

COMMUNICATION 131030

Received From: Lennox Smith, Chief Building Official
Addressed To: Committee of the Whole
Date: March 10, 2020
Topic: Sea Container Policy

SUMMARY

The Town of Carleton Place Building Department has been actively reviewing options to address the influx of sea container structures in Town. The Chief Building Official (CBO) has reviewed multiple options to limit liability to the Town while reducing financial strain on applicants that choose to use these pre-manufactured structures as buildings.

BACKGROUND

Since advising sea container owners of the planning/building including engineering requirements regarding these structures, staff has been questioned regarding whether sea containers are in fact structures. The CBO has found case law which clearly defines sea containers as structures under the Ontario Building Code and therefore they require building permits. A review of the Town's building files showed that there were no active applications for almost all of the sea containers in Town.

Due to concerns about the planning/building requirements for these structures, the CBO started to research options that would limit the Town's exposure to liability while providing a reasonable option to the public. The fact is that these structures have been in the community and the province for years now and there has been limited to no events which showcase their failure due to everyday weather events.

After thorough review of sea containers as a structure, municipal law and Ontario Building Code requirements, a reasonable solution was discovered, and verified by the Town's solicitor. This solution derives from Section 450 the Municipal Act, and the ability for the Town to develop a policy regarding discretionary requirements. As a result of this Municipal Act section, Staff feels that the engineering requirements of sea containers can be reduced as long as the following criteria are met:

- Shall be intact and unaltered from the original manufacturer's design in any way, except for one (1) hole no larger than 8"x8" for installation of a required vent which is always open for the passage of air. Painting is not considered an alteration
- Shall not consist of more than four (4) sea containers in a grouping side by side and/or end to end.
- Shall not have any visible signs of deterioration or structural fault in the floor, structural members, or exterior metal covering
- Shall be generally level and bear on a firm surface
- Shall not be heated more than 10°C on a continuous basis during the winter months.
- Shall only be used for non-commercial uses in a residential zone (i.e. workshop, storage of personal items for the household).
- Shall only be used for storage purposes in commercial/industrial zones (i.e. outdoor cold storage with minimal human occupancy for re-stocking, retrieving stock and taking items from storage for sale at the business).

- Shall not be stacked, have any roof installed over it, and shall not have any other structures attached to the container.
- Shall be anchored by means of the most appropriate engineered detail (dependent on soil type) provided by the Town of Carleton Place.
- Shall require a building permit from the Building Department, and shall require appropriate Planning approvals if required.

Any container meeting the above criteria would be deemed to be a “stock engineered sea container system” and will need a permit as required by the Ontario Building Code but will only be required to meet basic engineering as noted below. Any sea container that is installed which does not meet all of these criteria will require additional engineering to ensure that it is structurally adequate.

As a service to the persons seeking permit for basic sea container installations in the Town, the CBO is willing to obtain a standard design from a local Engineer for an anchorage detail to be used on the common soil types in the Town of Carleton Place. This detail will be provided at no cost for all standard unaltered sea container installations that meet the criteria above. This detail will be required and will be inspected after installation under the permit obtained from the Building Department.

Due to the recent tornado and down burst weather events in the area, the CBO feels this is precaution that must be in place to help reduce the likelihood of a weather event causing a container to be moved from its location, and causing harm to persons or property.

The full sea container policy can be viewed in “Appendix A” attached.

FINANCIAL IMPLICATIONS

There is no financial implication on the Town’s general budget related to this policy. There will be a cost to the Building Department Budget (paid for by building permits) for the engineering anchorage detail but that cost can be taken from existing budget provisions.

STAFF RECOMMENDATION

THAT Council approve the Sea Container Policy for utilization by the Building Department for all sea container building permit applications.



SEA CONTAINER POLICY

1.0 PURPOSE

The purpose of the Town Sea Container Policy is to:

1. address the recent influx of sea containers in the Town of Carleton place;
2. determine how to address the additional workload they require given current staffing levels; and
3. to provide guidance for building permit requirements for new and existing containers.

2.0 SCOPE

This policy shall apply to new and existing sea containers within the boundaries of the Town of Carleton Place to ensure they are being addressed in a responsible and reasonable matter, while reducing risk to the Town.

