



## THE CORPORATION OF THE TOWN OF ESPAÑOLA

### TRAILER LICENSING BY-LAW

By-law No. 3039/21

Being a By-law to repeal and replace By-law No. 286 and any amendments thereto to license recreational vehicles (trailers) in the Town of Espanola

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

AND WHEREAS the Council of the Corporation of the Town of Espanola deems it advisable to regulate the use of recreational vehicles within the Town;

NOW THEREFORE the Council of the Corporation of the Town of Espanola enacts as follows:

#### 1 TITLE AND APPLICATION

- 1.1 This By-law shall be cited as the "Trailer Licensing By-law"
- 1.2 This by-law does not apply to:
  - a) Assessed Trailers as defined in Section 2.1
  - b) Trailers located in Campgrounds as defined in Section 2.2
  - c) Trailers located on a lot with a Primary Residential Use as defined in Section 2.5 and in compliance with the Town's Zoning By-law
  - d) A Stored Trailer as defined in Section 2.6
  - e) a Trailer when used for temporary habitation in conjunction with an approved building permit application during construction of a Primary Residential Use.
- 1.3 This By-law applies to any trailer in the Town, even if the trailer was placed on the property prior to date of enactment of this By-law.

#### 2 DEFINITIONS

- 2.1 **ASSESSED TRAILER** means any trailer legally located on a property and that is assessed under the *Assessment Act as amended*.
- 2.2 **CAMPGROUND** means a commercial establishment permitted in accordance with the Zoning By-law used for seasonal recreational activity as grounds for camping, and wherein camping in trailers is permitted.

- 2.3 **LICENCE** means a licence issued under this by-law for the authorized use of a trailer to be used in the same calendar year.
- 2.4 **MUNICIPALITY** means the Corporation of the Town of Espanola and shall be defined as the lands and premises within the corporate limits.
- 2.5 **PRIMARY RESIDENTIAL USE** shall mean the main use of a lot for a dwelling for permanent or seasonal habitation purposes in compliance with the Town's Zoning By-law.
- 2.6 **RECREATIONAL VEHICLE** shall mean any vehicle so constructed that it is no wider than 2.5 m and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, or eating accommodation of persons. The term "Recreational Vehicles" includes the following: motor homes, travel trailers, tent trailers, campers, and park model trailers.
- 2.7 **STORED TRAILER** means any trailer located on a property only for the purpose of storing such trailer for use at any location other the property upon which it is stored.
- 2.8 **TRAILER** shall have the same definition as "recreational vehicle".
- 2.9 **USE** shall mean to actively occupy a trailer for the purposes of living and/or sleeping and/or eating and/or using sanitary facilities and/or accommodation within the trailer.

### **3 LICENCE AND REGULATIONS**

- 3.1 No person shall use or permit to a trailer to be used for temporary human habitation, on any property within the Municipality, unless such trailer is licensed under this By-law. For clarity, pursuant to Section 1.3 of this By-law this requirement to obtain a licence applies to trailers which were located on property prior to the date of passage of this By-law.
- 3.1.1 Trailers located on a lot with a primary residential use are permitted to be used as an accessory use on a temporary basis in compliance with the Town's Zoning By-law without obtaining a licence. Temporary habitation beyond the requirements set out in the Zoning By-law is not permitted.
- 3.2 A licence issued pursuant to this By-law authorizes the use and maintenance of a trailer for temporary accommodations only from April 1 to November 30. The issuance of a licence does not grant the licensee the authority to occupy the trailer on a permanent basis. No person shall occupy or permit to be occupied a trailer during the period commencing December 1st of a calendar year and ending March 31st of the following calendar year.
- 3.3 Annual licences issued pursuant to this By-law will be granted for a consecutive period of not more than five (5) years and may be extended with Council approval.
- 3.4 The locating of a trailer and the maximum number of trailers permitted for use on a property shall be in compliance with the Zoning By-law. For clarity, when located on vacant land, the trailer shall comply with the required setbacks for a primary use and when located on a residential lot, the trailer shall comply with the required setbacks for an accessory use.

