

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2010-21

A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF TRAILER CAMPS.

WHEREAS Section 11(3) subsection 11 the Municipal Act, 2001, S.O. 2001, C. 25, as amended, provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters relating to business licensing;

AND WHEREAS SECTION 151(1) provides that Without limiting sections 9, 10 and 11, a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality. 2006, c. 32, Sched. A, s. 82.

AND WHEREAS Section 164(1) provides, with respect to trailers, that without limiting sections 9, 10 and 11, a local municipality may prohibit or licence trailers located in the municipality. 2006, c. 32, Sched. A, s. 82.

AND WHEREAS the Council of the Corporation of the Township of West Lincoln deems it desirable to license and regulate trailer camps in order to require annual inspections which will serve to ensure the health and safety of residents by providing for specific inspections by various departments/agencies.

NOW THEREFORE the Corporation of the Township of West Lincoln hereby enacts as follows:

PART I - DEFINITIONS

1. In this by-law:
 - (a) "Applicant" means a person applying for a trailer camp licence or lot licence pursuant to the provisions of this by-law;
 - (b) "Building Inspector" means the building inspector of the Corporation of the Township of West Lincoln or a person designated to act on his/her behalf;
 - (c) "Clerk" means the Clerk of the Corporation of the Township of West Lincoln, or a person designated to act on his/her behalf;
 - (d) "Council" means the Council of the Corporation of the Township of West Lincoln;
 - (e) "Fire Chief" means the Fire Chief of the Corporation of the Township of West Lincoln, or a person designated to act on his/her behalf;
 - (f) "Guest" means a person who contracts for accommodation in a trailer camp, and includes all members of his/her party;
 - (g) "Licence" means a licence issued in accordance with the provisions of this By-law;

- (h) "Licensing Enforcement Officer" means a member of a police service or a municipal law enforcement officer or any other officer authorized to enforce this by-law;
- (i) "Lot" means a plot of ground in a trailer camp designated or intended to be used for the occupancy of one trailer;
- (j) "Medical Officer of Health" means the Medical Officer of Health of the Regional Municipality of Niagara Public Health Department, or a person designated to act on his/her behalf;
- (k) "Mobile Home" means any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (l) "Municipality" means the Corporation of the Township of West Lincoln;
- (m) "Owner" means a person who has any proprietary interest in a trailer camp including, but not limited to, partners in a partnership and shareholders in a corporation, but does not include a guest;
- (n) "Person" includes individuals, partnerships, associations, organizations and corporations;
- (o) "Sewage System Inspection Manager" means the Part VIII Director OBC of the Corporation of the Township of West Lincoln" authorized to enforce the provisions under Part VIII of the Ontario Building Code, as amended;
- (p) "Trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purposes of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of persons, on a temporary basis, notwithstanding that such vehicle is jacked up or that it's running gear is removed, but does not include a Mobile Home;
- (q) "Trailer Camp" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purposes of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, even if the vehicle is jacked up or it's running gear is removed, but does not include any vehicles unless it is used for the living, sleeping or eating accommodations of persons therein.

PART II - CLASSES OF LICENCES

Trailer Camp Licences

- 2. Every Owner of a Trailer Camp shall procure and maintain in good standing a Licence from the Municipality in accordance with this by-law with respect to any Trailer Camp operated within the boundaries of the Municipality.
- 3. No person shall operate or maintain a Trailer Camp in the Municipality without having first applied for and obtained a Trailer Camp Licence therefor from the Municipality.
- 4. Every Owner of a Trailer Camp shall procure and maintain in good standing a Licence from the Municipality, in accordance with this by-law, and no person shall occupy or permit the occupancy of any Lot within a Trailer Camp unless the Owner has first applied for and obtained a license from the Municipality.

