

# THE CORPORATION OF THE MUNICIPALITY OF NEEBING

## BY-LAW NUMBER 2022-002

Being a by-law for licensing Trailers (also known as "Recreational Vehicles") located in Neebing, to repeal and replace By-law 697-2005, as amended

### Recitals:

1. Section 168 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), provides that Ontario's municipalities may pass by-laws for the licensing of trailers located within the municipality, except in a trailer camp operated or licensed by the municipality, for thirty (30) days or longer in any year, and for prohibiting trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence.
2. The Corporation of the Municipality of Neebing (the "Corporation") passed By-law 2005-697 (amended by By-laws 2016-033; 2014-007 and 2017-031) to licence and regulate trailers within Neebing.
3. The Council of the Corporation now sees fit, for the betterment of the municipality, to repeal and replace By-law 2005-697 (as amended) to consolidate prior amendments and to further regulate the storage and/or use of Recreational Vehicles and Trailers within Neebing.
4. The Council of the Corporation recognizes that temporary use of Trailers on Residential Property may be necessary during construction of more permanent dwellings, but recognizes that the promulgation of long-term Trailer use on Residential Property can have a negative impact on property values and detracts from the property enjoyment of permanent residents.

**ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:**

### Part One: Definitions and Interpretation Rules

#### 1.01 Definitions:

Where the words defined in the lettered paragraphs of this Section appear in the text of this By-law with their initial letters capitalized, it is intended that they are interpreted as defined. Where a word appears in the text of this by-law without its initial letter capitalized, it is intended that it is to be interpreted as ordinarily defined in the English language.

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.
- (b) "Construction Site" means a parcel of land upon which structures are being erected or site improvements are occurring in preparation for the erection of structures, with the intention that one of the structures will be a permanent, year-round occupied, residential dwelling.
- (c) "Corporation" means The Corporation of the Municipality of Neebing.
- (d) "Habitation" means the occupancy of living space by people on either a temporary or permanent basis. In order to allow Habitation, the building or Trailer in which Habitation occurs must include facilities for: eating, sleeping and/or most or all activities of daily living. Washroom facilities may or may not be included. Cooking facilities may or may not be included. Facilities may be convertible – for example, a table may convert to a bed.

- (e) "Licence" means a licence issued under the authority of this By-law, allowing a Trailer to be situated on land in Neebing for thirty-one (31) days or more in any calendar year.
- (f) "Licensee" means the registered property owner of the land upon which a Trailer is located or proposed to be located.
- (g) "Neebing" means the geographic area under the jurisdiction of the Corporation.
- (h) "Recreational Vehicle", for the purpose of this By-law, means the same as "Trailer".
- (i) "Residential Property", for the purpose of this By-law, means property located within any residential zoning designation in the Corporation's Zoning By-law, Number 2017-30, whether Residential One ("R1"), Residential Two ("R2"), Seasonal Residential ("S") or Lakefront Residential ("LR").
- (j) "Special Property" means that portion of the property legally described as:

Part of the East Subdivision of Section 2, Concession 6, Geographic Township of Crooks, now in the Municipality of Neebing in the District of Thunder Bay, more particularly described as:

All that part of the said East Subdivision of Section 2, Concession 6 lying south and west of the Cloud River saving and excepting Part 2 on Plan 55R-2533, being the lands as described in Instrument No. 405534, together with Parts 1 and 2 on Plan 55R-11196.

which has water frontage along the Cloud River.

- (k) "Trailer" means any vehicle that is capable of being used by persons for living, sleeping and/or eating, whether or not the vehicle is jacked up or its running gear has been removed. A Trailer is a moveable structure. It may be required to be attached and propelled by a motor vehicle for re-location, or it may be self-propelled. Examples include: tent trailers, motor homes, campers, travel trailers, 5th wheel trailers, as well as buses, trucks or vans which have been altered to allow Habitation. The term "Trailer" includes vehicles commonly known as "Recreational Vehicles".
- (l) "Tourist Commercial Resort" means an establishment which provides goods, lodging or meals to the vacationing public, operates throughout all or part of the year and has facilities for serving meals, furnishing equipment, supplies or services in connection with recreational purposes. It may allow the temporary location of Trailers on site as part of the services offered.
- (m) "Tourist Park" means land used for the temporary, outdoor accommodation of the travelling public in Trailers.

1.02 **Actions:** In this By-law, a clause which prohibits a person from doing something, also prohibits that person from causing or allowing the prohibited thing to be done.

1.03 **No Limitation on "Include":** In this By-law, the words "include", "includes", "including" and "included" are not intended to limit the phrases or words that precede or follow them.

1.04 **Headings:** The headings and text divisions used in this By-law are for ease of reference and are not to be used as aids to interpretation of the text.

- 1.05 **Severability:** Should any section, clause or provision of this By-law be held by a court or tribunal of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected by the ruling.

