means by-law no. 2011-7100 including any amendments or successors thereafter

"City of Timmins Property Standards By-Law" means by-law no. 2007- 6489 including any amendments or successors thereafter

"Officer" means a Municipal Law Enforcement Officer, Building Inspector, or other persons assigned the responsibility for enforcing and administering the By-Law

"Small Accessory Structure" means a building or structure, measuring less than 108 square feet, not used for habitable purposes, that is naturally and normally incidental, subordinate and exclusively devoted to the main building and which is located on the same lot, including prefabricated structures

"Small Storage Container" means a metal container under 108 square feet that is traditionally used for the shipping and storage of goods

"Temporary Tent Shelter" shall mean a non-permanent commercially prefabricated accessory structure that is designed, erected and used to provide shelter to a vehicle during the winter months and is designed to be easily dismantled or removed

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“Vehicle” shall mean any carriage, conveyance or other device capable of being propelled, driven or drawn by any other kind of power, including motor power or wind power, and includes without limiting the generality of the foregoing, a passenger motor vehicle, truck, trailer, boat aircraft, tractor, farm implement, mobile crane or shovel, snowmobile, motorcycle, but does not include a pedal bicycle, canoe, kayak or any other device powered solely by means of human effort, or a mobile home

## **2. ADMINISTRATION**

(1) Every person erecting a small accessory structure or temporary tent shelter is required to obtain a City of Timmins Small Accessory Structure/Temporary Tent Shelter permit from the Supervisor of Enforcement Services

(2) The Supervisor of Enforcement Services may not issue a permit or renew a permit until:

(a) all required approvals and inspections have been obtained by the applicant

(b) all required documentation has been provided

(c) all permit fee(s) have been paid in full

(3) There shall be a separate application for each small accessory structure and temporary tent shelter

(4) The applicant shall comply with any and all requirements as set out in this by-law as well as any other legislation which may be applicable

(5) Except as may otherwise be specified within this by-law or specified as a Special Condition as authorized by this by-law, every Temporary Tent Shelter permit shall expire on May 1<sup>st</sup> of each year

## **3. INSPECTION**

(1) A Municipal Law Enforcement Officer or other duly appointed individual may at all reasonable times inspect or cause to be inspected the premise, facilities, or equipment, used in connection with the small accessory structure or temporary tent shelter that is permitted or that is required to be permitted pursuant to this by-law

## **4. REFUSAL TO GRANT/SUSPENSION/REVOCAION OF PERMIT**

(1) The Supervisor of Enforcement Services may refuse to issue or renew a permit, suspend a permit, or revoke a permit to any applicant who:

(a) the Supervisor of Enforcement Services determines is not in the public's interest to grant such a permit to the applicant; or

(b) has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon, or in connection with the application for permit or permitted structures or shelters

(c) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law

(d) where it has been determined that the applicant has falsified any information or attempted, in any way, to mislead the Supervisor of Enforcement Services or any other person whose approval may have been required in conjunction with the application

## **5. GENERAL PROVISIONS FOR SMALL ACCESSORY STRUCTURES**

(1) All small accessory structures shall:

(a) be installed and maintained in accordance with all provisions for "Accessory Structures" set out in the City of Timmins Zoning By-Law

(b) be maintained in a good state of repair in accordance with the City of Timmins Property Standards By-Law

(2) All persons wishing to erect a small accessory structure must first obtain an approved Small Accessory Structure Permit from the City of Timmins Enforcement Services Department as set out in Schedule B

(a) Application for Small Accessory Structure Permit shall include:

(i) completed application on prescribed form (Schedule B)

(ii) site plan (including other structures)

(iii) payment as set out in Schedule A

(3) Whereas a person may use a small storage container as an accessory structure, it must be made to conform to the appearance and feel of a residential neighbourhood (i.e. with siding)

(4) No person shall:

(a) erect a small accessory structure without first obtaining a permit

(b) fail to erect or maintain a small accessory structure in accordance with a permit issued under this by-law