PART III - LICENCE FEES

License Fee

- 5. Trailer Camp License Fee \$750.00

PART IV - APPLICATION FOR LICENCES

6. Every person wishing to make application for a Trailer Camp Licence or renewal shall attend in person at the Office of the Clerk and file, within thirty days of the passing of this By-law and before April 30 of each subsequent year:
 - (a) a completed application in the prescribed form; and
 - (b) a fee prescribed under Part III of this by-law.
7. (a) An application for a Trailer Camp Licence shall include four copies of a plan of Trailer Camp showing:
 - (i) the area and dimensions of the Trailer Camp, including the total acreage used for camping establishment purposes, as well as a legal description of the property;
 - (ii) the number, location and size of all camping lots;
 - (iii) the location and width of all lanes, roads and driveways, together with details of grading and landscaping for the entire Trailer Camp;
 - (iv) the location of all buildings, structures and pools;
 - (v) the location of water, sewer, surface drainage, electrical and lighting facilities;
 - (vi) plans and specifications of all buildings and other improvements constructed or to be constructed within the camping establishment;
 - (vii) the location of campfire sites; and
 - (viii) the location of water hoses and fire extinguishers.
 - (a) Notwithstanding the provisions of subsection (a) above, an application for a Trailer Camp Licence shall not be required to include the above information where such Trailer Camp is the subject of one or more Site Plan Agreements entered into with the Municipality.
 - (c) Upon annual renewal application only additions or changes to the trailer camp shall be required to be accompanied by four copies of any changes, additions or alterations to the plan of the Trailer Camp which accompanied the original applications.
8. Upon receipt of the application for a Trailer Camp Licence, the Clerk shall make or cause to be made all investigations and searches required by law or by Council to be made relative to such application, and shall,
 - (a) request from the Planning Department of the Municipality, a report or communication outlining the objections, if any, to the application (includes a review to ensure that the applicant meets the requirements of Zoning By-law & Site Plan Control, if applicable),
 - (b) request from the Fire Chief of the Municipality, a report outlining the objections, if any, to the application (includes a review in relation to Ontario Fire Code Regulations),
 - (c) request from the Building Department the Municipality, a report outlining the objections, if any, to the application (includes a review of building/structures in relation to Ontario Building Code),
 - (d) request from the Clerk the Municipality, a report outlining the objections, if any, to the application,

- (e) request from the Medical Officer of Health, a report or communication outlining the objections, if any, to the application (includes a review of the pool facility, if any),
 - (f) request from the Sewage System Inspection Manager, a report or communication outlining the objections, if any, to the application (includes a review of the private sanitary facilities/sewage systems and trailer sewage connections, if required),
 - (g) request from the Ministry of the Environment, a report or communication outlining the objections, if any, to the application (includes a review/confirmation that a septic certificate is in good standing for the private sanitary facilities/sewage systems).
9. Upon completion of the investigation and searches referred to above, the Clerk shall issue or renew a Trailer Camp Licence provided that,
- (a) the provisions of Section 8 have been complied with; and
 - (b) no objection is received during the course of the investigation from any of the agencies to which the application was circulated.
10. Where a Trailer Camp License is issued by the Clerk pursuant to Section 9 above, the Clerk shall notify Council of the issuance of the License by placing the matter on the agenda of the next regularly scheduled meeting of Council.
11. In the event that the Clerk refuses to issue a Trailer Camp Licence, the Clerk shall notify the Applicant of such refusal to issue the Licence by sending the applicant a Notice of Refusal, which notice shall notify the Applicant of his or her right to have the matter heard before Council.
12. Where the Applicant returns the Notice of Refusal indicating a desire to have the matter heard before Council, the Clerk shall place the matter on the agenda for consideration by Council in accordance with Council procedures.
13. Where a hearing is to be conducted, the Clerk shall provide the Applicant with a Notice of Hearing setting out the date, time and place of hearing.
14. Council shall hear and consider the application, the report of the Clerk and any submission of the Applicant in accordance with the procedures of Council.
15. After the Hearing, Council shall:
- (a) grant the license;
 - (b) refuse the license;
 - (c) Revoke or suspend the license;
 - (d) grant the license and impose conditions on the license.
16. The Clerk shall, on behalf of Council, provide written notice of the decision of Council to the Applicant.

