

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2019 - 25

Being a By-law to License Trailers in the Municipality

WHEREAS the *Municipal Act*, S.O. 2001 as amended, Section 164 authorizes a municipality to pass By-laws to license trailers.

AND WHEREAS the Corporation of the Municipality of Magnetawan permits the temporary use of a trailer for human habitation in the Rural Residential (RR), Agricultural (A) and Rural (RU) zones: (a) during the construction of a dwelling on a lot, (b) on an existing vacant lot, or (c) for the occasional accommodation of guests provided that a detached dwelling exists on the property.

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. Title and Application

1.1 This By-law shall be cited as the 'Trailer Licence' By-law

1.2 This By-law applies to a trailer, even if the trailer was placed or located on a property prior to the date of enactment of this By-law.

2 Definitions

2.1 "Corporation" shall mean the Corporation of the Municipality of Magnetawan;

2.2 "Legally Permitted Camping Establishment" means a Camping Establishment as defined and permitted in the Zoning By-law (or a Camping Establishment that has legal non-conforming status).

2.3 "Lot" means a parcel of land that is separately conveyable in accordance with section 50 of the *Planning Act*.

2.4 "Trailer" shall mean any vehicle constructed to be attached and propelled by a motor vehicle, and is capable of being used by persons for living, sleeping or eating and legally capable of being towed. Without limiting the generality of the foregoing, a trailer includes, a tent or travel trailer, truck camper, or recreational vehicle, all as defined in the Zoning By-law, a bus converted into a motor home, a motor home, but does not include a mobile home.

2.5 "Trailer, Assessed" (Assessed Trailer) shall mean any trailer legally located on a property and that is assessed under the *Assessment Act*.

2.6 "Trailer, Stored" (Stored Trailer) shall mean any trailer, as defined herein which has a current and valid license issued under the Highway Traffic Act and any regulations thereto, located on a property only for the purpose of storing such trailer for use at any location other than the property upon which it is stored.

2.7 "Zoning By-law" shall mean Zoning By-law 2001-26, as amended from time to time.

3 Regulations

- 3.1 No trailer shall be located or placed or to remain upon a lot unless such trailer is licensed under this by-law.
- 3.2 No more than one (1) trailer licensed under this By-law is permitted on a lot.
- 3.3 No trailer, whether or not it is licensed under this by-law, shall have attached to it or placed within 1.2 metres of it, any building or structure including but not limited to a sunroom, porch, roof or deck (enclosed or unenclosed) etc.
- 3.4 No trailer for which a license is required under this By-law shall be located on a lot except in conformity with the set-back requirements for a dwelling unit as set out in the Zoning By-law.
- 3.5 No trailer shall be used by persons as a place for living, sleeping or eating during the period commencing May 1st to November 30th inclusive unless it is licensed under this by-law.
- 3.6 No trailer shall be used by persons as a place for living, sleeping or eating during the period commencing December 1st of a calendar year through and inclusive of April 30th of the following calendar year.

4 License Application and Fees

- 4.1 All applications for a license shall be made to the Municipality upon the prescribed form set out in Schedule 'A' to this By-law. Such application must include all submissions/documentation referenced therein and the License Fee, as required pursuant to the Municipality's currently applicable 'Fee and Charges' By-law.
- 4.2 No license shall be issued:
 - 4.2.1 Unless the trailer for which such license is issued is located in compliance with the setback requirements for a dwelling unit set out in the Zoning By-law;
 - 4.2.2 Unless the owner of the lot upon which the trailer is to be located has consented in writing to its placement on the lot;
 - 4.2.3 If the issuance license would be in contravention of any other By-law of the Corporation or of any Federal or Provincial law or regulation
- 4.3 The Municipality may issue the following class of licenses:
 - 4.3.1 Annual licence – this licence authorizes the placement of the trailer upon a property for a complete calendar year or any portion thereof, and its occupancy between May 1st and November 30th in the calendar year;
 - 4.3.2 Short-Term Licence – this licence authorizes the placement of the trailer upon the property for a minimum period of one month up to a maximum of three months, between May 1st and November 30th in the same calendar year.
- 4.4 Licenses shall be displayed on the exterior of the trailer in a visibly prominent place.
- 4.5 All Annual Licenses expire on December 31st and all Short-Term Licences expire on the date specified in the license.

5. Exceptions/Exemptions

- 5.1 Sections 3.1 and 4 of this By-law do not apply to:
 - 5.1.1 a Stored Trailer;
 - 5.1.2 an Assessed Trailer;
 - 5.1.3 a trailer located on a lot zoned to permit a Camping Establishment
- 5.2 Nothing in this by-law operates or shall be deemed to have the effect of exempting any trailer from the provisions of the Zoning By-law.

6.0 Administration & Enforcement

- 6.1 A Municipal By-law Enforcement Officer , who may be accompanied by other persons under his or her direction, may enter onto any land that is used or believed to be used in contravention of this By-law for the purposes set out in subsection 436 (1) of the Municipal Act, 2001 and shall have all powers of inspection set out in subsection 436 (2) of the Act.
- 6.2 If a By-law Enforcement Officer is satisfied that there exists a contravention of this By-law, the By-law Enforcement Officer may make an order under section 445 of the Municipal Act, 2001 and such Order may include the remedial actions provided for in section 446 of the Municipal Act, 2001.
- 6.3 In addition to any other statutory remedies, any person who fails to comply with an order made under section 6.2 is guilty of an offence.
- 6.4 Every person who provides false information in an application for a license under this By-law or in an application for a renewal of license is guilty of an offence.
- 6.5 Where a conviction is entered a provision of this section 6.0, in addition to any other remedy or any penalty provided, the court in which the conviction was entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 6.6 The administration of this by-law is assigned to the Clerk-Administrator who may delegate the performance of his or her function under this By-law from time to time as occasion requires.
- 6.7 Any application, comment, recommendation, information, document or thing in possession of the Clerk-Administrator pursuant to the provisions of this By-law shall be made available by the Clerk-Administrator for inspection:
- 6.7.1 By any person employed in the administration of the enforcement of this by-law;
 - 6.7.2 By any other person upon the consent, satisfactory to the Clerk-Administrator, 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.
- 6.8 The enforcement of the By-law is assigned to any By-law Enforcement Officer for the Municipality of Magnetawan.
- 6.9 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.

SECTION 7 – REPEAL, VALIDITY AND EFFECTIVE DATE

- 7.1 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 provisions 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.
- 7.2 This By-law repeals By-law 2001-29
- 7.3 This By-law shall come into effect on the date of the third reading and it being passed.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



Interim Clerk-Administrator