

The Corporation of the Township of Pelee

By-law NO. 2024-08

Being a By-law to Licence Trailers in the Township

**WHEREAS** the Municipal Act, 2012, Section 164, authorizes the Municipality to pass by-laws for the licensing of trailers in the Municipality;

**AND WHEREAS** the Township of the Pelee Zoning By-Law 2012- 24, 4.1.1 (3) states that "Accessory uses, buildings and structures shall not be erected or established prior to the erection or establishment of the main building or use";

**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 Township of the Pelee hereby enacts the following:

**Title – Section 1**

1.1 This by-law shall be cited as the “Trailer By-law”

**Definitions – Section 2**

2.1 Township or Municipality shall mean the Corporation of the Township of the Pelee and shall be defined as the lands and premises within the corporation limits.

2.2 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 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 a tent trailer, a camper trailer, a recreational trailer, a tiny home, a fifth wheel, a bus converted into a motor home and park model trailer.

2.3 Stored Trailer means any trailer located on the property only for the purpose of storage but shall not include any trailer being used at any time for living, sleeping or eating accommodations of persons while located on that property.

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 use, consisting of camping sites, and comprising land used for seasonal recreational activity as grounds for the camping or parking of tents, travel trailers, truck campers, but not mobile homes or a mobile home park.

2.6 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, pick-up coaches, motorized campers, motor homes or other similar vehicles.

### **Prohibitions – Section 3**

3.1 No person shall use nor shall an owner of land permit a person to use and/or keep a trailer on any property within the Township for more than seven consecutive (7) days in any given year, except in a designated Camping Establishment, without purchasing a licence.

3.2 No person shall have a trailer without a licence unless defined in Section 2.4, even if the trailer was legally placed on the property prior to the date of implementation of this By-law.

3.3 No person shall occupy a trailer from December to April of any given year.

3.4 No person shall add additions to a trailer such as sunrooms, porches or roofs.

3.5 The owner of the land, other than an established Camping Establishment within the Township, upon which a legally non-conforming trailer is located, shall be responsible for obtaining a license from the Township. No license shall be issued unless the prescribed fee has been paid.

3.6 Where a trailer that is located on a property in the Township, other than on land used as an established Camping Establishment, has been established to a legally non-conforming use and where such trailer has only been used occasionally for living, sleeping or eating accommodation of persons, such trailer shall not be deemed to be a stored trailer as defined in Section 2.3 and shall be subject to an annual license.

3.7 No license shall be issued under this By-law if the application for the licence would be in contravention of any other By-law of the Corporation of the Township of the Pelee or of any Federal or Provincial law or regulation.

3.8 This By-law shall not apply to a storage trailer on an existing lot with a dwelling where the trailer is for the sole purpose of storage.

3.9 This By-law shall not apply if the trailer is owned by an island resident for use off island or on such land is a campground operated or licensed by the Corporation, is not used on the island for habitation and is stored behind the front setback of the principal dwelling.

3.10 No trailer for which a license is required under this By-law shall be located on land except in conformity with the setback requirements for a dwelling unit as prescribed by the Corporation of the Township of the Pelee Zoning By-Law 2012-024, as amended, for the zone in which the lands are located.

3.11 No person shall locate, or permit a permit to locate, more than one (1) trailer on any Land, except;  
i) if such land is a campground operated or licensed by the Corporation

### **Licence Exemptions – Section 4**

4.1 A stored trailer, as defined in section 2.3 does not require a licence.

4.2 An assessed trailer, as defined in Section 2.4 does not require a licence.

4.3 Where a building permit for a single family dwelling unit has been issued by the Township's Chief Building Official, the permit holder shall enter into an annual agreement for the placement of a trailer

on the property where the unit is being constructed or reconstructed solely for the purpose of the construction and only if any applicable building permit fees are paid and the trailer is promptly removed after occupancy is given.

#### **Licence Fee – Section 5**

5.1 The License fee for a trailer shall be as set out in Schedule "A" attached to this by-law.

5.2 The license fee is payable for the current fiscal year upon receipt of an application. Every license obtained in this paragraph shall expire on the 31<sup>st</sup> day of December in that year of which it was issued.

5.3 Applications for licenses shall be made to the Township Office and duly signed by the owner of the property on which the trailer is to be located. The owner to whom a licence has been issued shall display the license on the trailer in a place that can be seen easily from the outside of the trailer.

5.4 All applications for such licence shall be made in the prescribed form attached to this By-law as Schedule "B".

5.5 The license fee is imposed upon the owner of the property on which the trailer is located. If the owner fails to make payment of the license fee in any year, the fee shall be deemed overdue and as such, the full license fee shall be collected in the same manner as property tax.

5.6 A refund may be obtained by surrendering the issued license and submitting a request in writing to the Clerk, indicating a trailer was not located on a property and specifying the date on which it was removed. The refund may be calculated from the first day of the month following relocation. The Township shall retain a minimum \$50 administration fee. The onus is on the landowner to provide supporting documentation of the date of such removal.