### **Part Two: Licence Requirement**

- 2.01 **Prohibition:** No person shall locate a Trailer on land located in Neebing for more than thirty (30) days in any calendar year.
- 2.02 **Exception where Licenced:** Despite Section 2.01, a Trailer may be situated on land within Neebing for thirty-one (31) days or more if such has been authorized by means of a Licence issued by the Corporation under the authority of Section 3.01 of this By-law.
- 2.03 **Exceptions to Licencing Requirement:** Sections 2.01 and 2.02 do not apply to:
- a) any Trailer located in a lawfully established Tourist Commercial Resort or Tourist Park;
  - b) any Trailer temporarily situated for use by workers in a commercial operation;
  - c) any Trailer located on land in Neebing only for the purpose of storage on a non-commercial basis; and
  - d) any Trailer that is included in the property tax assessment for the land on which it is situated, in accordance with the Assessment Act, R.S.O. 1990, c. A.31.

### **Part Three: Licencing Procedures and Rules**

- 3.01 **Application:** Licences to keep Trailers on property within Neebing in accordance with Sections 2.01 and 2.02 of this By-law, may be applied for, on an annual, calendar year basis, or for a number of months within any given calendar year. Licences will only be issued to the registered property owner of the land on which it is proposed that a Trailer will be situated.

The Clerk-Treasurer of the Corporation has the authority to issue Licences in response to applications under this Section, and to add conditions, as appropriate, in accordance with Section 3.05.

- 3.02 **Procedure:** Applications for licences under Section 3.01 of this By-law shall be submitted to the Clerk-Treasurer, in the form authorized by the Clerk-Treasurer from time to time.

The annual or monthly fee for such licences shall be as set out in the Corporation's User Fee By-law.

- 3.03 **Limitations:** Only one (1) Licence may be issued per property. No more than one (1) Trailer may be located on any property without amendment to this By-law.

Unless expressly authorized by the Council of the Corporation, no Trailer may be authorized by Licence to occupy Residential Property for more than three (3) calendar years, even if the occupancy is less than twelve (12) months in each of the calendar years.

- 3.04 **Exception for Numbers:** Despite Section 3.03 of this By-law, a maximum of sixteen (16) Licences may be issued for the Special Property. It shall be a condition of each Licence that the Trailer be situated on the Special Property such that it is no closer to the Cloud River than fifty (50) feet.

- 3.05 **Conditions:** A Licence under this By-law may be issued subject to conditions relating to the following:
- a) requirements for site layout, including parking areas, washroom facility locations, setbacks from property lines or waterways, etc.;
  - b) work required to the site and time limits within which the work must be completed;
  - c) occupancy limits for the Trailer; and/or
  - d) a time limit or expiry date for the Licence.
- 3.06 **Failure to Comply with Conditions:** If a Licensee fails to comply with any condition upon which the Licence was issued, the Corporation will provide written notice to the Licensee of the failure to comply, including a time frame within which the Licensee must address the matter and correct it.
- 3.07 **Licence Revocation:** Subject to appeal under Section 3.11 of this By-law, failure to correct the matter within the time limit specified on the notice issued in accordance with Section 3.06 of this By-law will result in the Licence being immediately revoked without further notice. Upon notification that a Licence has been revoked, the Licensee shall, within thirty (30) days of the date of the revocation, remove from the site the Trailer for which the licence had been issued.
- 3.08 **No Refund:** No refund is available for all or any portion of the fee paid for a Licence in the event it is revoked or surrendered.
- 3.09 **No Transfer:** Licences may not be transferred.
- 3.10 **Expiration:** Licences issued pursuant to this By-law expire on December 31<sup>st</sup> of the year in which the Licence was issued.
- 3.11 **Appeal:** A Licensee or prospective Licensee may appeal to the Council of the Corporation any of the following:
- a) one or more of the conditions imposed in the Licence;
  - b) details of non-compliance with conditions, as noted in the written notice received in accordance with Section 3.06 of this By-law; and/or
  - c) revocation of a Licence in accordance with Section 3.07 of this By-law.

An appeal is made by requesting a deputation to the Council of the Corporation, in accordance with Procedure By-law 2016-010. The Council will hear the concerns of the appellant and make its decision accordingly. The decision of Council in this regard is final.

#### **Part Four: Enforcement**

- 4.01 **Persons Entitled to Enforce:** This By-law may be enforced by a municipal law enforcement officer appointed by the Corporation, by a member of a police force with jurisdiction in Neening, or by way of privately laid charges.
- 4.02 **Continuing Offence:** Each day that a Trailer is located in the Municipality in contravention of this By-law is deemed to constitute a separate offence under this By-law.

- 4.03 **Penalty Upon Conviction:** Every person who contravenes the provisions of this By-law commits an offence and, upon conviction, is subject to the penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

**Part Five: General**

- 5.01 **Repeal:** By-law Number 697-2005 is repealed.
- 5.02 **Effective Date:** This By-law shall come into force and take effect on the date of its passage.

**ENACTED AND PASSED IN COUNCIL** this 19<sup>th</sup> day of January, 2022.

The Corporation of the Municipality of Neebing

  
Erwin Butikofer, Mayor

  
Erika Kramm, Clerk-Treasurer

c/s