3.0 BACKGROUND

The Town of Carleton Place is currently experiencing an increasing utilization of retired sea containers by the public for storage purposes on properties throughout Town of Carleton Place. From review of Town records, there have been no recorded building permits issued for these containers per the "Building" definition in the Building Code Act.

Town staff has been receiving significant opposition from residents regarding the requirement for building permits for sea containers. The Building Department has been inundated with meetings to discuss sea containers with the general sentiments being that residents disagree with the requirement to provide proof of structural adequacy of the containers as they are already over-designed and owners not believing that they are a building as defined under the Building Code Act. If building permits are not obtained, the Town will be forced to issue orders and will have legal costs associated with enforcement.

The following two (2) recent court cases support the fact that sea containers meet the definition of a building under the Building Code Act:

- i. (2004) Building Code Commission (*Ruling 04-34-989*), and
- ii. (2019) Ontario Court of Appeals case: *R. vs 713758 Ontario Inc*

In terms of the requirement for engineering of the structures, an argument could be made that if unaltered, they are in fact engineered to a degree that would satisfy the Ontario Building Code. From the history of these containers in Carleton Place, there are no reports of any structural integrity issues from snow and ice loads, having structural failure due to rain and wind loads, or any instances of a sea container blowing away.

The Town of Carleton Place is a growing community and the Building Department has reasonable staffing to handle current growth levels. The Building Department strives to ensure the safety of persons and possessions within buildings, while balancing being reasonable with the public, where possible. The Department's current workload includes:

1. Over 4,000 inspections annually, not including sea containers;
2. 350+ permits per year issued with three (3) inspectors, not including sea containers;
3. Over 400 applications reviewed annually, not including sea containers;
4. 337 new dwelling units built in 2019 and over 200 in 2018.

If the Town adopts a policy of requiring building permits for sea containers the Department will be required to issue an order to comply for sea containers found without a permit, with non-compliance requiring the preparation of summons and court attendance by staff. The orders, court summons and attendance will require significant staff time and effort not accounted for by current staffing levels. In addition, any new sea containers installed on properties in the Town will require a building permit, permit review, inspection by staff and possibly engineering reports for each new installation.

Due to the additional workload addressing sea containers will require and the limited risk associated with unaltered sea containers, it is appropriate to develop a policy to address existing and new sea containers.

4.0 APPLICATION

Section 450 of the Municipal Act, RSO, 2001, S.O. 2001, c25 authorizes municipalities to enact a policy on discretionary powers. Given this ability, the Town and the Chief Building Official deem it expedient to enact a policy with respect to sea containers as follows:

Sea Containers for residential and/or commercial or industrial uses which meet all of the following criteria shall require no additional engineering and shall be by

discretion of the Chief Building Official and the Town of Carleton Place deemed structurally adequate:

1. Shall be intact and unaltered from the original manufacturer's design in any way, except for one (1) hole no larger than 8"x8" for installation of a required vent which is always open for the passage of air. Painting is not considered an alteration;
2. Shall not consist of more than four (4) sea containers in a grouping side by side and/or end to end;
3. Shall not have any visible signs of deterioration or structural fault in the floor, structural members, or exterior metal covering;
4. Shall be generally level and bear on a firm surface;
5. Shall not be heated more than 10°C on a continuous basis during the winter months;
6. Shall only be used for non-commercial uses in a residential zone (i.e. workshop, storage of personal items for the household).
7. Shall only be used for storage purposes in commercial/industrial zones (i.e. outdoor cold storage with minimal human occupancy for re-stocking, retrieving stock and taking items from storage for sale at the business);
8. Shall not be stacked, have any roof installed over it, and shall not have any other structures attached to the container;
9. Shall be anchored by means of the most appropriate engineered detail (dependent on soil type) provided by the Town of Carleton Place;
10. Shall require a building permit from the Building Department and shall require appropriate Planning approvals.

The Chief Building Official may request any of the above-noted conditions to be detailed in writing prior to permit issuance. Permits shall be issued per sea container or group of containers as long as they are attached together mechanically but anchored individually. Provided the following criteria are met to the satisfaction of the Town, only a basic inspection of the installation shall be required.