

THE CORPORATION OF THE TOWNSHIP OF ST. JOSEPH

BY-LAW 2015 – 4A

A By-law to License and Regulate Trailers outside of Trailer Parks in The Township of St. Joseph, and to repeal By-laws 972, 1109 and 1829.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS Section 164 of the *Municipal Act*, 2001, as amended, provides that a local municipality may prohibit or license trailers located in the municipality; and

WHEREAS Section 445 of the *Municipal Act*, 2001, as amended, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

WHEREAS the Council of The Township of St. Joseph deems it necessary and expedient to pass a By-law to address the matter of trailers outside of registered Trailer Parks to control and regulate the potential for nuisance, noise, and fair property valuation;

NOW THEREFORE, The Council of The Corporation of The Township of St. Joseph does hereby enact as follows:

1. Definitions:

"Assessed Trailer" means any trailer legally located on a property which is zoned Major Recreation or Residential in the Township's Zoning By-law and which is assessed under the *Assessment Act*.

"Clerk" shall mean the Clerk Administrator of The Township of St. Joseph.

"Drinking Water" shall mean potable and tested water available on the premises for human consumption.

"Dwelling Unit" means two or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit with cooking, living, sleeping and sanitary facilities, and not to be used for the conduct of business, trade or occupation.

"Landfill" means the waste disposal site owned and operated by The Township of St. Joseph and at which location are facilities for waste management, disposal and various recycling.

"Licensed" means a trailer which is road worthy, has a current and valid license and registration and which may be legally and safely transported.

"Mobile Home" means an assessed trailer which is fitted with parts for connection to utilities that can be installed on a permanent site and used as a permanent, multi season residence.

"Municipality" or "Township" means The Township of St. Joseph.

"Occupy" means to cook, eat, sleep, live or operate a business in a trailer at any time.

"Operator" means the owner, manager or agent of an overnight Trailer Camp being responsible for all trailers and occupants thereof.

"Permanent Residence" refer to "Dwelling Unit".

"Permit" means an annual license to occupy a trailer issued by The Township of St. Joseph for the use or occupancy of a trailer for more than ten (10) days.

"Overnight Trailer Camp" means land where trailers, tents, truck campers and recreational vehicles may be located for temporary, transient or overnight trade, having no provision for the permanent placement of trailers.

"Setback" means the horizontal distance from a lot line or defined physical feature measured at right angles to the nearest part of any building or structure on a lot, including trailers.

"Shoreline Setback" means the minimum distance between any building or structure and the original High Water Mark and which, for the purposes of this By-law, shall be reduced to 50 feet for trailers located on a shoreline lot for 90 days or less. Trailers may not be stored within 100 feet (30 m) of the High Water Mark, as defined in the Official Plan, and may not be within the shoreline setback for a period of more than 90 days.

"Storage Trailer" means a portable structure capable of being drawn by a motor vehicle which does not have means for sleeping, eating or accommodation, and which may not be used for occupancy.

"Stored Trailer" means any trailer located on the property only for the purpose of sale or storage but shall not include any trailer being used at any time for living, sleeping, eating, the conduct of business or the accommodation of persons while it is located on that property.

"Townsite" means lands designated primarily of existing and planned residential development on full municipal services within Richards Landing as noted in the Township's Zoning By-law.

"Trade" means the exchange of a product or service for currency, or for another product or service which, for the purposes of this By-law, would be the exchange of goods, services, or currency within a trailer.

"Trailer" means a structural unit having no permanent foundation and supported by wheels, jacks or similar supports with lights, hitch, towing capacity, and which is used or constructed to be used for conveyance upon public streets or highways and duly licensable in accordance with Ministry of Transportation standards. Without limiting the generality of the foregoing, includes motor homes, travel trailers, tent trailers and campers of all types.

"Trailer Park" means lands designated and zoned as Major Recreation in the Township's Official Plan and Zoning By-law, and for which there is provision for the permanent placement of trailers to connect to the municipal water and sewer system.

"Utility Trailer" means a non-motorized vehicle which is intended to be towed by a motorized vehicle, which features a cargo area and is used for the hauling of loads but not intended for use as a dwelling unit.

"Zoning By-law" means the most current comprehensive Zoning By-law in force in the Township or portions thereof, as amended and passed pursuant to the Planning Act, R.S.O. 1990.

2. TRAILERS OUTSIDE OF TRAILER PARKS

- a. Any Trailer located outside of an Overnight Trailer Camp or Trailer Park used for the occupancy, sleeping, eating, living or conduct of business, temporary or otherwise, within The Township of St. Joseph for more than ten (10) days in any one year will have first obtained a permit from the Township Office authorizing such use or occupancy.
- b. Except under the authority of a Trailer Permit issued pursuant to this By-law, no person shall occupy or allow a trailer to be occupied for any of the above purposes in The Township of St. Joseph except on lands designated as Major Recreation in the Township's Zoning By-law.
- c. Every Trailer outside of an Overnight Trailer Camp in The Township of St. Joseph for more than ten days without a permit shall, at the end of any such period:
 - Be removed from The Township of St. Joseph by the property owner; or
 - Be stored in accordance with this by-law at the permanent residence of the owner.
- d. Within the Richards Landing Townsite boundaries, trailer permits will be limited to 30 days and trailers must adhere to all residential setbacks, not obstruct sight lines, and meet Property Standards requirements. Upon request, Council may consider a permit for more than 30 days.

