

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

By-Law # 20-14 Consolidated

BEING a by-law to Licence Trailers within the Township of Assiginack.

WHEREAS The *Municipal Act* S.O. 2001, section 164 authorizes a municipality to pass by-laws for the licensing of trailers;

AND WHEREAS Section 434 of the *Municipal Act* S.O. 2001 authorizes a municipality to add outstanding fees and charges to the tax roll and collect them in the same manner as municipal taxes;

NOW THEREFORE THAT the Council of the Corporation of the Township of Assiginack enacts the following:

SECTION 1 – TITLE AND APPLICATION

- 1.1 This By-law may be cited as the “Trailer Licence By-law.”
- 1.2 This By-law does not apply to:
 - a. *Assessed Trailers* as defined in Section 2.2
 - b. *Trailers* located in *Campgrounds* as defined in Section 2.2
- 1.3 This By-law applies to any *trailer*, even if the *trailer* was placed on the property prior to the date of the enactment of this By-law.

SECTION 2 – DEFINITIONS

- 2.1 ANNUAL LICENCE means a *licence* issued under this By-law by the *Municipality* for the authorized use of a *trailer* to be used between May 1st and November 30th in the same calendar year.
- 2.2 APPLICANT means a *person* applying for a *licence* under the requirements of this By-law.
- 2.3 ASSESSED TRAILER means any trailer legally located on a property and that is assessed under the Assessment Act, as amended and therefore appears on the annual MPAC Assessment Notices for the property roll.
- 2.4 CALENDER YEAR means one-year period that begins on January 1st and ends on December 31st based on the commonly used Gregorian Calendar.
- 2.5 CAMPGROUND means any commercial establishment permitted in accordance with the Zoning By-law, as amended, which is used for a seasonal recreational activity as grounds for camping, and wherein the camping in *trailers* is permitted.
- 2.6 CHIEF BUILDING OFFICIAL (CBO) means the person appointed by Council of the *Municipality* under the Building Code Act, S.O. 1992, c23, as amended, or the person who is appointed to act in that capacity during his or her absence.
- 2.7 CLERK means the *Clerk of the Municipality*, or any other person designated to perform the duties of the Clerk for the *Municipality*.
- 2.8 COUNCIL means the elected Council of the Township of Assiginack.
- 2.9 GREY WATER means the wastewater of domestic origin that is derived from fixtures (sinks, tubs, showers, etc.,) other than that from sanitary units (toilets, urinals, etc.).
- 2.10 SEWAGE means wastewater of domestic origin that may contain excrement and is derived in whole or in part from sanitary unit fixtures (toilets, urinals, etc.).

- 2.11 MOBILE HOME means any dwelling unit that is designed to be made mobile and constructed or manufactured to provide a permanent residence but does not include a modular home or *trailer*.
- 2.12 MODULAR HOME means a dwelling unit constructed in accordance with Ontario Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site of final assembly on a permanent foundation but does not include a *mobile home* or *trailer*.
- 2.13 MUNICIPALITY means the Corporation of the Township of Assiginack and shall be defined as the lands and premises within the corporate limits.
- 2.14 MUNICIPAL LAW ENFORCEMENT OFFICER (MLEO) means the officer in charge of the By-law enforcement for the *Municipality* or his or her authorized subordinates or assistants.
- 2.15 PERMANENT BASIS means either year-round occupancy or occupancy by *persons* who do not maintain a usual or normal place of residence elsewhere.
- 2.16 PERSON means an individual, a corporation, a tenant, an association, a chartered organization, a firm, a partnership, an agent or trustee and the heirs, executors, or other legal representatives of a *person* to whom the context can apply according to law.
- 2.17 PUBLIC HEALTH SUDBURY AND DISTRICT (PHSD or Public Health) is the authority having jurisdiction of *sewage* and *grey water* systems for all municipalities within the District of Manitoulin.
- 2.18 STORE TRAILER means any *trailer* located on a property only for the purpose of storing such *trailer* for the use at any location other than the property to which it is stored.
- 2.19 TRAILER means 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 a motor vehicle and is capable of being used for living, sleeping, or eating accommodation 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 but are not limited to a tent trailer, camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home, a motor home, a truck camper, but does not include a *mobile home* or *modular home*.
- 2.20 USE shall mean to temporarily occupy a *trailer* for the purpose of non-commercial human habitation which includes living and/or sleeping and/or eating and/or using sanitary facilities and/or accommodation within the *trailer* for any period of time.
- 2.21 VACANT LAND means any parcel or combination of parcels of real property without industrial, commercial, or residential buildings.
- 2.22 ZONING BY-LAW means, the Zoning By-law as amended for The Corporation of the Township of Assiginack.