PART V - MINIMUM PERFORMANCE STANDARDS FOR ALL TRAILER CAMPS

17. Every Owner shall ensure that a Trailer Camp and all Lots therein conform to:
- (a) the requirements of the zoning by-law of the Municipality;
 - (b) any Site Plan Agreement entered into between the Municipality and the Owner;
 - (c) the plan filed pursuant to Section 7 of this by-law, and;
 - (d) any other federal, provincial and municipal legislation.

18. (a) Every Owner shall ensure that each Lot within a Trailer Camp that comes into existence after the date of the passage of this by-law is serviced by private sanitary facilities/sewage systems and a private water supply system and is in compliance with related requirements/legislation/regulations.
- (b) Every Owner shall ensure that Trailer Camps in existence as at the date of the passage of this by-law are serviced by sanitary facilities/sewage systems and a water supply system which and is in compliance with related requirements/legislation/regulations.
19. Every Owner shall ensure that each Lot:
 - (a) is accessible by a lane, road or driveway having minimum unobstructed widths as follows:
 - (i) where two-way traffic is permitted - 7.5 metres;
 - (ii) where one-way traffic is permitted - 3.5 metres;
 - (iii) where the lane, road or driveway serves five sites or less - 3 metres;
 - (b) has a minimum width of 9 metres and a minimum area of 185 metres²;
 - (c) has one parking space located within the Lot, or not more than 46 metres from the Lot.
20. All lanes, roads and driveways within a Trailer Camp shall remain unobstructed at all times and shall be constructed and maintained with at least a 6" stone base over the entire width of the driveway or road and shall be maintained in a dust-free condition.
21. Every Owner shall ensure that all refuse is stored in flytight, watertight, rodent-proof refuse containers which are sufficient capacity to properly store all refuse within the Trailer Camp.
22. Every Owner of a Trailer Camp shall ensure that all refuse is collected on a daily basis.
23. Every Owner shall ensure that no person removes or permits the removal of running gear or hitches from a Trailer while at the Trailer Camp.
24. Every Owner of a Trailer Camp shall display the Trailer Camp Licence in a conspicuous place in an office area used for the registration of Guests.
25. Every Owner of a Trailer Camp shall set aside a minimum of 10% of the total area of the Trailer Camp or 1 acre, whichever is greater, a private recreational park for the exclusive use of guests.
26. Every Owner shall ensure that any new Trailer or addition to a Trailer shall be placed so that there is not less than 20 feet between the said Trailer and any other Trailer, including any additions such as a porch, provided, however, that if Trailers are parked end-to-end the end-to-end clearance between Trailers shall not be less than 10 feet and no Trailer shall be placed closer than 10 feet from any building within the Trailer Camp.
27. Every Owner of a Trailer Camp shall provide one Class 5ABC fire extinguisher of the non-freezing type or equivalent for each service building and all fire extinguishers shall at all times be kept in effectual working order and be easily accessible.
28. Every Owner of a Trailer Camp shall ensure that each trailer owner and their guests have immediate access to a telephone while on the Trailer Camp premises.

29. Every Owner of a Trailer Camp shall post or cause to be posted in a conspicuous place at the Trailer Camp emergency phone numbers including fire and police.
30. Every Owner of a Trailer Camp shall post a map of the Trailer Camp at the entrance to the Trailer Camp which shows:
 - (a) all camp sites by number;
 - (b) all roadways with names;
 - (c) the location of service buildings;
 - (d) the location of fire extinguishers; and
 - (e) the location of the emergency phone numbers.
31. Sections 19, 20 and 25 do not apply to Trailer Camps in existence at the date of passage of this by-law.

