

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2023 - 40

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 in all zones, (b) on an existing vacant lot in approved zones, or (c) for the occasional accommodation of guests provided that a detached dwelling exists on the property in approved zones.

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 License' 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 "Approved Zones" shall mean Rural Residential (RR), Agricultural (A) and Rural (RU).

2.2 "Corporation" shall mean the Corporation of the Municipality of Magnetawan.

2.3 "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).

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

2.5 "Occasional Use" means used for accommodation, not to exceed more than fourteen (14) days per year.

2.6 "Trailer" shall mean any vehicle constructed to be attached and propelled by a motor vehicle, or 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 (RV), 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.

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

2.8 "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.

2.9 "Zoning By-law" shall mean the current applicable Zoning By-law, 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. 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 license – this license 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 License – this license 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 November 30th and all Short-Term Licenses 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 Offences and Penalties

- 6.1 Every person and/or owner who contravenes any of the provisions of this By-law is guilty of an offence and is subject to set fines and/or administrative monetary penalties.
- 6.2 Every person who violates any provision of this By-law or causes or permits a violation shall be guilty of an offence and may be subject to fees under the Administrative Monetary Penalties By-law and/or fined as per the current Fees and Charges By-law.
- 6.3 Every person and/or owner who is convicted of an offence under this By-law shall be subject to a fine of not more than Five Thousand Dollars (\$5,000) for each offence. Such fines shall be recoverable under the *Provincial Offences Act, R.S.O. 1990, c. P.22*, as amended.
- 6.4 The provisions of this By-law may be enforced pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P.33* as amended, and where any provision of this By-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the *Municipal Act*.
- 6.5 Each subsequent contravention that results in a conviction will yield a higher fine (doubling each time) to a maximum of \$5,000 for a person and \$10,000 for every director, officer, or employee of a corporation.
- 6.6 Pursue any other collection mechanisms available to the Municipality pursuant to the Regulations or a law which may include deeming the outstanding amount to be unpaid taxes and adding this outstanding amount to the tax roll and collecting it in the same manner as Municipal Taxes.
- 6.7 Fees, fines, penalties, and/or charges are as Schedule "A" attached for 2023 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule "A" will be made during the annual updating of the Fees and Charges By-law and will be contained therein.

7 Entry and Inspection

- 7.1 A By-law Enforcement Officer or their designate may at any time enter onto a property to determine whether this By-law is being complied with.
- 7.2 Every Person shall permit a By-law Enforcement Officer to inspect any land for the purpose of determining compliance with this By-law.

8 Obstruction

- 8.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 8.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the By-Law Enforcement Officer and/or designate upon request, failure to do so shall be deemed to have obstructed or hindered the By-Law Enforcement Officer and/or designate in the execution of their duties.

9 Municipality Not Liable

- 9.1 The Municipality assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject.

10 Validity and Severability

- 10.1 Should any section, subsection, clause, paragraph, or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this By-law, or of the By-law as a whole.

11 Enforcement

- 11.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this By-law at any time.

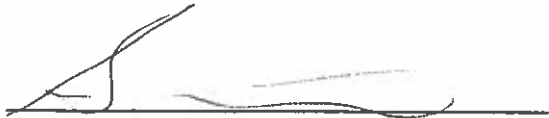
12 – Repeal

12.2 That By-law 2019-25 and any previously conflicting By-laws are hereby repealed.

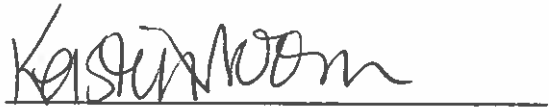
12.3 That this By-law shall come into force and effect on the date of passing.

Read a FIRST, SECOND, and THIRD time and finally PASSED this 13th day of September 2023

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



CAO/Clerk



FEES, FINES, PENALTIES, AND/OR CHARGES SCHEDULE
SCHEDULE "A"
TO BY-LAW 2023-46

Item	Short Word Form Wording	Provision Creating/Defining Offence	Set Fine Within a Twelve (12) Month Period
1	Trailer located, placed, or remained upon a lot without a license.	3.1	\$500
2	More than one trailer on lot.	3.2	\$500 per additional trailer
3	Buildings, Structures attached to trailer or placed within 1.2 metres of trailer.	3.3	\$500
4	Trailer located on lot not in compliance with set back requirements for a dwelling unit as set out in the Zoning By-law.	3.4	\$500
5	Trailer be used withing the permitted period (May 1 st to November 30 th) without a license.	3.6	\$500
6	Trailer being used as a place for living, sleeping, or eating during the period commencing December 1 st of a calendar year and inclusive of April 30 th of the following calendar year.	3.7	\$500

Fees, fines, penalties, and/or charges are as Schedule "A" attached for 2023 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule "A" will be made during the annual updating of the Fees and Charges By-law and will be contained therein.