

THE CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

By-Law 29-2016

BEING A BY-LAW TO LICENSE TRAILERS IN THE MUNICIPALITY

AND WHEREAS the *Municipal Act*, S.O. 2001, Section 164 authorizes a municipality to pass by-laws to license trailers.

NOW THEREFORE the Corporation of the Township of McMurrich/Monteith REPEALS By-law 17-2014, and ENACTS the following:

TITLE AND APPLICATION – SECTION 1

- 1.1 This By-law shall be cited as the “Trailer License By-law”
- 1.2 This by-law does not apply to:
 - a) Assessed Trailers as defined in Section 2.4
 - b) Trailers located in Campgrounds as defined in Section 2.5.
 - c) A Stored Trailer as defined in Section 2.3.
- 1.3 This By-law applies to any trailer, even if the trailer was placed on the property prior to date of enactment of this By-law.

DEFINITIONS – SECTION 2

- 2.1 **TOWNSHIP** means the Corporation of the Township of McMurrich/Monteith and shall be defined as the lands and premises within the corporate limits.
- 2.2 **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.
- 2.3 **STORED TRAILER** means any trailer located on a property only for the purpose of storing such trailer for use at any location other the property upon which it is stored.
- 2.4 **ASSESSED TRAILER** means any trailer legally located on a property and that is assessed under the *Assessment Act*.
- 2.5 **CAMPGROUND** means a commercial establishment used for seasonal recreational activity as grounds for camping, and wherein camping in trailers is permitted.
- 2.6 **PERMANENT BASIS** means either year-round occupancy or occupancy by persons who do not maintain elsewhere a usual or normal place of residence.

LICENSE AND REGULATIONS – SECTION 3

- 3.1 No person shall keep or permit to be kept a trailer, on any property within the Township for more than 21 consecutive days in any given year, unless such trailer is licensed under this By-law. For clarity, pursuant to Section 1.3 of this By-law this requirement to obtain a license applies to trailers which were located on property prior to the date of passage of this By-law.

- 3.2 A license issued pursuant to this by-law authorizes the use and maintenance of a trailer for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. In furtherance 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 The issuance of a license is not intended and shall not be construed as permission or consent by the Township for the holder of the license to contravene or to fail to observe or comply with any law of Canada, Ontario or any By-law of the Township.
- 3.4 An uncovered deck not exceeding 10 square metres (107.6 square feet) in area and not attached to the trailer and access stairs to the trailer is allowed. No person shall construct or permit the construction of other structures located within 5 metres of the licensed trailer.
- 3.5 The provisions of Section 3.4 do not apply to existing buildings and structures that were attached or adjacent to a trailer in existence on the date of passage of this By-law, and for which a license has been issued in 2015.
- 3.6 No person shall allow more than one trailer on a single conveyable parcel of land. For clarity, the presence of one or more Stored Trailers on a conveyable parcel would not preclude the issuance of a license for one trailer.
- 3.7 No person shall allow a person to locate an unlicensed trailer on their property.

LICENSE EXEMPTIONS – SECTION 4

- 4.1 Where the owner of 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 do so and be exempted from the requirement to obtain a license under this By-law. The Township may grant such exemption on the condition that the Owner enter into an agreement with the Township which, among other things, provides for the removal of the trailer.

LICENSE APPLICATION AND FEES – SECTION 5

- 5.1 All applications for such license shall be made to the Township upon the prescribed form attached to this By-law as Schedule “A” and shall include the submissions referenced therein, including payment of the License Fee required in Schedule “B”.
- 5.2 No license shall be issued:
 - a. Unless the trailer for which such license is issued is located in compliance with the setback requirements for a dwelling unit as prescribed by the Corporation of the Township of McMurrich/Monteith Zoning By-law, for the zone in which the lands are located. (Note: This subsection shall become effective upon the date upon which the foregoing Zoning By-law comes into effect.) and/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 for the purpose of complimentary use, except as provided in Section 3.5.

- 5.3 The Township may issue the following class of licenses:
- a. Annual license – this license authorizes the placement of the trailer upon a property for a complete calendar year or any portion thereof, and its occupancy between May 1st and November 30th in the calendar year;
 - b. Short Term License – this license authorizes the placement of the trailer upon the property for a minimum period of one month up to a maximum of three months, between May 1st and November 30th in the calendar year.
- 5.4 Licenses shall be displayed in or upon on the trailer in a place that can be seen easily from the outside of the trailer.
- 5.5 All Annual Licenses expire on December 31st and all Short Term Licenses expire on the date specified in the license.
- 5.6 A refund may be obtained by surrendering the issued license and submitting a request in writing to the Chief Building Official and/or the By-law Officer, indicating a trailer was not located on a property and specifying the date on which it was removed. The refund will be calculated from the first day of the month following relocation. The onus is on the applicant for a refund to provide supporting documentation of the date of such removal. No refund shall be made after the expiry date.

