

The Corporation of the Township of Pelee

By-law No. 2016-22

Being a by-law to provide for the licensing and regulation of trailers
in the Township of Pelee

WHEREAS the *Municipal Act, 2001* Section 164 authorizes the Corporation to pass by-laws for the licensing of trailers in the municipality;

AND WHEREAS it is deemed necessary that all trailers located in the Township of Pelee and not assessed under the *Assessment Act* (Ontario) be licensed;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PEELE ENACTS AS FOLLOWS:

1. Definitions

- a) "Corporation" shall mean the Corporation of the Township of Pelee.
- b) "Day" shall mean a calendar day from 12:00a.m. to 11:59p.m. or any part thereof.
- c) "Land" shall mean any parcel of land in the Municipality for which a separate roll number has been assigned by the Corporation.
- d) "Month" shall mean a calendar month.
- e) "Municipality" shall mean the lands and premises within the corporate limits of the Corporation.
- f) "Recreational Vehicle" shall mean a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or to be self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motor homes or other similar vehicles.
- g) "Storage Trailer" shall mean any vehicle originally constructed to be capable of being used for temporary living, sleeping or eating, but which has been stripped such that it can no longer accommodate those uses.
- h) "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 propelled by the motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed, and shall include a Recreational Vehicle as defined herein. For the purposes of this by-law, the definition of Trailer shall specifically exclude any trailer separately assessed under the *Assessment Act* (Ontario).
- i) "Travel Trailer" shall mean a structure designed, intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self-propelled and includes tent trailers or similar transportable accommodation, but not a mobile home,

- j) Tent Trailer (or Pop-up Trailer) shall mean or trailer constructed to be attached and propelled by a motor vehicle which, when fully opened, consists of a tent for sleeping.
- k) "Year" shall mean any calendar year from 12:00a.m. on January 1st to 11:59p.m. on December 31st or any part thereof.

2. Prohibition.

- a) No person shall use, maintain, and/or locate, or allow a person to use, maintain and/or locate, any Trailer within the Municipality for more than seven (7) total days in any year except:
 - i) in a trailer park operated or licensed by the Corporation;
 - ii) if such Trailer is not in use and is stored such that it is not visible from a public road.
 - iii) if such Trailer is used solely for the purpose of storing materials and supplies and not for living, sleeping or eating, and is located and maintained in such a manner as to be unobtrusive;
 - iv) if such person shall have first obtained a license therefor under the provisions of this by-law.
 - v) if such trailer is owned by an island resident for use off the island, is not used on the island for habitation and is stored further from the road allowance than the principal residence of the owner.
 - vi) if a verifiable exemption has been granted by a previous Council.
- b) No person shall locate, or permit a person to locate, more than one (1) Trailer on any Land, except:
 - i) if such Land is a trailer park operated or licensed by the Corporation; or
 - ii) if such Trailers are not in use and are stored out-of-sight in an enclosed area.
- c) No person with a license for a Trailer under this by-law shall locate the licensed Trailer on Land other than on the portion(s) of such Land depicted in any map submitted to the Corporation in accordance with Schedule "2" hereof.
- d) A Tent Trailer is not considered a Trailer for the purpose of this by-law provided it is sited on a property with a main residence and is used only by the family residing in the main residence.

3. Licenses.

- a) All applications for a license under this by-law shall be made in the prescribed form attached hereto as Schedule "1". The council of the Corporation may amend the form of Schedule "1" from time to time and at any time by resolution, provided that any license already issued prior to such amendment shall remain effective notwithstanding any change in the application requirements.
- b) No license hereunder shall be granted unless the applicant and application meet the requirements set forth in Schedule "2" attached hereto. The council of the Corporation may amend the requirements of Schedule "2" from time to time and at any time by resolution, provided that any license already issued prior to such amendment shall remain effective notwithstanding any change in the application requirements.
- c) Monthly license fees shall be established by Council annually and implemented in the annual Fees and Charges Bylaw. Until otherwise determined, a licensee shall pay:
 - (i) Fifty Dollars (\$50.00) per month, if the Trailer is located on Land that contains a residential, commercial, industrial or institutional building subject to the *Assessment Act* (Ontario); or
 - (ii) Zero Dollars (\$0.00) per month, in the case of storage trailers; or
 - (iii) Two Hundred Fifty Dollars (\$250.00) per month, in any other case;

in advance, pro-rated per day for any part of a month, for every month that the Trailer is to be located in the Municipality. Council may by resolution grant exemptions or reductions to the license fee on an individual basis, based on unique circumstances that may arise from time to time.
- d) A license under this by-law shall be available from January 1st to December 31st in the case of trailers subject to the fees in paragraph 3(c)(i) and 3(c)(ii) and May 1st to November 30th in the case of trailers subject to the fees in paragraph 3(c)(iii) of each year and shall not be granted by the Corporation outside of such times save and except pursuant to any specific exemption granted by the council of the Corporation by resolution. Council may grant exemptions to this provision on an individual basis, based on unique circumstances that may arise from time to time.
- e) Every license shall expire on the earlier of:
 - i) the end of the period for which it was obtained under subsection 3(a) hereof; or
 - ii) December 31st of the year in which it was obtained.
- f) No license shall be issued under this by-law if the application for license or the proposed undertaking by the applicant would be in contravention of any other by-law of the Corporation or of any Federal or Provincial Law or Regulation.
- g) All licenses granted under this by-law are non-transferable between individuals.

