

THE CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

By-law 18-2016

BEING A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF CAMPGROUNDS IN THE TOWNSHIP OF MCMURRICH/MONTEITH

WHEREAS Part IV of the *Municipal Act, 2001* authorizes a Municipality to pass By-laws for licensing, regulating and governing businesses;

AND WHEREAS Council wishes to exercise its powers to license, regulate and govern the business of campgrounds in the Municipality;

NOW THEREFORE the Corporation of the Township of McMurrich/Monteith ENACTS the following:

TITLE – SECTION 1

1.1 This By-law shall be cited as the “Campground Licensing By-law”.

DEFINITIONS AND INTERPRETATION – SECTION 2

2.1 For the purposes of this By-law, the following definitions apply:

- a) "Building Code" means the Ontario Building Code, being Ontario Regulation 332/12, as amended made under the *Building Code Act, 1992*.
- b) "Campground" means a commercial establishment used for seasonal recreational activity as grounds for camping, including the use of tents and trailers and which may include buildings and structures for:
 - an administrative office;
 - washroom facilities and a laundromat that are limited to use by occupants of the Campground only;
 - a convenience store that is limited to use by occupants of the Campground only; and
 - recreational facilities and storage facilities that are limited to use by occupants of the Campground only.
- c) "Camp Site" means an area provided within a Campground for the location of tents and trailers.
- d) “Existing” means in existence on the date of the passing of this By-law.
- e) "Fire Code "means the Fire Code, being Ontario Regulation 213/07, as amended, made under the *Fire Protection and Prevention Act, 1997*.
- f) "License Issuer" means the Clerk or Deputy Clerk of the Municipality.
- g) “License Fee” means the appropriate fee for the license as set out in Schedule "A" to this By-law.
- h) "Mobile Home" means any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one of more persons, but does not include a travel trailer, or tent trailer or trailer otherwise designed.
- i) “Municipal Inspector” means a Building Inspector, Fire Inspector, By-law Enforcement Officer or the Chief Building Official of the Municipality.
- j) "Municipality" means Corporation the Township of McMurrich/Monteith, or the geographic area over which that corporation has territorial jurisdiction, as the context requires.
- k) “Occupant” means any person who pays for the use of a Camp Site.

- l) "Operator" means a person who operates a Campground business within the Municipality.
- m) "Owner" means the registered owner of a property located within the Municipality which is used as a Campground.
- n) "Park Model Trailer" means a manufactured building to which Section 9.39 of the Building Code applies, which has been designed and constructed in conformance with CAN/CSA-Z241 Series, "Park Model Trailers", and which is used or is intended to be used as a seasonal recreational building of residential occupancy.
- o) "Renewal" means the issuance of the same class of license to the same person for the subsequent licensing period.
- p) "Run At Large" means, when referring to a dog, cat or any pet-like animal, being found in a place, other than the Camp Site of its owner, without being secured by leash or being contained in a cage or other similar container or device.
- q) "Serviced Camp Site" means a Camp Site which has both piped potable water and a sanitary private drain connection to a sewage treatment and disposal system.
- r) "Serviced Camp Site, Partial" means a Camp Site which has only one of the services required for a Serviced Camp Site.
- s) "Site Plan" means the Site Plan filed with the License Issuer as required by Section 3.2 c), or the most current version thereof as the same may be revised from time to time either at the time of license renewal or as a result of a change of which the License Issuer has been notified as required by Section 4.3.
- t) "Tent" means a portable shelter made of leather, canvas, cloth or similar material, usually supported by poles and usually extended by means of ropes fastened to pegs inserted into the ground.
- u) "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 the motor vehicle and is capable of being used for the 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, a 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.
- v) "Unserviced Camp Site" means a Camp Site which has neither of the services required for a Serviced Camp Site.
- w) "Vehicle" means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.
- x) "Zoning By-law" means the most current comprehensive zoning by-law in force in the Municipality.

2.2 For the purposes of this By-law, the following applies:

- a) Words used in the singular shall have corresponding meanings when used in the plural.
- b) "May" is construed as permissive.
- c) "Shall" is construed as mandatory.