ADMINISTRATION AND ENFORCEMENT – SECTION 6

- 6.1 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 authority to issue permits under this by-law; notwithstanding the foregoing, the clerk, in her discretion, may refer applications to Council.
- 6.2 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.
- 6.3 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 license under this By-law or in an application for a renewal of license 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 subsection 6.6 is guilty of an offence.
- 6.8 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 provisions of the *Municipal Act*, 2001.

- 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 that is used or believed to be used in contravention of this by-law 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. No person shall hinder or obstruct any designated person in enforcing this bylaw.
- 6.10 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 By-law Officer may result in the removal of said trailed by the Township, at the expense of the Owner of the lot.

VALIDITY AND EFFECTIVE DATE – SECTION 7

- 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 it is hereby declared to be the intention 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, subject to the proviso in section 5.2(a) as it relates thereto.

Read a first, second and third time, signed and the Seal of the Corporation affixed thereto and finally passed this 7th day of November, 2016.

Original Signed by Joanne Griffiths

Reeve

Original Signed by Cheryl Marshall

Clerk

Schedule A to By-law 29-2016

APPLICATION FOR TRAILER LICENSE: Year: _____

(Complete and attach all information prior to submitting)

Information noted with an asterisk is optional subject to "Notes" set out below)

1. Applicant Information

Name: _____

Mailing Address: _____

Phone Number _____

*Email: _____

Note: If Applicant is not the registered owner of the property, the Applicant must have the owner's consent to apply for such license.

Note: A Phone number may be a permanent "land line" or Cell Number.

2. Property Information

Property Owner: _____

Civic Address: _____

*Roll Number: _____

*Proof of Ownership: Attach copy of parcel register or deed.

Note: If no civic address has been assigned for this property, one must be applied for prior to submitting this application

Note: Either the MPAC Roll Number must be included or Proof of Ownership must be attached.

3. Trailer Information:

Make & Model: _____

Serial Number or VIN: _____

Please attach four pictures of trailer if already located on the property. (One of each side of trailer.)

4. License Requested

Place a check mark beside applicable class of license requested

Annual _____

Short Term _____ No. of Months Requested 1 2 3 (Circle Applicable Number)

Applications for an Annual License received prior to April 1st will be eligible for the early license fee set out in Schedule B to the Trailer Licensing By-law.

5. Services Information

Will the trailer be connected to a sewage disposal system that exists on the property?

No _____

Yes _____

If yes please provide the following:

Sewage System Building Permit or Certificate of Approval which indicates that connection of trailer to such system has been approved.

Will a grey water pit be utilized?

No _____

Yes _____

Will the site be serviced with an outhouse?

No _____

Yes _____

If the trailer is not connected to a holding tank or sewage disposal system, or is not serviced by a grey water pit or outhouse, please provide dumping receipts from an accredited dumping facility.

Will the trailer be directly connected to electrical services?

No _____

Yes _____

If yes please provide the Electrical Safety Authority approval for connection. This requirement only applies if the trailer will have a direct connection to the electricity distribution system (i.e. not an extension cord plugged into an outlet.)

6. Required Submissions

Site Plan – a drawing showing the location or proposed location of the trailer in relation to the boundaries of the property and including all existing buildings, sewage systems, wells, and watercourses/waterbodies. Such drawing shall be scaled or, where the property is large, measurements shall be included indicating the distance of the trailer from property boundaries, existing buildings, wells and watercourses/waterbodies.

Proof of Property Ownership – as required under section 2

Pictures - as required under section 3 above.

Permits/Approvals referenced in section 5 above if applicable.

Applicable Fee:

Annual Licence \$600.00 (or **\$400 if complete application is submitted before April 1**)

Short Term License \$150.00 for 1 month, \$300.00 for 2 months or \$450.00 for 3 months

Applicant Signature _____

Date: _____

Property Owner Signature _____

Date: _____

If property owner and applicant are the same, please sign in both locations.

Schedule B to By-law 29-2016

License Fees:

Annual Fee: \$600.00 (for Applications received on or after April 1.)
 \$400.00 (for Applications received before April 1.)

Short Term Fee: \$150.00 for one month; \$300.00 for two months; or \$450.00 for
 three months

PART 1 – PROVINCIAL OFFENCES ACT
TOWNSHIP OF MCMURRICH/MONTEITH
BY-LAW – 29- 2016
TRAILER BY-LAW

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to obtain a license for trailer over 21 day limit	3.1	\$300.00
2	Fail to vacate trailer from the months of December 1 st to April 30 th	3.2	\$300.00
3	Allow additions to be built to a trailer other than an uncovered, unattached deck not exceeding 10 sq. m. and access stairs	3.4	\$300.00
4	Having more than 1 trailer per property	3.6	\$300.00
5	Allow person to locate trailer on his/her property without license	3.7	\$300.00
6	Fail to display license so it can easily be seen from the outside of the trailer	5.4	\$300.00
7	Providing false information on their license application	6.4	\$300.00
8	Obstruct person designated to enforce this by-law	6.9	\$300.00

Note: The Penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33.