- 3.4.1. Trailers located on a lot with waterfrontage shall have a setback of a minimum of 30 metres from the highwater mark of the water. Facilities to handle sewage and grey water on a lot with waterfrontage shall be located a minimum of 30 metres from the highwater mark of the water.
- 3.5 No accessory structures, including but not limited to roof structures and shipping containers, are permitted to be located on the lot with the licensed trailer with the exception of one (1) deck and one (1) portable accessory structure, provided they meet the following provisions:
- a) such deck is not exceeding 10 sqm in area;
  - b) such deck is not more than 60 cm above grade;
  - c) such portable accessory structure is not exceeding 8 sqm/ 86 sqft in area;
  - d) is not attached to the trailer;
  - e) does not have the effect of rendering the trailer as a permanent structure; and
  - f) complies with the Zoning By-law and the Building By-law.
- 3.6 No person shall connect to an existing grey water or sewage system without receiving authorization from the Sudbury and District Health Unit.
- 3.7 No person shall dispose or allow the disposal of grey water or sewage except in accordance with one or more of the following:
- a) a certified grey water or sewage system;
  - b) an accredited dumping facility;
  - c) with a service provider; or
  - d) from a certified portable receptacle.
- 3.8 No licence shall be issued without proof of an adequate source of water / potable water.
- 3.9 No person shall connect to an existing source of water / potable water without receiving authorization from the Chief Building Official or the Bylaw Enforcement Officer.
- 3.10 No trailer nor the use of property for locating a trailer shall be rented out for profit or gain directly or indirectly.
- 3.11 Every application for a licence shall be accompanied by the consent of the owner of the property upon which the trailer is to be located.
- 3.12 Any licence issued under this By-law is not transferrable.
- 3.13 The issuance of a licence and the requirements therefore are not intended and shall not be construed as permission or consent by the Town for the holder of the licence to contravene or to fail to observe or comply with any law of Canada, Ontario or any By-law of the Town.

#### **4 APPLICATION AND FEES**

- 4.1 The licence fee for a trailer shall be as set out in Schedule "A" attached to this by-law.
- 4.2 The licence fee is payable for the current fiscal year upon receipt of an application. Every licence obtained in this paragraph shall expire on the 30th day of November

in that year of which it was issued.

- 4.3 Applications for licences shall be made to the Municipal Office and duly signed by the owner of the property on which the trailer is to be located. The owner to whom a licence has been issued shall display the licence on the trailer in a place that can be seen easily from the outside of the trailer.
- 4.4 All applications for such licence shall be made in the prescribed form attached to this By-law as Schedule "B".
- 4.5 No licence shall be issued if the trailer for which such licence is applied for is not located in compliance with the Zoning By-law
- 4.6 No licence shall be issued if the information provided on the application does not satisfy the Town that all required provisions have been met.
- 4.7 No person shall provide false information on the Application for Trailer Licence.

## **5 ADMINISTRATION AND ENFORCEMENT**

- 5.1 The administration and enforcement of this By-law is delegated to the Clerk, the Chief Building Official, and the By-law Enforcement Officer who may delegate the performance of their functions under this by-law from time to time as occasion requires.
- 5.2 Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* and included within Schedule "C".
- 5.3 Each contravention and each day of contravention shall constitute a separate offence.
- 5.4 Where a conviction is entered under this section, 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.
- 5.5 If the Town is satisfied that a contravention of this By-law has occurred, the By-law Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the trailer to discontinue the contravening activity or order the owner/occupier of the trailer to do any work necessary to remedy the contravention or remove the trailer.
- 5.6 Any person who fails to comply with an order made under Subsection 5.5 is guilty of an offence. In addition, any work required for compliance with an order made under subsection 5.5 may be performed by the Town. The cost of such work may be recovered by invoice, action or by adding the costs to the tax roll of the property upon which the trailer is situate and collecting such costs in the same manner as property taxes pursuant to section 446(3) of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 5.7 Every contravention of this By-law may be restrained by application at the instance of a taxpayer or of the Town in accordance with the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 5.8 Any person designated by Council to enforce this By-law may, at any reasonable time and upon producing proper identification, enter and inspect any property licensed under or in contravention of the provisions of this By-law.

- 5.9 No person shall obstruct, hinder, or in any way interfere with any person designated to enforce this By-law.
- 5.10 Any trailers used, maintained or located in contravention of this By-law shall be removed from the lot, at the expense of the Owner of the lot. Failure to remove any trailers from a lot within the time prescribed by the By-law Officer may result in the removal of said trailer by the Town of Espanola, at the expense of the Owner of the lot. The Municipality may recover the costs of any such removal by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes pursuant to section 446(3) of the Municipal Act, 2001, S.O. 2001, c. 25.

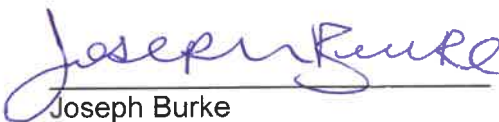
**6 VALIDITY AND EFFECTIVE DATE**

- 6.1 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.
- 6.2 This By-law shall come into effect on the date of the third reading and it being passed.

READ a first and second time this 12<sup>th</sup> day of Oct, 2021.

READ a third time and finally passed this 12<sup>th</sup> day of Oct, 2021.

  
\_\_\_\_\_  
Jill Beer  
Mayor

  
\_\_\_\_\_  
Joseph Burke  
Clerk

SEAL

**Schedule "A" to By-law**

**Licence Fees**

Trailer Permit Fee, regular application – if complete application is submitted on or after April 1 (annual use on vacant Rural Lot) ..... \$ 700 Per year

Trailer Permit Fee, early application – if complete application is submitted prior to April 1 (annual use on vacant Rural Lot) ..... \$ 500 Per year

**Schedule "B" to By-law**

**Application for Trailer Licence**

Complete and attach all information prior to submitting this application.

