

# **THE CORPORATION OF THE TOWNSHIP OF OTONABEE-SOUTH MONAGHAN**

## **BY-LAW NO. 2009-66**

### **BEING A BY-LAW TO REGULATE “NEW” TRAILER CAMPS/TRAILER PARKS**

**WHEREAS** the Corporation of the Township of Otonabee-South Monaghan has general authority to pass by-laws concerning matters under its jurisdiction pursuant to the *Municipal Act, S.O. 2001* and such powers include the power to regulate and prohibit and to require persons to do things in respect of the matter;

**AND WHEREAS** the Corporation of the Township of Otonabee-South Monaghan has specific authority to prohibit or license trailers pursuant to section 164 of the Act;

**AND WHEREAS** the Council of the Corporation of the Township of Otonabee-South Monaghan deems it in the public interest to regulate trailer camps within the municipality;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF OTONABEE-SOUTH MONAGHAN HEREBY ENACTS AS FOLLOWS:**

**Explanatory Note:** One of the primary purposes of this by-law is to regulate the period of occupancy such that a trailer camp or trailer park may not be used as a place of year round occupancy. Furthermore trailer camps or trailer parks regulated hereunder are not subject to the Residential Tenancies Act, 2006, pursuant to section 5(a) of the Act notwithstanding that occupancy of trailers or trailer sites may satisfy “residency” requirements under other Federal or Provincial legislation.

## **PART I: DEFINITIONS AND GENERAL PROHIBITIONS**

### ***Definitions***

1. The following words or phrases shall have the meanings set out below, for the purpose of this by-law:

“Operating Season” shall mean the period during which the a trailer camp is open and accessible for use by lessee, tenants, etc of sites or trailers within the trailer or any invitees of lessee, tenants, etc.

“Trailer” means any vehicle constructed to be attached and propelled by a motor vehicle or a self propelled vehicle, that is capable of being used by persons for living, sleeping, or eating even if the vehicle is jacked up or its running gear is removed or disabled. For the purposes of this by-law a trailer includes a “recreational vehicle” and a converted bus or van.

“Trailer Camp” or “Trailer Park” means any land upon which two or more trailers are kept; such terms trailer camp and trailer park may be used interchangeably.

“Trailer Site” means the lands devoted to exclusive use by the owner or occupants of a trailer owner who has entered into a lease, license of occupation or other similar arrangement concerning the placement of the trailer within the trailer camp.

### ***General Prohibition: Trailer Camp Operations***

2. No person shall operate or permit a trailer camp to be operated except in accordance with the regulations and performance standards set out in this by-law.

### ***General Prohibition: Periods of Prohibited Occupation***

3. No person shall occupy or be present in a trailer camp or a trailer located therein for any length of time except during the trailer camp’s operating season.

## **PART II: REGULATIONS**

### ***General Requirement to Establish Operating Season for a Trailer Camp***

4.
  - (1) Every trailer camp operator and/or owner, shall annually, deliver to the Township, a completed Notice of Operating Season Form (attached hereto as Schedule “A”) wherein among other things, it identifies the date of commencement and conclusion for such season; such notice of the operating season shall be delivered on or before April 1<sup>st</sup> of each year.
  - (2) An operating season for a trailer camp is restricted to a maximum period of 186 consecutive days which may commence no earlier than April 15<sup>th</sup> and conclude no later than October 31<sup>st</sup>.
  - (3) Where a Notice of Operating Season is not received by the Township on or before April 1<sup>st</sup>, such trailer camp shall be deemed to have commenced its operating season on April 15<sup>th</sup> and concluded its operating season on October 18<sup>th</sup> (being 186 consecutive days).
  - (4) For the purposes of this by-law the date of commencement of an operating season shall be 12:00 am on the specified date of commencement and the date of conclusion shall be at 11:59 p.m on the specified date of conclusion

**Explanatory Note:** The period from April 15<sup>th</sup> through October 31<sup>st</sup> represents 199 consecutive days. The effect the foregoing provisions is to permit trailer camps to have a maximum operating season of 186 days falling with the specified time period, thereby allowing operators to tailor their operating seasons to their specific operation and to vary the start and end of the operating season annually. The default operating season for trailer camps that fail to submit the notice, is April 15<sup>th</sup> to October 18<sup>th</sup>.

### ***Operation: By Occupation***

5. For the purposes of this by-law, the operation of a trailer camp includes but is not limited to permitting occupancy of a trailer by any person for any length of time in such trailer camp except where such occupancy is to effect emergency repairs of a trailer that is damaged by (hereinafter “emergency occupancy”).

### ***Emergency Occupancy***

6. “Emergency Occupancy” permitted under section 5 shall be:
  - a. Limited to occupancy by the lessee/tenant of the trailer site upon which such trailer is situated or their agents, employees or designates and for the purpose of effecting emergency repairs to the trailer or to permit the removal of such trailer from the trailer camp for repairs (and subsequent return of such trailer to the trailer camp); and
  - b. such emergency occupancy shall be limited to a period of no more than 2 consecutive days for repairs occurring at the trailer site; where the trailer is to be removed and replaced at a later date, the maximum of 2 days are not required to be consecutive; and
  - c. where repairs cannot reasonably be effected within the time prescribed in subsection (b) the trailer site lessee/tenant may seek an extension from the Township clerk who shall have the authority and discretion to grant extensions of up to a maximum of 2 additional days.

### ***Notice of Emergency Occupancy***

7. The owner or operator of a trailer camp shall provide written notice to the Township of any lessees/tenants who enter the trailer camp outside of the operating season for the purpose of any emergency occupancy identified in sections 5 and 6 above. Such notice shall identify the trailer site, the lessee/tenant, the general nature of the damage giving rise to the emergency occupancy and the dates such occupancy occurred and shall be delivered to the Township no later than 14 days after such occupancy occurred.