(c) fail to maintain small accessory structure in accordance with the City of Timmins Property Standards By-Law

## 6. GENERAL PROVISIONS FOR TEMPORARY TENT SHELTERS

(1) Every temporary tent shelter shall:

- (a) be prefabricated and shall consist of a tubular steel frame covered with a flame-resistant fabric or film
- (b) be securely anchored to the ground
- (c) be maintained in a good state of repair
- (d) be placed in such a manner as to prevent snow accumulation from the roof of the tent from falling onto adjacent property
- (e) be placed in such a manner so that the tent and/or snow accumulation from the tent does not affect walkways and/or vents of adjacent properties

(2) All persons wishing to erect a temporary tent shelter on their property must first obtain an approved Temporary Tent Shelter Permit from the City of Timmins Enforcement Services Department as set out in Schedule B

(a) Application for Temporary Tent Shelter Permit shall include:

- (i) completed application on prescribed form (Schedule B)
- (ii) site plan (including neighbouring walkways, vents, and other structures)
- (iii) payment as set out in Schedule A

(3) No person shall:

- (a) erect a temporary tent shelter without first obtaining a permit
- (b) erect a temporary tent shelter between April 30<sup>th</sup> and October 1<sup>st</sup> of the same year
- (c) use a temporary tent shelter for uses other than storing a vehicle
- (d) erect a temporary tent shelter that exceeds 22.3 square metres (240 square feet)
- (e) erect more than two (2) temporary tent shelters on one property
- (f) provide any form of power or heat to a temporary tent shelter
- (g) fail to maintain temporary tent shelter in a good state of repair
- (h) place a temporary tent shelter in such a manner as to cause snow accumulation from the roof of the tent to fall onto adjacent property
- (i) place a temporary tent shelter in such a manner so that the tent and/or snow accumulation from the tent affects walkways and/or vents of adjacent properties

(j) fail to remove a snow accumulation which resulted from the placement of a temporary tent shelter contrary to section 6(3)(h) and/or 6(3)(i)

(4) Notwithstanding section 6(3)(b) a temporary tent shelter may be allowed year-round in a rear or interior side yard subject to the conditions set out for an accessory structure in the City of Timmins Zoning By-Law

## **7. VARIANCE**

(1) Applications for variance on any permit conditions or removal requirements for temporary tent shelters or small accessory structures shall be directed to the City of Timmins Property Standards and By-Law Appeal Committee

## **8. ENFORCEMENT**

(1) Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*

(2) Notwithstanding section 8(1), application for variance from the zoning by-law will not be considered by the City of Timmins Property Standards and By-law Appeal Committee

(3) The court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted

(4) Where anything required or directed to be done in accordance with this by-law is not done, the City or persons designated by the City may, upon such notice as they deem suitable, carry out such work or take such action and recover the costs of so doing by taking action or by adding the costs to the tax roll for the property on which the work was done or the actions were taken and collecting them in the same manner and with the same priority as municipal taxes

(5) Where the City proceeds pursuant to section 8(4) of this by-law, a Municipal Law Enforcement Officer may enter onto the lands accompanied by any person(s) under his or her direction, and with the appropriate equipment as required, to bring the property into compliance with this by-law

## **9. SEVERABILITY**


Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid

**10. ENACTMENT**

- (1) This by-law comes into force and effect on the date of passage
- (2) That By-law 2016-7802 and any other by-law contrary to this by-law be hereby repealed.

READ a first and second time on this 3<sup>rd</sup> day of October 2016.

READ a third and final time and enacted and passed this 3<sup>rd</sup> day of October 2016.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

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**CERTIFIED TRUE COPY  
OF BY-LAW NO. 2016-7898**

  
CLERK

**(SGD) STEVE BLACK**  
MAYOR

**(SGD) STEPH PALMATEER**  
CLERK



# SCHEDULE "A"

CITY OF TIMMINS  
BY-LAW 2016-7802

## Permit Fees

Temporary Tent Shelter:		
	Seasonal	\$15.00
	Yearly	\$25.00
Small Accessory Structure		\$50.00