SECTION 3 – LICENCE AND REGULATIONS

- 3.1 No *person* shall use or allow a *trailer* to be used within the *municipality* unless the *person* has first obtained a *licence* under the provisions of this By-law or is exempt from licensing as per Section 4. For clarity, the requirement of to obtain a *licence* also applies to *trailers* which are located on a property prior to the date of the passage of this By-law.
- 3.2 A *licence* issued pursuant to this By-law authorizes the use and maintenance of a *trailer* for temporary accommodation only. The issuance of a *licence* does not grant the licensee the authority to occupy the *trailer* on a *permanent*

basis. Without limiting the generality of the foregoing, no *person* shall occupy or permit to be occupied, a *trailer* during the period commencing December 1st of a calendar year and ending April 30th of the following calendar year.

- 3.3 No *person* shall locate more than one trailer on a lot.
- 3.4 No *person* shall construct or erect or allow the construction or erection of an enclosure, roof-over, permanent canopy, extension, sunroom addition or other structure, or a patio, stairs, or walkway that is permanent in association with or connected to the *trailer*. This prohibition does not apply to a deck that complies with all of the following:
 - a. Total area does not exceed 10m²;
 - b. No portion of the deck is more than 60cm above grade;
 - c. No portion of the deck is attached to the trailer;
 - d. The deck does not have the effect of rendering the trailer as a permanent structure on a lot; and
 - e. The deck complies with the *Municipality's Zoning By-law*, as amended.
- 3.5 The presence of one or more *stored trailers* on a conveyable parcel would not preclude the issuance of a *licence* for a trailer.
- 3.6 No *person* shall connect a *trailer* to an existing *grey water* or *sewage system* without receiving authorization from *Public Health Sudbury and District*.
- 3.7 No *person* shall dispose or allow the disposal of *grey water* or *sewage* or allow *grey water* or *sewage* to be disposed of from a *trailer* except in at least one or a combination of the following:
 - a. A certified *grey water* or *sewage system*;
 - b. An accredited dumping facility;
 - c. With a service provider; or
 - d. From a certified portable receptacle
- 3.8 No *person* shall transfer a *licence* from on *trailer* to another.
- 3.9 No *person* shall fail to display proof of licensing after it has been obtained in accordance with Section 5.5.
- 3.10 No *person* shall knowingly provide false information on the application for *licence*.
- 3.11 No *person* shall hinder or obstruct the *Municipal Law Enforcement Officer* or designate who is attempting to enforce this By-law.
- 3.12 No *licence* shall be issued under this By-law if the application for the *licence* would be in contravene to any other applicable By-law of the *Municipality* or any applicable Federal or Provincial Law or regulation.
- 3.13 The issuance of a *licence* is not intended and shall not be construed as permission or consent by the *Municipality* for the holder of the *licence* to contravene or to fail to observe or comply with any law of Canada, Ontario or any By-law of the *Municipality*.
- 3.14 The owner of the property upon which a licensed *trailer* is to be located shall consent to its placement on the property in writing if they are not the owner of the *trailer*.
- 3.15 Where the owner of the land has obtained a building permit for the construction of a single detached dwelling, and that owner wishes to *use* a *trailer* for temporary accommodation while constructing such dwelling, the

owner may apply for permission to secure a *licence*. A *licence* secured under provisions made by the *Chief Building Official* do not require the applicant to render the fee to the *Municipality* but will however require them to enter into an agreement with the *Municipality* which, among other things, provides for the removal of the *trailer* at a fixed time or at upon the completion of the dwelling, whichever event occurs first.