LICENSE REQUIREMENTS – SECTION 3

- 3.1 No person shall use, establish, alter, enlarge, extend, operate, keep or maintain a Campground in the Municipality or carry on, conduct, operate, maintain, keep or engage in a campground business in the Municipality unless a license has been issued to the Owner of the Campground, the license is in good standing, and has not expired or been revoked, and in accordance with the provisions of this By-law and with the Site Plan for the Campground.
- 3.2 The Owner of a Campground shall apply for a license for the Campground by submitting the following to the License Issuer:
- a) A completed application on the form or forms supplied by the License Issuer.
 - b) The required license fee.
 - c) A Site Plan for the Campground showing the following:
 - i) the size and the arrangement of Camp Sites within the Campground and a numbering system for same;
 - ii) which Camp Sites are Serviced Camp Sites and which are Unserviced Camp Sites;
 - iii) the size, arrangement, and surface treatment of means of ingress and egress, all internal roads, parking and storage areas within the Campground;
 - iv) landscaped open space within the Campground;
 - v) drainage as it relates to any natural or man-made water courses on or adjacent to the Campground;
 - vi) provisions with respect to any floodlighting and signage;
 - vii) the number and size and location of permanent structures on the Campground; and,
 - viii) the permanent dwelling unit, if any, which is to be the residence of the caretaker as contemplated by section 5.21 during the period when the Campground is closed.
 - d) The name under which the Campground carries on business.
 - e) The name and address of the Owner and of the Operator, if the Operator is different from the Owner.
 - f) If the Owner or Operator is a corporation, partnership or association, the full name and address of every director, officer, partner, shareholder or person having an ownership interest.
- 3.3 Every Campground license shall be valid for a period of up to two years and shall have an expiration date of the 31st day of December in the year following issuance of the license.
- 3.4 Renewal of a license issued previously is not guaranteed. The Owner of each Campground shall apply for a renewal of a license for the Campground by submitting the following to the License Issuer:
- a) A completed application on the form or forms supplied by the License Issuer.
 - b) The required license fee.

- c) If there are any changes proposed to the Site Plan for the Campground since issuance of the last license, a revised Site Plan showing the proposed changes.
- d) The name and address of the Owner and of the Operator, if the Operator is different from the Owner.
- e) If there have been any changes since the issuance of the last license, the full name and address of every director, officer, partner, shareholder or person having an ownership interest, if the Owner or Operator is a corporation, partnership or association.

GRANTING, REFUSAL AND REVOCATION OF LICENSES – SECTION 4

- 4.1 Upon receipt of a completed application for a Campground license or for a renewal thereof and upon payment of the applicable fees, prior to the issuance of any license or renewal, as the case may be, the License Issuer shall:
- a) Be satisfied that all other provisions of this By-law have been complied with.
 - b) Be satisfied that neither the Owner or the Operator has any unpaid fines imposed under the *Provincial Offences Act* for any contravention of this By-law.
 - c) Be satisfied that there are no outstanding Fire Code or Building Code orders in connection with the Campground.
 - d) Be satisfied that there are no outstanding Health Unit, Ministry of Environment and Climate Change (MOECC) or North Bay Mattawa Conservation Authority (NBMCA) orders in connection with the Campground.
 - e) Be satisfied that there is no money outstanding and owing to the Municipality for services provided to or on the Campground.
 - f) Make any enquiries with any municipal official or employee who has conducted inspections relative to the Campground license application or renewal application as the case may be;
 - g) Receive reports from such officials and employees of the Municipality, Health Unit, MOECC or NBMCA as may be deemed necessary;
 - h) Inquire into any other relevant matters related to the Campground.
- 4.2 The Municipality will be notified of any change of ownership of a Campground. For the purpose of this section, a change in beneficial ownership of a Campground that is owned by a corporation shall be deemed to have occurred if a majority of the shares of the corporation are transferred.
- 4.3 The Owner of a Campground shall report, within fifteen (15) business days, any change in information provided to the License Issuer or in the Site Plan for the Campground.
- 4.4 The granting of a license under this By-law shall not be construed or deemed to be a waiver by the Municipality of compliance with any other applicable by-laws of the Municipality or any other legislation; and the right of the Municipality to require strict compliance with this or any other applicable By-law shall not be affected in any way by any previous waiver, forbearance or course of dealing.
- 4.5 The granting of a license under this By-law shall not supersede in any way the operation or effect of this or any other applicable By-laws of the Municipality or of any other legislation.