**1. Applicant Information**

a)	Applicant(s):	
	Address:	
	e-mail address:	
	Phone:	

Note: If Applicant is not the registered owner of the property, the Applicant must have the owner's consent to apply for such licence.

Property Owner (if different from 1a)

b)	Property Owner(s):	
	Address:	
	e-mail address:	
	Phone:	

**2. Property Information**

Municipal Address:			
Lot:	Concession:	Township:	
Registered Plan No.:	Part/Lot/Block:		
Parcel:			
Roll No.:			

Notes: Attach copy of parcel register or deed or provide MPAC Roll Number as proof of ownership.

- If no civic address/911 number has been assigned for this property, one must be applied for prior to submitting this application.
- If not located on a municipal road, acknowledgement that the Town has no obligation to provide emergency services must be included with the application.

**3. Trailer Information**

Make and Model:	
Serial Number or VIN:	

Please attach four pictures of trailer if already located on the property (one of each side of trailer).

#### 4. Servicing Information

##### **Sewage and Grey Water:**

- a) Will the trailer be connected to an existing sewage disposal system? Yes  No

If YES, please provide a Certificate of Approval which indicates that the connection of a trailer or trailers to such system has been approved by the Sudbury and District Health Unit.

- b) Will a grey water pit be utilized? Yes  No

If YES, please provide a Certificate of Approval which indicates that connection of a trailer or trailers to such system has been approved by the Sudbury and District Health Unit.

- c) Will the site be serviced with an outhouse? Yes  No

- d) If the trailer is NOT CONNECTED to a holding tank or sewage disposal system, or is NOT SERVICED by a grey water pit or outhouse, you will be asked to provide the following on site:

\_\_\_\_\_ Dumping receipts from an accredited dumping facility or service provider

\_\_\_\_\_ Confirmation of the use of a certified portable receptacle

##### **Potable Water:**

- e) Will the trailer be connected to an existing potable water system? Yes  No

If YES, please provide a Certificate of Approval which indicates that the connection of a trailer or trailers to such system has been approved by the Sudbury and District Health Unit.

If NO, please indicate how potable water will be provided to the trailer: \_\_\_\_\_

##### **Electrical:**

- f) Will the trailer be directly connected to electrical services? Yes  No

If YES, please provide the Electrical Safety Authority approval for connection. This requirement only applies if the trailer will have a direct connection to the electricity distribution system (i.e. not an extension cord plugged into an outlet.)



**5. Required Submissions**

- Site Plan – required  
Provide a drawing showing the location or proposed location of the trailer in relation to the boundaries of the property and including all existing structures, sewage systems, wells, vegetation, driveways/access, and watercourses/waterbodies. Such drawing shall be scaled or, where the property is large, measurements shall be included indicating the distance of the trailer from property boundaries and other features.
- Proof of Property Ownership – required under Section 2
- No Obligation for the Town to provide Emergency Services, if applicable under Section 2

I \_\_\_\_\_ am the applicant named herein, applying to locate a trailer on a property that does not have frontage on an open, maintained municipal road, and I acknowledge that the Town has no obligation or responsibility to provide emergency services to my trailer and/or the property it is located on.

I \_\_\_\_\_ assume all risk associated with use of the trailer that I am applying to licence, and agree to indemnify, defend, and hold the Town harmless from any and all claims, actions, suits, procedures, costs, expenses, damages and liabilities including, but not limited to, legal fees, arising from, or in any way related to, failure to provide emergency services to the trailers and/or property.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

- Pictures - required under Section 3
- Permits/Approvals, if applicable under Section 4
- Applicable Fee:            Annual Licence:            \$700 (or \$500 if complete application is submitted prior to April 1)

**6. Signatures**

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 .

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_

\*If property owner and applicant are the same, please sign in both locations.

**Schedule "C" to By-law**

**PART 1 – PROVINCIAL OFFENCES ACT  
TRAILER LICENSING BY-LAW**

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING OR DEFINING OFFENCE</b>	<b>SET FINE</b>
1	Failure to obtain a licence.	3.1	\$300.00
2	Allowing a trailer to be used without a licence.	3.1	\$300.00
3	Occupying a trailer on a residential lot not in compliance with the Zoning By-law	3.1.1	\$300.00
4	Use a trailer on prohibited dates	3.2	\$300.00
5	Allow a trailer to be used on prohibited dates	3.2	\$300.00
6	Use of a trailer that does not comply with Zoning requirements	3.4	\$300.00
7	Constructing an unauthorized structure	3.5	\$500.00
8	Unauthorized connection to septic or greywater	3.6	\$500.00
9	Allowing an unauthorized connection to septic or greywater	3.6	\$500.00
10	Improper disposal of greywater or sewage	3.7	\$500.00
11	Rental of trailer or property for locating a trailer	3.10	\$500.00
12	Unauthorized transfer of a licence	3.12	\$300.00
13	Failure to display a licence	4.3	\$100.00

**Note: The Penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.**