SECTION 4 – LICENCE EXEMPTIONS

- 4.1 A *stored trailer* does not require a *licence*.
- 4.2 An *assessed trailer* shall not require a *licence*.
- 4.3 A *trailer used or stored* in a *campground* or *trailer park* shall not require a *licence*.

SECTION 5 – LICENCE APPLICATION AND FEES

- 5.1 All applications for a *trailer licence* shall be made to the *Municipality* upon the form prescribed by Municipal staff and shall include the submissions referenced therein, including payment of the *Licence Fee* required in Schedule 'A'.
- 5.2 The *Municipality* may issue an *Annual Licence*. This *licence* authorizes the use of a *trailer* upon a property between May 1st and November 30th in that calendar year.
- 5.3 All Annual Licences expire on the 30th of November in the year the specified on the licence.
- 5.4 *Licences* shall be displayed in or upon the *trailer* in a place that can be seen easily from the outside of the *trailer*.
- 5.5 No *licence* shall be issued:
 - a. Unless a *trailer* for which such *licence* is issued is located in compliance with the setback requirements for a *trailer* as prescribed by the *Zoning By-law* as amended, for the zone in which the lands are located. For greater certainty, any *trailer* located on any land prior to the passing of this By-law which does not comply with this By-law, or relief from the *Zoning By-law* is obtained by the owner, or
 - b. Where there exist any prohibited decks, porches, entry stairs, sunrooms, roofed enclosures, or similar structures which are to be or are attached to a *trailer* or located adjacent to a *trailer*; or
 - c. If the information provided on the application does not satisfy the *Clerk* or the *Chief Building Official* that all required provisions have been met; or
- 5.6 A *licence* may be revoked if;
 - a. The permit was issued on mistaken, false or incorrect information;
 - b. If the owner revokes the trailer license.
 - c. If the owner of the property contravenes any provision of this By-law or any other Municipal, Provincial or Federal Law related to the *trailer* or its *use*; or
 - d. If it was issued in error.
- 5.7 If a *licence* is revoked, there will be no refund of licensing fees.

SECTION 6 – ADMINISTRATION AND ENFORCEMENT

- 6.1 The administration and enforcement of this By-law is delegated to the Clerk, the Chief Building Official and the Municipal Law Enforcement Officer for the Municipality. The Municipal Law Enforcement Officer shall have authority to issue permits under this By-law; notwithstanding, the foregoing, the Clerk, in his/her discretion, may refer applications to Council.
- 6.2 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 6.3 Each day that a contravention of this By-law continues shall constitute a separate offence.
- 6.4 Every person who provides false information in any application for a *licence* under this By-law or in an application for a renewal of a licence is guilty of an offence.
- 6.5 Where a conviction is entered under this section, in addition to any other remedy or any penalty provided by law, the court in which the conviction was entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 6.6 If the Municipality is satisfied that a contravention of this By-law has occurred, the Municipality may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the trailer to discontinue the contravening activity.
- 6.7 Any person who contravenes an order made under Section 6.6 is guilty of an offence.
- 6.8 Every contravention of this By-law may be restrained by application at the instance of the taxpayer or the Municipality in accordance with the provisions of the Municipal Act, 2001, as amended.
- 6.9 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 where a trailer is used or believed to be used in contravention of this By-law for the purposes of carrying out an inspection pursuant to subsection 436(1) of the Municipal Act, 2001, as amended, and shall have all powers of inspection set out in subsection 436(2) of the Act, as amended.
- 6.10 Every person who contravenes any provision of this By-law is liable for an Administrative Monetary Penalty (AMP) in lieu of prosecution and fine, pursuant to section 434.1 of the Municipal Act, as amended.
- 6.11 Any person who breaches any provision of this By-law may be issued an Administrative Monetary Penalty (AMP) Notice in an amount not to exceed the amounts indicated in “Schedule C” attached to and forming part of this By-law for the corresponding violations.
 - a. The Administrative Monetary Penalty (AMP) Notice shall include the following information:
 - i. The name of the person contravening this By-law or the owner of the property of the lands to which the contravention resides;
 - ii. The particulars of the contravention;
 - iii. The amount of the Administrative Monetary Penalty (AMP) and the date the payment is due; and,
 - iv. A statement that if the Administrative Monetary Penalty (AMP) is not paid, it shall be constituted as debt owed to the Municipality

that may be collected in any manner permitted by law, including adding it to the Tax Roll of the person and being collected in the same manner as real taxes.

