

The Corporation of the Township of Pelee

REPEALED

By-law No. 2015-24

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) "Trailer" shall mean
 - i) Any vehicle constructed to be attached and propelled by a motor vehicle; and/or
 - ii) Any motor vehicle that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed. For the purposes of this by-law, the definition of Trailer shall specifically exclude any trailer separately assessed under the *Assessment Act* (Ontario)
- g) "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 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 out-of-sight in an enclosed area;
 - iii) if such Trailer is located on farmland and being used solely for the purpose of storing materials and supplies and not for living, sleeping or eating; or
 - iv) if such person shall have first obtained a license therefor under the provisions of this by-law.

- b) No person shall permit a person to use, maintain, and/or locate any Trailer within the Municipality for more than seven (7) total days in a year, except:
 - i) in a trailer park operated or licensed by the Corporation;
 - ii) if such Trailer is not in use and is stored out-of-sight in an enclosed area;
 - iii) if such Trailer is located on farmland and being used solely for the purpose of storing materials and supplies and not for living, sleeping or eating; or
 - iv) if such person shall have first obtained a license therefor under the provisions of this by-law.
- c) No person shall 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.
- d) No person shall permit a person to locate more than (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.
- e) 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.

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 annual 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 building subject to the *Assessment Act* (Ontario); or
 - (ii) 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 only be available from May 1st to November 30th 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) November 30th 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) Every person shall keep any license issued under this by-law on the premises on which the trailer is located.
- k) Every person shall present any license issued under this by-law 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.

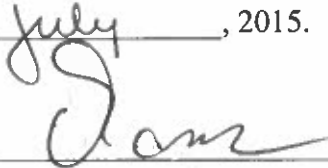
6. General.

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.

Read a first, second, and third time and finally passed in Open Council this 20th day of July, 2015.



Mayor



Clerk

The Corporation of the Township of Pelee
Trailer Licence Form
Schedule 1 to By-Law 2015-24

Name of Applicant: _____
Address of Applicant: _____
Phone Number: _____

Address of Site: _____
Applicant's interest in Land (owner, tenant, lease): _____
Dimensions of Land:
Frontage: _____ Depth: _____ Area: _____

Detailed description of Trailer

Length: _____ Colour: _____ Model #: _____

Licence Plate: _____ VIN #: _____

What provisions have been made for:

Septic/blackwater: _____

Grey Water: _____

Drinking Water: _____

Expected dates of occupancy: _____

A site plan of property should be attached showing the following (where applicable):

- Property dimensions
- The position of the Trailer on the site including setbacks from all lot boundaries, roadways and waterbody or watercourse.
- Location of septic system
- Location of well
- Driveway
- Fire Pit

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 By-Law 2015-24

Date: _____ Signature of Applicant: _____

Approved by the Council of the Township of Pelee on the _____ day of _____, 2015

Signature of Issuing Official: _____

SCHEDULE "2"

TO BY-LAW NO. 2015-24

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. 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. 2015-24

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. | Use Trailer without valid license | Section 2(a)(iv) | \$500.00 |
| 2. | Permit use of Trailer without valid license | Section 2(b)(iv) | \$500.00 |
| 3. | Locate more than one Trailer on Land | Section 2(c) | \$500.00 |
| 4. | Permit location of more than one Trailer on Land | Section 2(d) | \$500.00 |
| 5. | Improper location of Trailer on Land | Section 2(e) | \$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. 2015-24, a certified copy of which has been filed with the court and s.61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

RECEIVED

OCT 16 2015

TOWNSHIP OF PELEE

October 13, 2015

Katrina DiGiovanni
Deputy Clerk
Township of Pelee
1045 West Shore Road
Pelee Island, ON NOR 1M0

Dear Ms. DiGiovanni:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2015-24 of the Township of Pelee**

Enclosed herewith is the Order, and the schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Stephen J. Fuerth'.

Stephen J. Fuerth
Regional Senior Justice
West Region

Enclosures
/es

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2015-24, of the Township of Pelee, attached hereto are the set fines for those offences. This Order is to take effect January 1, 2016.

Dated at London this 13th day of October 2015.



Stephen J. Fuerth
Regional Senior Justice
West Region

SCHEDULE "3"

TO BY-LAW NO. 2015-24

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

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| 5. | Improper location of Trailer on Land | Section 2(e) | \$250.00 |
| 6. | Failure to keep license for Trailer on premises | Section 3(j) | \$100.00 |
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