5.7 Any license issued under this By-law is not transferrable.

5.8 No person shall locate more than one trailer on a property lot unless it is a Camping Establishment.

5.9 Every person shall ensure that his or her sewage system is pumped out from a certified sewage hauler and that a receipt is provided upon request to the Clerk and/or By-law Enforcement Officer unless such trailer is equipped with an incinerating toilet that is acceptable to CSA standards.

5.10 No trailer shall be licensed unless the location of the trailer complies with the following:

- i) All provincial statutory and regulatory requirements including but not limiting the generality of the foregoing, any license or permit required by the Ministry of the Environment.
- ii) All federal statutory and regulatory requirements.
- iii) The Township of the Pelee's Zoning By-Law 2012-024.

5.11 A license issued pursuant to this by-law authorizes the use and maintenance of an existing trailer on existing lots for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. The issuance of a license is not intended and shall not be construed as permission or consent by the Municipality for the holder of the

license to contravene or to fail to observe or comply with any law of Canada, Ontario or any by-laws of the Municipality.

5.12 A licence under this by-law shall be available from January 1<sup>st</sup> to December 1<sup>st</sup> in the case of licensed trailers on property with a main dwelling and April 1<sup>st</sup> to November 30<sup>th</sup> for licensed trailers on vacant lots. Licenses shall not be granted by the Corporation outside of such times save and except pursuant to any specific exemption granted by 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.

5.13 No licence shall be issued under this By-law unless the trailer to be licensed was previously licensed under By-law No. 2016-22 at some time during 2023. Furthermore, the number of trailers which may be licensed within the Township of Pelee at any one time under this By-law is limited to thirty-five (35).

### **Administration and Enforcement – Section 6**

6.1 Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and shall be liable, for each contravention and each day of contravention shall constitute a separate offence.

6.2 No person being the registered owner of any lot or parcel of land within the Township shall permit any person to locate a trailer on his or her property except in accordance with the provision of this by-law.

6.3 The administration of this by-law is assigned to the Clerk who may delegate the performance of his or her function under this by-law from time to time as occasion requires.

6.4 Every applicant shall provide in full, at the time the application is submitted, all of the information required on the application form attached as Schedule "B", as well as payment of the prescribed license fee as set out in this By-law and any other document or information as may be required in any other part of this By-law.

6.5 Any application, comment, recommendation, information, document or thing in possession of the Clerk pursuant to the provision of this By-law shall be made available by the Clerk for inspection:

- i) By any person employed in the administration of the enforcement of this by-law;
- ii) By any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board, commission authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing. Subject only to the limitations imposed by the Municipal Freedom of Information and Protection of Privacy Act.

6.6 The enforcement of the By-law is assigned to the Provincial Offences Officer for the Township of the Pelee.

6.7 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 Provincial Offences Officer may result in the removal of said trailer by the Township of Pelee, at the expense of the Owner of the lot.

6.8 If the Township takes action to remove a trailer(s) from a lot within the Township, the costs of such action may be added to the tax roll and collected in the same manner as taxes.

6.9 Where the Township proceeds with action under s.6.7 of this by-law, the Clerk or an Officer or an agent appointed by the Township may enter onto the property accompanied by any person(s) under his or her direction and with the appropriate equipment as required to bring the property into compliance with this by-law.

6.10 Any licence issued under this by-law must be presented to an enforcement officer upon request.

#### **Inspections – Section 7**

7.1 Any person designated by Council to enforce this By-law may, at any reasonable time and upon producing proper identification, enter and inspect any property licensed under or in contravention of the provisions of this By-law.

7.2 No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law.

#### **Penalty – Section 8**

8.1 Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction, shall be liable to a fine pursuant to Section 61 of the Provincial Offences Act. R.S.O., 1990, c P.33, for each contravention and each day of contravention shall constitute a separate offence.

8.2 Upon registering a conviction for a contravention of any provision of this By-law, the Ontario Court, Provincial Division, may, in addition to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

#### **Validity - Section 9**

9.1 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 provision 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.

#### **EFFECTIVE DATE - SECTION 10**

10.1 This by-law shall come into effect on the date of the third reading and it being passed.

#### **REPEAL OF BY-LAW – SECTION 11**

11.1 That By-law 2024-08 will expire at 12:01am on December 1, 2025.

11.2 That By-law 2023-070 is hereby repealed.

Read a first, second, third time, enacted and passed this 20<sup>th</sup> February 2024



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CATHERINE MILLER – MAYOR



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MARY MASSE – INTERIM CLERK

The Corporation of the Township of Pelee

By-law NO. 2024-08

**Schedule “A”**

<b>Property/Trailer</b>	<b>Fee</b>
Trailer on property with Dwelling	\$50.00/month
Storage	\$0.00
Vacant Land	\$300.00/month