- 4.6 The granting of a license under this By-law is not a representation by the Municipality that the Campground business is in compliance with this or any other applicable By-laws of the Municipality or of any other legislation.
- 4.7 The granting of a license under this By-law does not imply or include a commitment by the Municipality to provide water and/or sewage treatment and/or conveyance capacity in or for the Campground or to enter into a responsibility agreement or any similar commitment to assume ownership and/or liability for the water and/or sewage treatment and/or conveyance facilities provided in and for the Campground.
- 4.8 The License Issuer or designate, including but not limited to Municipal Inspectors, Fire Officials, Health Officials, Conservation Officers, Provincial Offences Officers, Municipal Law Enforcement Officers, Police Officers, or any agent, servant or employee of such servants as designated by Council, may at all reasonable times, inspect or cause to be inspected the Campground, including its facilities, equipment, vehicles and other property used or kept for hire in connection with the Campground.
- 4.9 The Owner of a Campground shall keep the license for the Campground posted in a conspicuous place at the Campground and shall, when requested by any person authorized by the Municipality, produce the license for inspection.
- 4.10 The License Issuer may refuse to issue a license or to renew a license because of past breaches of this By-law or a failure to comply with the requirements of this By-law or other applicable By-laws of the Municipality, or of any local board thereof, or of any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the Campground, including its facilities, equipment, vehicles and other property used in connection with the Campground.
- 4.11 The License Issuer has the right to suspend a license issued under this By-law if satisfied that the continuation of a Campground business poses an immediate danger to the health or safety of any person, animal, or to any property.
- 4.12 The License Issuer may, for the time and on such condition as the License Issuer considers appropriate, without a hearing, suspend a license subject to providing the Owner of the Campground with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them. Such suspension shall not exceed 14 calendar days.
- 4.13 The License Issuer may revoke a license after giving the Owner of the Campground 14 calendar days' notice in which reasons for the revocation are specified. If the Owner requests an opportunity to respond, the 14-day notice period shall be extended to 30 calendar days and the Owner shall have 21 calendar days in which to submit a response. After receiving and reviewing the Owner's response, the License Issuer shall notify the Owner whether the revocation will take effect at the end of the 30-day extended notice period or otherwise.
- 4.14 Notice of suspension or revocation of any license may be given by registered letter mailed to the address on the license. Receipt of such notice is deemed to occur on the third business day after the mailing of the notice.
- 4.15 Upon revocation and/or suspension of a license the licensee shall:
 - a) Return all certificates issued with reference to such license;
 - b) Permit any officer to enter the Campground for the purpose of receiving or taking the certificates;

- c) In no way hinder, prevent or obstruct an officer from carrying out his duties; and,
- d) Cease operation of the Campground business immediately.

REGULATIONS – SECTION 5

The following regulations shall govern Campgrounds within the Municipality:

