

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

By-Law # 20-14

TRAILER LICENSING

BEING a by-law to Licence Trailers in the Township.

WHEREAS The Municipal Act S.O. 2001, section 168 authorizes the Municipality to pass by-laws for the licensing of Trailers in the Municipality:

NOW THEREFORE THAT the Council of the Corporation of the Township of Assiginack **HEREBY ENACTS AS FOLLOWS:**

- 1. Short Title:** This By-law may be cited as the “Trailer Licensing By-law”
- 2. Definitions:** In this by-law:
 - 2.1. “Township or Municipality”** shall mean the Corporation of the Township of Assiginack and shall be defined as the lands and premises within the corporate limits.
 - 2.2. “Trailer”** Shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping or eating accommodations of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a tent trailer, a camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home and a park model trailer.
 - 2.3. “Stored Trailer”** means any trailer located on the property only for the purpose of sale or storage but shall not include any trailer being used at any time for living, sleeping or eating accommodations of persons while located on the property.
 - 2.4. “Assessed Trailer”** means any trailer legally located on a property and that is assessed under the Assessment Act.
 - 2.5. “Camping Establishment”** means lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreation vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities, and an accessory convenience store.
 - 2.6. “Short Term Rental”** Means the use of a trailer that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, rental agreement, or similar arrangement for any period equal to or less than 30 consecutive calendar days.
- 3. Prohibitions**
 - 3.1.** No person shall use nor shall an owner of the land permit a person to use and / or keep a trailer on any property within the Township for more than 30 days in a given year, except in a designated Camping Establishment, without purchasing an annual license.
 - 3.2.** No person shall have a trailer without a license unless defined in Section 2.4 even if the trailer was legally placed on the property prior to the date of implementation of this By-law.
 - 3.3.** No person shall occupy a trailer from December to April of any given year.

- 3.4.** Under no circumstances will a travel trailer be allowed to be used as a short-term rental unit.
- 3.5.** No person shall add additions to a constructed trailer such as sunrooms, porches, roofs, or decks that require the authorization of a building permit. Trailers with such additions, that existed as of the date of the passing of this by-law may continue their use.
- 3.6.** The owner of the land, other than an established Camping Establishment within the Township, upon which a legally non-conforming trailer is located, shall be responsible for obtaining a license from the Township or the Township's By-Law Enforcement Officer. No license shall be issued unless the prescribed fee has been paid.
- 3.7.** Where a trailer, that is located on a property in the Township, other than on land used as an established Camping Establishment, has been established to a legally non-conforming use and where such trailer has only been used occasionally for living, sleeping or eating accommodations of persons, such a trailer shall not be deemed to be a stored trailer as defined in Section 2.3 and shall be subject to an annual license.
- 3.8.** No License shall be issued under this By-law if the application for the license would be in contravention of any other By-law of the Corporation or of any Federal or Provincial law or regulation.
- 3.9.** This By-law shall not apply to a trailer where such a trailer is located on an existing lot for the sole purpose of storage or for the sole purpose of the sale of the trailer. Where a trailer is being stored or offered for sale and no person shall use or occupy the trailer.
- 3.10.** No person shall locate a mobile home their property.
- 3.11.** No trailer for which a license is required under this By-law shall be located on land except in conformity with the set back requirements for a dwelling unit as prescribed by the Corporation of the Township of Assiginack By-law #80-20 and # 80-21, as amended, for the zone in which the lands are located.

4. License Exemptions

- 4.1.** A stored trailer, as defined in Section 2.3 does not require a license.
- 4.2.** An Assessed trailer, as defined in Section 2.4, does not require a license.
- 4.3.** Where a building permit for a single family dwelling unit has been issued by the Township's Chief Building Official, the permit holder shall enter into an agreement for the placement of a trailer on the property where the unit is being constructed or reconstructed solely for the purpose of the construction and only if any applicable building permit fees are paid and the trailer is promptly removed prior to the expiration of the said building permit.

5. License Fee

- 5.1.** The license fee for a trailer shall be set out in Schedule "A" attached to this By-law.
- 5.2.** The license fee is payable for the current fiscal year upon receipt of an application. Every license obtained, in accordance with this paragraph in this By-law, shall expire on the 31st day of December in that year it was issued.
- 5.3.** Applications for licenses shall be made to the Township Office and/or the Licensing Enforcement Officer and duly signed by the owner of the property on which the trailer is to be located. The owner to whom a license has been

issued shall display the license on the trailer in a place that it can be seen easily from the outside of the trailer.

- 5.4. All applications for such a license shall be made using the prescribed form attached to this By-law as Schedule "B".
- 5.5. It is the sole responsibility of the landowner of such a property containing a trailer licensed under this By-law, to inform the Township Office and/or Licensing Enforcement Officer of any changes or removal of such trailer from the property.
- 5.6. The license fee is imposed upon the owner of the property on which the trailer is located. If the owner fails to make payment of the license fee in any year, the fee shall be deemed overdue and as such, the full license fee shall be collected as taxes.
- 5.7. A refund may be obtained by surrendering the issued license and submitting a request in writing to the Clerk and or the Licensing Enforcement Officer, indicating that the trailer was not located on the property and specifying the date on which it was removed. The refund may be calculated from the first day of the month following the relocation. The Township shall retain a minimum \$100.00 administration fee. The onus is on the landowner to provide supporting documentation of the date of such removal.
- 5.8. Any license issued under this By-law is not transferrable.
- 5.9. No person shall locate more than one trailer on a property lot.
- 5.10. Every person shall ensure that their trailer is connected to a sewage system that is operated and maintained as per Part 8 of the Ontario Building Code and enforced by Public Health Sudbury & Districts, unless the unit contains an integral holding tank to be emptied at a facility licensed by the Ministry of the Environment & Climate Change.
- 5.11. No trailer shall be licensed unless the location of the requested land the trailer is to be placed complies with the following:
 - 5.11.1. All Provincial statutory and regulatory requirements.
 - 5.11.2. The Township of Assiginack Zoning By-law, as amended.
- 5.12. A license issued pursuant to this By-law authorizes the use and maintenance of an existing trailer on an existing lot for temporary accommodation only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. The issuance of a license is not intended and shall not be construed as permission or consent by the Municipality for the holder of the license to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the Municipality.