- 6.12 Any person who breaches any provision of this By-law may be issued an order to remove the *trailer* if it is not in compliance with this By-law.
- a. The Municipality may make an order, sent by both registered and regular pre-paid mail to the last know address of the owner of the land, requiring the owner or occupant, within the time specified in the order, to remove any trailers or structures in contravention of this By-law.
 - b. Where an owner or occupant fails to comply with an order issued under this By-law within the time specified for compliance, the officer may, with such assistance by others as may be required and upon reasonable notice, clean, clear or remove from the land any trailer or structure that is in contravention of this By-law.
 - c. The Municipality shall recover all costs and expenses associated with the actions taken and work done under this By-law in a manner provided by statute, whether by action or by adding the cost to the Tax Roll and collection in the same manner as real property taxes.

SECTION 7 – VALIDITY AND EFFECTIVE DATE

- 7.1 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 its is hereby declared to be the intention of Council that all remaining sections, clauses or provisions 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.
- 7.2 This By-law shall come into effect on the date of the third reading, and it being passed.

AS READ a FIRST and SECOND time, this 15th day of November 2022.

AND AS READ a THIRD and FINAL time and considered passed, in open Council, this 15th day of November 2022.

Brenda Reid, MAYOR

seal

Alton Hobbs, CAO/DEPUTY CLERK

**The Corporation of the Township of Assiginack
By-law 20-14 Trailer Licensing, Consolidated
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, as amended.

2022 Trailer Permit Fee	\$750.00 per year and each year thereafter until such a time the fee is amended by council.
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Proposed Site Plan of Property for the use of a Trailer

The site plan should be attached and showing the following:

- Property dimensions
- Position & dimensions of the recreational vehicle and of the 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.

By signing this application, 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 and take ownership for any activity that is on my property.

Applicant Signature

Date

Reviewed by the Township of Assiginack Administrative Staff:

 Issuing Officials Signature

 Date

Permit issued to Ratepayer:

 Administrative Assistant Signature

 Date

The Corporation of the Township of Assiginack

By-law 20-14 Trailer Licensing, Condensed

PART 1 PROVINCIAL OFFENCES ACT

Schedule "C" - Penalty Provision & Administrative Monetary Penalty Notice

Name of Individual in Contravene of the By-law	Date of the Inspection
Property Tax Roll Number affected	Due Date of AMP
Property Description or Address if available	

The general penalty provisions for the offences listed below is in Section 6, the following are found in contravene of By-law 20-14 and are hereby levied as an administrative monetary penalty. If the following Administrative Monetary Penalty (AMP) is not received by the due date listed above, the AMP will be considered debt owed to the Municipality and assigned to the property tax roll number and collected in the same manner as property taxes.

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING THE OFFENCE	SET FINE	FINE ALLOCATED TO THE CURRENT INCIDENT DATED:
1.	Fail to obtain a license for trailer over 30-day limit	3.1	\$750.00	
2.	Fail to vacate trailer at any time during the months of December through to April	3.3	\$1,500.00	
3.	Allow additions to a constructed trailer such as sunrooms, porches, roofs or decks	3.4	\$750.00	
4.	Trailer not conforming to setback requirements of the Zoning By-law	3.10	\$500.00	
5.	Have more than one (1) trailer per property	5.8	\$1,000.00/trailer	
6.	Allow person(s) to locate trailer on his/her property without a license	6.2	\$300.00	
7.	Obstruct person designated to enforce this By-law	7.2	\$500.00	

Total Administrative Monetary Penalty (AMP)				
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Notes where further descriptions are required:

Municipal By-law Enforcement Officer:	Date:
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