- 5.1 The boundaries of Camp Sites and the place within the Camp Site where tents and trailers are to be located shall be clearly defined and marked as Serviced Camp Sites or Partial Serviced Camp Sites, as detailed on the Site Plan.
- 5.2 Unserviced Camp Sites shall be clearly defined and marked as such.
- 5.3 At the main entrance to a Campground there shall be a sign:
 - a) which is visible from the street or road where the entrance is located;
 - b) which is at least 2.5 metres (8 feet) by 2.5 metres (8 feet) in size;
 - c) which identifies the name under which the Campground business operates;
 - d) which provides a telephone number for communication with the administrative offices on the Campground; and
 - e) which shows the layout of the Campground including the location of internal roadways, the location and identification number of each Camp Site, the location of the service building or buildings and the location of the administrative offices on the Campground.
- 5.4 As an alternative to the sign otherwise required by Section 5.3, there can be at the entrance to a Campground a weather-proof container containing pamphlets which provide the information specified in each of Section 5.3, sub-paragraphs c), d), and e).
- 5.5 New Campgrounds or expansions to existing Campgrounds shall be subject to the following requirements:
 - a) Potable water supply and sanitary facilities shall be provided and housed in permanent structures and such washrooms shall have an adequate supply of hot or cold running water to supply the needs of the campground clientele. Any tap which does not supply potable water shall be clearly marked as such. Sanitary facilities shall be approved by the Ministry of Environment and Climate Change or the North Bay Mattawa Conservation Authority, as required.
 - b) Within each Serviced Camp Site there shall be provided:
 - (i) A cold water tap at least 4 inches above the ground from which an adequate supply of potable water can be obtained, and
 - (ii) A sanitary private drain connection to a sewage treatment and disposal system or facility that has been approved for that purpose by the Ministry of the Environment and Climate Change or the North Bay Mattawa Conservation Authority, as required, which shall be so connected that it shall be leak-proof and shall receive the waste emanating from any shower, bathtub, flush toilet, water basin and/or kitchen sink in any tent or trailer located on such Camp Site.
 - c) Where there are Unserviced Camp Sites or Partial Serviced Camp Sites, there shall be provided toilet and bathing facilities in a separate service building or buildings and in no case shall there be less than three flush

toilets, two wash basins and one shower or bath for women for every 25 Unserviced or Partial Serviced Camp Sites, or fraction thereof, and two flush toilets, one urinal, two wash basins and one shower or bath for men for every 25 Unserviced or Partial Serviced Camp Sites, or fraction thereof.

- d) The service building or buildings housing the toilet and bathing facilities as required by section 5 (c) shall be a permanent structure complying with the provisions of all By-laws of the Municipality and Provincial statutes regulating buildings and electrical and plumbing installations.
- e) The service building or buildings as required by section 5 (c) shall be well lighted at all times of the day and night and shall be well ventilated with screened openings, shall be constructed of moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing.
- f) All service buildings and the grounds of the Campground shall be maintained in a clean, neat condition and kept free of any condition that may threaten the health of any occupant or the public or constitute a nuisance.

5.6 Mobile Homes are prohibited.

5.7 Park Model Trailers are only permitted on Serviced Camp Sites.

5.8 No Camp Site shall be available for use other than for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence.

5.9 No Camp Site shall be used for the living, sleeping or eating accommodation of persons during the period beginning December 1st and ending on April 30th.

5.10 One caretaker, or Owner, together with his or her immediate family may reside on the Campground during the closed period in a permanent dwelling unit in a building which is insulated and otherwise designed and maintained for year-round human habitation. For the sake of clarity, a building in this context does not include a Park Model Trailer.

5.11 No person in charge of any dog, cat or any pet or animal shall permit it to run at large within the limits of any Campground.

5.12 No person shall cause or permit any open fire on the Campground otherwise than on a Camp Site in accordance with the following:

- a) The open fire must be contained within an out-of-doors confined area or device such as a fireplace or firepit;
- b) Such open fire confinement area or device shall not be more than 0.7 metres (27 inches) across in any direction;
- c) Such open fire confinement area or device shall not be located within any tent, motor home, truck camper or travel trailer nor on any associated porch or balcony area that is roofed, covered awning or otherwise covered;
- d) Such open fire confinement area or device shall be located at least 4 metres (13 feet) away from any tent, motor home, truck camper or travel trailer or from any associated porch or balcony;
- e) Such open fire confinement area or device shall be located at least 2 metres (6.6 feet) away from the boundary of the Camp Site where it is located;
- f) The open fire shall be supervised at all times and shall be extinguished so as to be cool to hand before being left unsupervised, and