### ***Permitted Activities During Seasonal Closure***

8. For the purposes of this by-law the following activities are deemed not to be the operation of a trailer camp:
  - a. the conduct of maintenance, repairs and/or capital improvement of the trailer camp lands or structures and buildings thereon (excluding trailers, decks or other building or structures that are the property of the lessee/tenant of a trailer site) by the owner, its agents or employees;
  - b. the occupancy of a principal dwelling unit on the trailer camp lands by the owner of the camp and any permitted accessory uses thereto as defined in the Township's Zoning By-law;
  - c. the display of trailer sites to prospective lessees/tenants by the owner or operator of the trailer; (for the purposes of this permitted activity the prospective lessee/tenant must be accompanied by the owner/operator or its employees;
  - d. a permitted emergency occupancy as set out in sections 5 and 6.

### **PART III: PERFORMANCE STANDARDS**

#### ***Site Plan Compliance***

9. The owner/operator shall ensure all development, organization and arrangement of the trailer camp is in compliance with any site plan and/or site plan agreement registered on title against the lands upon which the trailer camp is located. Where the Site Plan and/or Site Plan Agreement and the provisions of this by-law conflict, the site plan and/or site plan agreement shall prevail.

#### ***Trailer Site: Access***

10. Every site shall have access by a lane, roadway or driveway having an unobstructed width as follows:
  - a. for one way traffic (as properly signed): 3.5 m
  - b. for two way traffic: 6.25 m

#### ***Access Roads***

11. All lanes, roadways or driveways which provide access to a trailer site shall be constructed and maintained to accommodate the passage of emergency vehicles.

### ***Gates: Prohibit Access During Seasonal Closure***

12. The owner/operator shall maintain a gate of sufficient construction and organization to prevent motor vehicle access to the trailer sites within the trailer camp outside of the operating season. Such gate shall be shown on the site plan referenced in section 9 above.

## **PART IV: APPLICATION OF BY-LAW AND ENFORCEMENT**

### ***Application to New and Expanded/Enlarged Trailer Camps***

13. This by-law shall apply to:
  - a. any trailer camp established after November 16, 2009;
  - b. any trailer camp established on or before November 16, 2009 which is enlarged or expanded after November 16, 2009.

For the purpose of this section, the enlargement or expansion of a trailer camp means any increase in the number of Trailer Sites from that which existed on November 16, 2009 and/or the use or addition of lands for trailer camp purposes of lands that were not used as a trailer camp (or part of a trailer camp) on November 16, 2009.

### ***Offence***

14. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a maximum penalty as set out in section 61 of the *Provincial Offences Act R.S.O. 1990, c. P.33*, as amended from time to time or any successor thereof.

### ***Entry***

15. A municipal employee, staff person, agent or contractor hired by the Municipality, accompanied by any person under his or her direction, may enter onto any land that is used or believed to be used as a trailer camp for the purposes set out in subsection 436 (1) of the *Municipal Act, 2001* and shall have all powers of inspection set out in subsection 436(2) of the Act.

### ***Delegation of Authority***

16. (1) Council hereby designates and delegates to the clerk, the authority identified in subsection 6(c) of this by-law in accordance with section 23.1 of the *Municipal Act, 2001* or any by-law passed thereunder. Such authority is subject to the provisions of subsection 23.1(2).

(2) Pursuant to paragraph 5 of subsection 23.1(2), a decision of the clerk to deny the granting of an extension, may be reviewed by Council upon the receipt of a written request in writing within 10 days of the denial. Upon reviewing such decision Council may overturn the decision of the clerk and specify the length and terms of an extension or confirm the decision of the clerk.

By-law read a first and second time this 16<sup>th</sup> day of November, 2009.

By-law read a third time and finally passed this 16<sup>th</sup> day of November, 2009.

**THE CORPORATION OF THE TOWNSHIP  
OF OTONABEE-SOUTH MONAGHAN**

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DAVID P. NELSON, REEVE

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HEATHER SCOTT, CLERK

**Schedule "A" to By-law 2009-66**

being the Trailer Camp By-law

"Notice of Operating Season"

1. Name of Owner:
2. Name of Trailer Camp:
3. Municipal Address:
4. Legal Description:
5. Operating Season:  
Opening Date:  
Closing Date:

Note: The maximum length of the operating season is 186 days. For your reference the opening and closing date combinations for the maximum operating season are as follows:

April 15<sup>th</sup> to October 18<sup>th</sup> (default operating season)  
April 16<sup>th</sup> to October 19<sup>th</sup>  
April 17<sup>th</sup> to October 20<sup>th</sup>  
April 18<sup>th</sup> to October 21<sup>st</sup>  
April 19<sup>th</sup> to October 22<sup>nd</sup>  
April 20<sup>th</sup> to October 23<sup>rd</sup>  
April 21<sup>th</sup> to October 24<sup>th</sup>  
April 22<sup>th</sup> to October 25<sup>th</sup>  
April 23<sup>rd</sup> to October 26<sup>th</sup>  
April 24<sup>th</sup> to October 27<sup>th</sup>  
April 25<sup>th</sup> to October 28<sup>th</sup>  
April 26<sup>th</sup> to October 29<sup>th</sup>  
April 27<sup>th</sup> to October 30<sup>th</sup>  
April 28<sup>th</sup> to October 31<sup>st</sup>

You are not required to identify opening and closing dates that correspond to the maximum operating season. Shorter periods may be identified.

If you do not deliver this form to the Township Offices on or before April 1<sup>st</sup> of each calendar year, the default operating season shall be deemed to apply to your trailer camp pursuant to section 4(3) of the By-law.