3. TRAILER PERMIT APPLICATION PROCESS

- a. A trailer permit is required for the placement or occupancy of a trailer outside of an Overnight Trailer Camp for more than ten (10) days in The Township of St. Joseph.
- b. To obtain a permit for use or occupancy of a Trailer outside of an Overnight Trailer Camp for more than ten (10) days, the property owner shall file an application for trailer permit with the Municipality which includes:
 - the name, address and contact information of the owner of the Trailer;
 - a site plan showing the location of the trailer on the lot, and access to the property;
 - provisions for potable water, sewage, waste disposal and recycling;
 - civic address number or legal description of the property;
 - the make, model and serial number or other sufficient identification;
 - Motor Vehicle License number (if any);
 - the number of persons to be accommodated in such trailer; and
 - the length of time the trailer will be in use.
- c. The property owner is responsible for the trailer, its location, and all activities occurring around the trailer including provision of water, sewage, recycling and waste disposal.

- d. The fee for each Trailer Permit shall be \$20.00 per month or portion of a month that the trailer is located in the municipality, payable at the time of issue.

4. GENERAL PROVISIONS

- a. Every person using or occupying a Trailer outside of an Overnight Trailer Camp for the living, eating or accommodation of persons for a period of more than ten (10) days without first obtaining a permit is guilty of an offence and liable to the penalty provided herein.
- b. Trailer Permits shall be issued in 30 day increments, except as otherwise permitted.
- c. Trailers on rural, residential or commercial properties must meet the same front, rear and side yard setback requirements as a structure, in accordance with the Township's Zoning By-law.
- d. Trailers may be temporarily located 50 feet within the shoreline setback for recreational purposes but must not be stored within the 100 ft shoreline setback.
- e. A Trailer Permit issued under this By-law may allow the reduction of the shoreline setback from 100 feet to 50 feet for temporary occupancy.
- f. A trailer shall be permitted for more than 90 days when the property owner has applied for or has been issued a Building Permit pending the construction of a new residence. Occupancy and use of the trailer must cease once the residence is approved for occupancy.
- g. Trailers used or stored within the village limits of Richards Landing must belong to the owner or immediate family member of the property on which they are located.
- h. Individual campers or trailer owners/occupants will not receive landfill privileges.

5. WASTE DISPOSAL

- a. A permit may be issued for a Trailer which has a self-contained sewage/sanitary waste storage tank, or where appropriate sewage disposal/sanitary facilities are available on the subject property (i.e. municipal sanitary sewer, approved septic system, or privy).
- b. Self-contained storage tanks must be emptied a minimum of every 30 days, and may only be emptied into a regulated facility, and never into a trench, ditch, outhouse, watercourse, or onto the ground on any private property.
- c. No permit is required for the installation of a privy (outhouse), however applicants must comply with the Ontario Building Code and regulations for setbacks and minimum distance separation as provided by Algoma Public Health.

6. STORAGE

- a. No more than one Trailer shall be stored on any one parcel of land except at a commercial storage facility zoned for such purpose. No permit is required for storage.

- b. Council may allow or refuse to permit storage of more than one trailer on a rural or residential property on such terms as Council may see fit. No permit shall be required where permission for storage is granted.
- c. Within the Townsite boundaries of Richards Landing, no trailer shall be placed, occupied or stored unless it belongs to the property owner or an immediate family member.
- d. One trailer may be stored at a residence within the boundaries of Richards Landing but said trailer may not be occupied.
- e. All trailers stored in the Rural or Residential Zones must adhere to the setbacks set out in the Zoning By-law, and must not obstruct any sight line for pedestrians, motorists, or neighbouring properties.
- f. No trailer may be stored within the 100 ft shoreline setback or within the front, rear or side yard setbacks for any property provided in the Township's Zoning By-law.
- g. Every owner or occupier of a Trailer who permits the same to remain within the Township except in accordance with the provisions of this Part is guilty of an offence and liable to the penalty provided.

7. OVERNIGHT TRAILER CAMPS

- a. No person, organization, agency or corporation shall operate or allow to operate an Overnight Trailer Camp except in accordance with the provisions of this by-law and other relevant by-laws of the Municipality.
- b. An Operator shall provide five pound CO 2 type Fire Extinguishers which shall be kept in convenient, conspicuous, accessible and well marked locations. There shall be at least one such extinguisher for every three trailers in the camp.
- c. The Operator shall not permit or allow any person to light or build an open fire in the camp, except in equipment provided by the Operator. The property owner must obtain a burn permit from the municipality prior to lighting any fires.
- d. The Owner or Operator of the Overnight Trailer Camp shall:
 - Provide tightly secured garbage containers in convenient places and in sufficient numbers to ensure at least one (1) such garbage container for each trailer.
 - Ensure that the garbage containers do not become foul smelling, unsightly, or a breeding place for flies or other insects and do not attract rodents.
 - Be responsible for the timely disposal of garbage, waste, refuse and recycling in their respective containers at the municipal landfill site. Individual campers or trailer owners/ occupants will not receive landfill privileges.
 - Maintain the grounds of the Trailer Camp in an orderly and tidy way and free from litter and refuse.
 - Keep all grass cut in the space for each trailer to a maximum height of three inches.