- h) An individual is required to have one (1) license per trailer used, maintained, and/or located in the Municipality.
- i) Notwithstanding subsection 3(g), if a person begins using, maintaining, and/or locating a new trailer in the Municipality and ceases use, maintenance, and/or location in the Municipality of the Trailer for which the license hereunder was initially granted, such person may transfer the balance of such license to the new Trailer provided that the person notifies the Corporation in writing.
- j) Any license issued under this by-law must be present on the premises on which the Trailer is located.
- k) Any license issued under this by-law must be presented to an enforcement officer upon request.

4. Refund of Unused Portion of License.

- a) Any person holding a license under this by-law is entitled to a refund for any unused portion of such license subject to the provisions of this section 4. All licenses shall be deemed to have been used from the date of issue to the date on which the license is surrendered to the Corporation.
- b) The onus is upon the license holder to notify the Corporation that the license is no longer required for a Trailer under this by-law and to surrender the license to the municipality.
- c) The license fee for any wholly unused month shall be refunded to the license holder in full and the license fee for any partially used month shall be refunded pro-rata in proportion to the unused part of such month. For greater clarity, if fees were paid and a license was granted for June 1st to July 31st, and the license holder surrendered the license on June 15th, the entirety of the July fee would be refunded and one half (1/2) of the June fee would be refunded, reflecting the proportion of June days the license was used.
- d) No person shall be entitled to a refund if such refund would be less than Ten Dollars (\$10.00).

5. Enforcement and Penalty.

- a) A Municipal Law Enforcement Officer, Chief Building Official, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- b) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to a fine pursuant to Part 1 of the *Provincial Offences Act* and Schedule "3" of this by-law.
- c) A person shall have fourteen (14) business days after being issued a ticket under this by-law to come into compliance with the by-law and thereafter may be issued a subsequent ticket for the same or a continuing violation.

6. General.

- a) If any 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 hereof other than the provision so declared to be invalid. It is hereby declared to be the intention of the by-law that all the remaining provisions

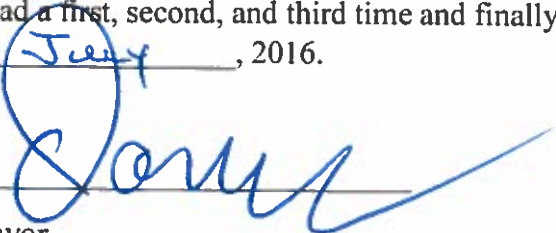
of this by-law shall continue to be in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

7. Effective Date

This by-law shall come into force on the 1st day of January, 2016.

8. By-law 2015-24 is hereby repealed.

Read a first, second, and third time and finally passed in Open Council this 25th day of July, 2016.



Mayor



Clerk

SCHEDULE "1"

TO BY-LAW NO. *2016-22*

A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF TRAILERS
IN THE TOWNSHIP OF PELEE

APPLICATION FOR LICENSE SCHEDULE

[Note To Draft: form of application to be provided by the Corporation]

SCHEDULE "2"

TO BY-LAW NO. *2016-22*

A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF TRAILERS
IN THE TOWNSHIP OF PELEE

QUALIFICATIONS FOR LICENSING

Prior to being granted a license for a Trailer pursuant to the above referenced by-law, every applicant therefor shall:

1. If the Trailer is capable of being used for temporary living, sleeping or eating, provide evidence to the reasonable satisfaction of the Corporation, or its delegate, that there is a legal method in place for disposing of waste for such Trailer, including without limitation septic waste and greywater.
2. Provide the Corporation, or its delegate, with a map of the Land on which the Trailer is to be located, which map shall clearly depict the portion(s) of the Land on which the Trailer will be located. The Corporation, or its delegate, must, acting reasonably, be satisfied with the depicted location(s) of the Trailer, having regard to the Corporation's zoning by-laws and other regulations and law that would apply if the Trailer were a building or other structure of similar size to the Trailer.

SCHEDULE "3"

TO BY-LAW NO. 2016-22

A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF TRAILERS
IN THE TOWNSHIP OF PELEE

SET FINE SCHEDULE – PART 1 OF PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Prohibited use of Trailer without valid license	Section 2(a)	\$500.00
2.	Permit prohibited use of Trailer without valid license	Section 2(a)	\$500.00
3.	Prohibited location on more than one Trailer on Land	Section 2(b)	\$500.00
4.	Permit prohibited location on more than one Trailer on Land	Section 2(b)	\$500.00
5.	Improper location of Trailer on Land	Section 2(c)	\$250.00
6.	Failure to keep license for Trailer on premises	Section 3(j)	\$100.00
7.	Failure to present license to enforcement officer	Section 3(k)	\$100.00

The general penalty provision for the offences listed above is section 5(b) of by-law No. ²⁰¹⁶⁻22, a certified copy of which has been filed with the court.