



## SHIPPING CONTAINER REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 28<sup>th</sup> day of April and to come into effect as of the 29<sup>th</sup> of April 2021.

A copy of these Regulations was sent to the Minister of Municipal and Provincial Affairs on the 5<sup>th</sup> day of May 2021.


  
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**MAYOR**

  
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**TOWN CLERK**

**PUBLISHED BY AUTHORITY**

Pursuant to the authority conferred by Section 414 and any other sections enabling under the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of Gander hereby adopts the following Shipping Container Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal and Provincial Affairs on the 5<sup>th</sup> day of May 2021.

  
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MAYOR

  
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TOWN CLERK

**SHIPPING CONTAINER REGULATIONS**

**1. Title**

These Regulations may be cited as the Town of Gander Shipping Container Regulations.

**2. Definitions**

For the purpose of these Regulations unless the context otherwise requires:

- a) "Shipping Container" means a freight container that is used for the transportation and storage of goods for the purpose of moving goods and materials. A shipping container shall also include, but not limited to, the body of a straight truck or a transport trailer with or without wheels. For the purpose of this definition, a Shipping Container does not include a motor vehicle, or a trailer not being used for storage.
- b) "Intermodal Container" means a freight container that is used for the transportation and storage of goods and material which are loaded onto trucks, trains, or ships for the purpose of moving goods and materials. (Commonly referred to as a Sea Can)
- c) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
- d) "Building Coverage" means the amount of land covered or permitted to be covered by a building) or cumulative total of all buildings), usually measured in terms of percentage of a lot.
- e) "Building Height" means the vertical distance, measured in metres, from the established grade to the highest point on the roof.

“Building Line” means a line established by an authority that runs parallel to a street line is set back at the closest point to a street that a building may be placed.

- g) “Long Term Usage” means the use of a shipping container as a storage facility for a period exceeding 6 months.
- h) “Maintenance” means activities required or undertaken to preserve as closely and as long as possible the original condition of an asset or resource while compensating for normal wear and tear.
- i) “Rear Yard” means a yard extending across the full width of the lot between the rear lot and the nearest wall of the building on the lot.
- j) “Setback” means the least horizontal distance permitted between the lot line of a lot and the nearest portion of any building envelope on such lot.
- k) “Side Yard” means the distance between the side lot and the nearest side wall of a building on a lot.

### 3. Application

Building Permit fee:

\$25.00 per Shipping Container.

*Fee to be paid upon receipt of application.*

#### To apply:

- a) Complete a Town of Gander Building Permit Application;  
<https://www.gandercanada.com/en/resourcesGeneral/BUILDING-PERMIT-APPLICATION-fillable.pdf>
- b) Determine maximum area, permitted locations, and required sideyards for the property, contact the Engineering Department for assistance;
- c) Obtain a real property report to be submitted along with your application or provide a neat sketch in the space provided on the back of the *Building Permit Application*. Indicate the size and location of the proposed shipping container, as well as the distances from rear and side boundary lines and the main building. Include the location of any easements, driveways, as well as any existing structures on the property, along with their measurements;
- d) Pay the applicable fee as calculated by the Engineering department after initial application review;
- e) Once the application has been processed and approved, a Town official will visit the property and issue the permit.
- f) All shipping containers will also be subject to Service NL plan review, their approval is required before a building permit can be issued.



#### 4. Regulations

Shipping containers will be considered as an *Accessory Building*. Notwithstanding these regulations, Shipping containers shall also comply with the Town of Gander's Accessory Building Regulations

Location on the lot as per the Accessory Building Regulations, including but not limited to, Building Coverage, Street Setback, Sideyard/Rearyard, Maximum Height.

Shipping containers must not be located near exits, windows, or unprotected openings of other buildings. Contact Service NL to determine building separations and the exact distance from openings.

Shipping containers cannot be used to increase accessory storage capacity beyond the limits of the total allowable size of accessory buildings as outlined in the accessory building regulations.

Shipping containers shall not be in an area required for parking or landscaping if the placement reduces the area below the minimum standards.

Containers shall not be used for the storage of refuse.

Containers shall be placed on a hard-packed level surface.

Shipping containers shall not be installed under power lines.

Shipping containers intended for long term storage shall be complementary to the principal building and be maintained in a condition free from rust, peeling paint, and other forms of visible deterioration.

Intermodal Containers may be stacked provided the height does not exceed the maximum Accessory Building height. Stacked containers must be secured by means of "twistlock" connectors at all required locations on the top and bottom units.

Intermodal containers may be used in residential zones provided they are appropriately modified to have the appearance of a standard wood frame construction consisting of cladding and roof style construction complementary to the main dwelling.

#### 5. Exceptions

Job Trailers and storage containers used on a construction site for the sole purpose of the construction activity on the specific site do not require a permit, however separation, setback and sideyard/rearyard minimum distances do apply.

These regulations cover the use of containers as it relates to shipping or storage purposes and shall only be permitted as an accessory to the approved principal usage of the existing building.

Any request to repurpose or convert a shipping container into something other than its original intended purpose for such uses as office or retail space shall be as a formal proposal to Council for their consideration. Any approved proposals must comply with all applicable codes and standards for the intended use and will be subject to the same plan review process as a new building.

## **6. Council Discretion**

Council delegates its approval authority under this Regulation to Director of the Department of Engineering, Planning, and Development and the Authorized Agents of the Department for the purpose of approving permit applications that are in compliance with the provisions set forth in this Regulation.

Approval of permits that are outside the provisions of the regulations are under the authority of and subject to Council's approval in the form of an Approved Motion of Council.

## **7. Inspections and Maintenance**

When installation is complete, contact this department for final inspection. All Shipping Containers will be inspected upon completion for compliance with Town of Gander's regulations.

All shipping containers within the boundary of the Town of Gander shall be maintained to the satisfaction of Council. If, in the opinion of Council, a shipping container requires maintenance, Council shall so inform the owner by registered letter. The requested maintenance shall be completed within a period as specified in the letter.

## **8. Fire and Life Safety**

Intermodal containers are designed for overseas storage and shipping of various items. These containers are poorly ventilated and are therefore able to build internal pressure. The containers easily behave like a closed vessel and may pose a fire and safety risk if not regulated.

In the Town of Gander, shipping containers located on properties subject to fire inspections will be inspected for compliance. Containers used for storage of any flammable, combustible or hazardous materials must have a placard such as used in transportation of dangerous goods, WHIMS 2015 or the NFPA 704 marking method attached to the door and shall be appropriately modified for this use. Containers used for storage or sheltering are considered to be a building and therefore must meet the requirements of the National Building Code of Canada (NBC) and the National Fire Protection Association (NFPA), as well as Town of Gander By-Laws.

- The container and its contents must be identified in the Fire Safety Plan.



**Enforcement**

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Municipal Enforcement Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 6 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g) Every person requested by a Municipal Enforcement Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h) It shall be the duty of a Municipal Enforcement Officer or the Enforcement Authority to:
  - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
  - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
  - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
  - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

**10. Failure to Comply**

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 6 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;

- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

**11. Offence and Penalties**

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
  - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
  - ii. May be subject to an order under section 404 (1) of the Act; or
  - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
  - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

**12. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.