- Keep all fences in good repair and neat in appearance, and shall not permit the storage or piling of materials against a fence.
 - Treat gravel lanes or driveways within the Trailer Camp to avoid excessive dust.
 - Provide an adequate and proper supply of clean and potable drinking water in accordance with regulations set out by Algoma Public Health and Ontario Safe Drinking Water Standards.
 - Comply with such provisions as Algoma Public Health may require.
 - Not permit the dumping of water from the washing of clothes, dishes or any other domestic article on the open ground. Such water must at all times be disposed of through the septic or sanitary sewer system.
 - Not permit any person to take water from any open spring or well on the premises.
 - Not permit privies, cesspools or any other such form of sanitation. All toilets, wash basins, showers and kitchen sinks shall be water fed or flushed and connected to a properly constructed septic tank and absorption system constructed according to the provisions of the *Public Health Act* and the regulations thereunder, or a municipal sanitary sewer system.
 - Test potable water at least once a month in accordance with Ontario Drinking Water Standards. In the event that any overnight trailer camp ceases operation for two or more months, no person shall be accommodated until the water has been tested and approved for human consumption.
 - If any water is not fit for human consumption the Operator shall immediately post a sign disclosing this at the water source and every person in the tourist or trailer camp shall be notified in writing of the results of the test, which shall be retained for at least one year and shall be available for inspection by any inspector under this By-law or any person accommodated in the trailer camp.
- e. Failure to comply with any of the requirements set out in this Part shall be considered an offence under the provisions of this By-law.

8. CONTRAVENTIONS AND PENALTIES

- a. Any person who contravenes any provision of this By-law shall be guilty of an offence and liable to a penalty of not less than One Hundred Fifty (\$150.00) and not more than One Thousand Dollars (\$1,000.00) and costs.
- b. Any person who occupies or permits a trailer to be occupied on land without having obtained a Trailer Permit shall be required to apply for a Trailer Permit immediately, and shall pay a fine not to exceed \$150.00.
- c. Every such penalty shall be recoverable under the provisions of the *Provincial Offences Act*.


NOW THEREFORE BE IT RESOLVED THAT the Council of The Township of St. Joseph does hereby enact as follows:

1. That By-laws 972, 1109 and 1829 shall be repealed.
2. THAT any by-law or portion thereof previously approved by Council which conflicts with this By-law shall be hereby repealed.
3. Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this by-law or the by-law as a whole.
4. THAT this By-law shall take effect on the day of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed in open Council this Sixteenth day of December, 2015.



J. Wildman, Mayor



Carol Trainor, Clerk

**Appendix "A" to By-law 2015 -
The Township of St. Joseph
Trailer Permit Application**

Property Owner: _____

Address: _____

_____ Postal Code: _____

Telephone: _____ E-mail: _____

Proposed Trailer Location: Lot _____ Plan/Conc _____

Civic Address _____

Make of Trailer: _____ Model: _____

Serial Number: _____ License Plate: _____

Number of Persons to be accommodated: _____

A Site Plan of the property is to be attached showing the following (where applicable):

- Property shape and dimensions
- The position and location of the trailer/camper/recreational vehicle on the site including setbacks from all lot lines, distance from other buildings or dwellings, distance from the high water mark, road access, fencing and water courses;
- Location of Septic system, if applicable
- Location of well, if applicable
- Parking spaces
- Fire pit

What provisions have been made for:

Septage/waste disposal: _____

Drinking Water: _____

Garbage Disposal and Recycling: _____

Electricity, if applicable: _____ Heat, If applicable: _____

Number of Persons occupying the trailer: _____

Expected dates of occupancy: _____

Is the trailer to be occupied by the owner of the property: _____

By signing this application, I hereby agree that the subject trailer will immediately be removed

from the property upon expiry of the license period.

Signature of Property Owner authorizing occupancy: _____

Signature of Trailer Owner (if different) : _____

FOR OFFICE USE ONLY: Approved: _____ Denied: _____

Comments/Conditions: _____

Valid From: _____ To: _____

Authorized Signature: _____ Date: _____

Roll No: _____ Fee Paid: \$ _____

Personal Information contained on this form is collected pursuant to the Municipal Act, 2001, and will be used only for the purposes stated herein. Questions with respect to the collection of personal information should be addressed to the Freedom of Information and Privacy Coordinator, Township of St. Joseph, P.O. Box 187, 1669 Arthur Street, Richards Landing, Ontario, P0R 1J0.