6. Administration & Enforcement

- 6.1. Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and shall be liable, **for each contravention and each day of the contravention shall constitute a separate offense.**
- 6.2. No person being the registered owner of any lot or parcel of land within the Township shall permit any person to locate a trailer on his or her property except in accordance with the provisions of this By-law.
- 6.3. The administration of this by-law is assigned to the Clerk who may delegate the performance of his or her function under this by-law from time to time as the occasion requires.

- 6.4.** Every applicant shall provide in full, at the time of the application is submitted, all of the information required on the application for attached as Schedule “B”, as well as payment of the prescribed license fee as set out in this By-law and any other document or information as required in any other part of this By-law.
- 6.5.** Any application, comment, recommendation, information, document or thing in possession of the Clerk pursuant to the provisions of this By-law shall be made available by the Clerk for inspection:
- 6.5.1.** By any person employed in the administration of the enforcement of this by-law.
- 6.5.2.** By any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board commission authority or other agency which produced, submitted the application, comment, recommendation, information, document, or thing.

Subject only to the limitations imposed by the Municipal Freedom of Information and Protection of Privacy Act.

- 6.6.** The enforcement of the By-law is assigned to the Licensing Enforcement Officer for the Township of Assiginack.
- 6.7.** Any trailers used, maintained, or located in contravention of this By-law shall be removed from the lot, at the expense of the Owner of the lot. Failure to remove any trailers from a lot within the time prescribed by the Licensing Enforcement Officer may result in the removal of said trailer by the Township of Assiginack, at the expense of the Owner of the lot.

7. Inspections

- 7.1.** Any person designated by Council to enforce this By-law may, at any reasonable time and upon producing proper identification, enter and inspect any property licensed under or in contravention of the provisions of this By-law.
- 7.2.** No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law.

8. Penalty

- 8.1.** Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and, upon conviction, shall be liable for a fine pursuant to Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, for each contravention and each day of the contraventions shall constitute a separate offence. Schedule “C” attached.
- 8.2.** Upon registering a conviction for the contravention of any provision of this By-law, the Ontario Court, Provincial Division, may, in addition to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9. Validity

- 9.1.** If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the

validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clause or provision of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

10. Effective Date

10.1. This By-law shall come into effect on the 1st day of January 2022.

AS READ a FIRST and SECOND time, this 3rd day of November 2020.

AND AS READ a THIRD and FINAL time and considered passed, in open Council, this 12th day of January 2021.

David Ham, MAYOR

seal

Alton Hobbs, CAO/DEPUTY CLERK

The Corporation of the Township of Assiginack

Trailer Licensing

Schedule "A" - Licensing Fees

Fees for trailers located within any Zone having Municipal jurisdiction of the Corporation of the Township of Assiginack Zoning By-law 20-14

| | |
|-------------------------|---|
| 2022 Trailer Permit Fee | \$750.00 per year and each year thereafter until such a time the fee is amended by council. |
|-------------------------|---|

Proposed Site Plan of Property

The site plan should be attached and showing the following:

- Property dimensions
- Position of the recreational vehicle, of site including setbacks from all lot boundaries, roadways and waterbody courses as set out in the Township of Assiginack Zoning By-law.
- Location of Septic System
- Location of well
- Parking spaces
- Driveway
- Fire pit

If applicable, please attach the approved permit from the Public Health Unit, Sudbury & Districts.

I confirm that the information provided on this application form is true to the best of my knowledge and belief.

I agree to comply with the provisions of this By-law.

Applicant Signature

Date

Reviewed by the Township of Assiginack Administrative Staff:

Issuing Officials Signature

Date

The Corporation of the Township of Assiginack

Trailer Licensing

PART 1 PROVINCIAL OFFENCES ACT

Schedule "C" - Penalty Provision

| ITEM | SHORT FORM WORDING | PROVISION CREATING OR DEFINING THE OFFENCE | SET FINE |
|-------------|--|---|-----------------|
| 1. | Fail to obtain a license for trailer over 30 day limit | 3.1 | \$300.00 |
| 2. | Fail to vacate trailer at any time during the months of December through to April | 3.3 | \$300.00 |
| 3. | Allow additions to a constructed trailer such as sunrooms, porches, roofs or decks | 3.4 | \$300.00 |
| 4. | Locating mobile home on property | 3.9 | \$300.00 |
| 5. | Trailer not conforming to setback requirements of the Zoning By-law | 3.10 | \$300.00 |
| 6. | Have more than one (1) trailer per property | 5.8 | \$300.00 |
| 7. | Allow person(s) to locate trailer on his/her property without a license | 6.2 | \$300.00 |
| 8. | Obstruct person designated to enforce this By-law | 7.2 | \$300.00 |

Note: The general penalty provision for the offences listed above is Section 8.1 of the By-law 20-14, a certified copy of which has been filed.