- g) So long as there is an open fire, an effective means of readily extinguishing same shall be kept in the immediate vicinity of the fire.
- 5.13 No person shall use or possess nor cause, suffer or permit the use or possession within any tent, or trailer or within any other building or structure on a Camp Site of any solid fuel burning appliance, including, without limiting the generality of the foregoing, wood stoves, pellet stoves and wood burning fireplaces.
- 5.14 The Owner and the Operator of a Campground shall at all times keep, operate and maintain the Campground, its facilities and equipment, in a safe, clean and good condition and repair and in accordance with the Site Plan for the Campground.
- 5.15 The Owner and the Operator of a Campground shall not cause, suffer, or permit any breach of any by-law of the Municipality or of any local board thereof, or of any statute, order-in-council, or regulation of the legislature of the Province of Ontario or the Parliament of Canada or of any agency, board or commission of either of them, in, upon, or in connection with the Campground.
- 5.16 The Owner and the Operator of a Campground shall not cause or permit any obstruction on any highway, internal roadway, fire route, lane or public place near or adjoining the Campground nor any obstruction of site line for vehicular traffic on any such highway, internal roadway, fire route or lane, including, without limiting the generality of the foregoing, the parking of any vehicle on any such highway, internal roadway, fire route or lane. Fire Routes shall be identified on the Site Plan and shall have signage on the property identifying the Fire Routes.
- 5.17 An uncovered deck not exceeding 10 square metres in area and access stairs to the trailer are allowed. No other structure is permitted on the campsite unless it is permitted in the Zoning By-law and a building permit has been obtained from the Municipality for that structure.
- 5.18 Notwithstanding Section 5.17, a storage building not exceeding 15 square metres is permitted on a Serviced Campsite that meets the minimum size requirements in the Zoning By-law.
- 5.19 The provisions of Section 5.17 and 5.18 do not apply to existing accessory buildings and structures that were attached or adjacent to a trailer in existence on the date of passage of this By-law.

ENFORCEMENT- INSPECTION, OFFENCES AND PENALTIES – SECTION 6

- 6.1 Any Person who contravenes any provision(s) of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- 6.2 Each day that a contravention of this By-law continues shall constitute a separate offence.
- 6.3 Every person who provides false information in any application for a license under this By-law or in an application for a renewal of license is guilty of an offence.
- 6.4 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.
- 6.5 Where an Owner of a Campground is convicted of carrying on or engaging in a Campground business without a license required by this By-law, the Court may order the Campground or part of the Campground to be closed to any use for a period not exceeding two years.

- 6.6 Where a person is convicted of a contravention of this by-law, other than a conviction described in subsection 7.5 above, and the court determines that the owner or occupant of the Campground or part of the Campground knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order the Campground or part of the Campground to be closed to any use for a period not exceeding two years.
- 6.7 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 Campground to discontinue the contravening activity.
- 6.8 Any person who contravenes an order made under subsection 7.7 is guilty of an offence.
- 6.9 Every contravention of this By-law may be restrained by application at the instance of a taxpayer or of the Municipality in accordance with the *Municipal Act*, 2001.
- 6.10 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.

ADMINISTRATION – SECTION 7

- 7.1 The administration and enforcement of this By-law is delegated to the Clerk Treasurer, the Chief Building Official and the By-law Officer for the Township of McMurrich/Monteith. The Clerk shall have the specific authority to issue permits under this by-law; notwithstanding the foregoing, the clerk, in her discretion, may refer applications to Council.
- 7.2 Should any section, subsection, clause, paragraph, schedule or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole.
- 7.3 This By-law shall come into force and take effect on and from the day it is finally passed by Council provided that there shall be a ninety (90) day grace period for the Owner of a Campground to obtain a license under this By-law and during that grace period the prohibitions in section 3.1 and in section 3.2 and do not apply.

READ A FIRST AND SECOND TIME, THIS 6th DAY OF JUNE, 2016

Reeve

Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF JUNE, 2016

Reeve

Clerk

Schedule A
By-law 18-2016
(Campground By-law)

License Fees:

Fee: \$750.00 (for Applications received on or after April 1.)
\$500.00 (for Applications received before April 1.)

Renewal Fee: \$400.00