PART VI - GENERAL PROVISIONS RELATING TO TRAILER CAMPS

32. The Owner of a Trailer Camp, or a responsible attendant, shall be in charge at all times and shall keep the Trailer Camp, its facilities and equipment, in a clean, orderly and sanitary condition.
33. No Owner shall permit and no person shall occupy a Trailer located in a Trailer Camp to be occupied on an overnight basis at any time except between May 1st and October 31st in any year.
34. No Owner shall permit any Person to occupy a trailer site as a permanent place of abode, dwelling or business.
35. No Person shall operate, and no Owner shall permit to be operated, any business from a Trailer located in a Trailer Camp.
36. No Person shall use, and no Owner shall permit to be used, Lots within the Trailer Camp for any purpose other than holiday or recreational purposes.
37. No Person shall park, and no Owner shall permit to be parked, a Trailer which is not C.S.A. approved in a Trailer Camp. This section does not apply to existing trailers in place at the date of passage of this by-law unless said trailer is relocated.
38. No Person shall park, and no Owner shall permit to be parked, a commercial tractor-trailer in a Trailer Camp.
39. No Person shall park, and no Owner shall permit to be parked, a mobile home in a Trailer Camp.
40. (a) Every Owner shall maintain a guest register which shall include,
 - (i) the name, address of the guest;
 - (ii) the date of arrival, period of stay and date of departure of each guest; and
 - (iii) confirmation that the guests have access to a telephone.
- or (b) Every Owner shall produce the guest register for inspection by the Clerk Licensing Enforcement Officer upon request.

PART VII- REVOCATION OF LICENCES

41. Where, in respect of a Trailer Camp Licence,

- (a) a licensee has been convicted of contravening any provision or provision of this by-law;
- (b) there are reasonable grounds for belief that in the Application or any other document or information provided by or on behalf of a licensee contains a false statement or provides information;
- (c) information contained in the original Application form or any other information provided to the Clerk by or on behalf of the Applicant has ceased to be accurate and the licensee has not provided up-to-date information to the Clerk to allow the Clerk to conclude that the Licence can or should be maintained as valid;
- (d) the conduct of the licensee affords reasonable grounds for belief that the Licencee will not carry on business in accordance with the law or with honesty and integrity;
- (e) the licensee breaches a condition of the Licence;
- (f) the Clerk becomes aware of any facts or facts which, if known at the time of the Application, may have resulted in the Clerk refusing the Licence;

the Clerk shall recommend to Council that a Licence issued under this by-law be revoked by serving notice of recommendation to revoke the Licence on the licensee.

- 42. A recommendation of the Clerk shall be referred to Council for a hearing in accordance with Council procedures.
- 43. A licensee shall be given notice of the hearing and shall be entitled to attend the hearing and adduce evidence and make submissions, either personally or through a representative, in accordance with the procedures of Council.
- 44. Council may after the hearing, in accordance with the provisions of the *Municipal Act, 2001*, as amended, suspend the Licence, revoke the Licence or impose conditions on the Licence.
- 45. The Clerk shall provided the licensee with notice of the decision of Council and the reasons for the decision.

PART VIII - OFFENCES AND PENALTIES

- 46. Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act, as amended.

PART IX - PARTIAL INVALIDITY

- 47. If any term of this by-law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this by-law and/or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

PART X - ENACTMENT

- 48. This By-law shall come into force and effect on February 22, 2010 and shall remain in effect until the day it is repealed.
- 49. By-law 2005-16 be and is hereby repealed.
- 50. The short title of this by-law is the Trailer Camp Licensing By-law, Township of West Lincoln.

51. That the binder of fees and charges as confirmed by By-law 2002-115, be amended to include By-law 2010-21 trailer camp license fees.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
22nd DAY OF FEBRUARY, 2010.**



MAYOR KATIE TROMBETTA



CAROLYN LANGLEY, CLERK