THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 22/2016

Being a By-law to Regulate and License Trailers used for Temporary Accommodations within the Municipality of Port Hope

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 it is deemed necessary that trailers required for temporary accommodations be licensed;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE AS FOLLOWS:

1. Short Title:

This By-law may be cited as the “Temporary Use Trailer License By-law”.

2. Definitions:

In this By-law:

2.1 “Applicant” shall mean a person, association, organization or corporation making an application for a license.

2.2 “Chief Building Official” means the Chief Building Official for the Corporation of the Municipality of Port Hope, or his designate.

2.3 “Council” means the Council of the Corporation of the Municipality of Port Hope.

2.4 “Enforcement Officer” shall mean any Municipal By-law Enforcement Officer, Police Officer, Provincial Offences Officer or any employee of the Municipality appointed by the Municipality to enforce By-laws.

2.5 “License” means a license issued by the Corporation of the Municipality of Port Hope pursuant to the provisions of this By-law.

2.6 “Licensee” means the person/association/organization or corporation issued a license pursuant to the provisions of this By-law.

2.7 “Municipality” means the geographical area of the Corporation of the Municipality of Port Hope.

2.8 “Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.

2.9 “Subject lands” means the lands upon which a trailer is located or proposed to be located.

2.10 “Trailer” means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed. For the purposes of this By-law, the definition of a trailer shall exclude any trailer separately assessed under the Assessment Act or deemed to be a permitted use in accordance with any other application By-law or regulation.

2.11 "Zoning By-law" means the current Comprehensive Zoning By-law of the Municipality of Port Hope passed pursuant to the Planning Act including amendments thereto.

3. Prohibition:

3.1 No person shall use any trailer, nor shall any property owner permit a trailer to be used, for living, sleeping or eating accommodation, within the Municipality of Port Hope except in strict conformity with the provisions of this By-law without having first obtained a license issued by the Municipality pursuant to this By-law.

3.2 No person shall cause or permit the construction of any buildings or structures, including but not limited to decks, porches, entry stairs, sunrooms, roofed enclosures, etc., to be attached to a trailer or located adjacent to a trailer for the purpose of complimentary use.

3.3 The owner of the land, upon which a trailer has been located without having the required license, shall immediately remove such trailer from the premises upon being advised to do so.

4. License:

4.1 No license shall be issued under this By-law if the application for license or the proposed undertaking would be in contravention of any other By-law of the Municipality or of any Federal or Provincial Law or Regulation. Furthermore the issuance of a License is not intended and shall not be construed as permission or consent by the Municipality for the holder of the license to contravene or to fail to observe or comply with any Federal, Provincial, Municipal law or Regulation.

4.2 In order to obtain a trailer license for temporary accommodations, the property owner must file a complete application complying with the following requirements including but not limited to:

4.2.1 a completed application for a license upon such form or forms as shall be provided by the Municipality together with the required non-refundable License fee and the security deposit in accordance with the Municipality's Fees and Charges By-law, and such other material and information as may be required by this By-law.

4.2.2 written confirmation that the applicant is the owner of the subject lands.

4.2.3 a site drawing detailing the proposed location of the trailer on the lot, all existing buildings, proposed buildings, driveways showing ingress and egress, and adjacent roadways and intersection.

4.3 The issuance of a Trailer License for temporary accommodations will be issued upon the Chief Building Official or designate confirming that:

4.3.1 an active building permit has been issued to the owner of the lands and such permit is in effect to permit construction on the lands upon which a trailer is proposed to be located and licensed, or

4.3.2 where the trailer to be licensed is for use on the owner's lands when such lands are the site of a new residential structure or a structure which has been damaged and made unfit for occupancy, and where a building permit for construction to restore or rebuild the structure is pending issuance, when such structure had been an existing legally occupied structure prior to the damage; or

4.3.3 the trailer to be licensed is for temporary accommodation for the owner(s) and their family while undertaking major renovations/repairs to their house and the existing dwelling would be inhabitable for which a building permit to undertake such renovations/repairs has been issued; or

4.3.4 the trailer to be licensed is to be used on a short term basis for temporary/seasonal accommodation for farm help; or

4.3.5 the trailer to be licensed is to be used to permit the continuation of a business operation while renovations/repairs to main building/structure are being undertaken.

4.4 An inspection of the trailer by the Chief Building Official or designate ensuring the trailer is in compliance with the Building Code, the Municipal Official Plan, the Municipal Zoning By-law and all other Municipal By-laws and where deemed necessary an inspection by the Director of Fire and Emergency Services or designate for compliance with the Fire Regulations and any other regulatory agency as deemed necessary.

4.5 Receipt of the required security deposit from the applicant to the Municipality in the form of an irrevocable letter of credit, cash, certified cheque, or other deposit in a form satisfactory to the Municipality, the amount of which shall be as provided for in the Municipality's Fees for Services By-law. Such deposit or the unused balance if any may be refunded to the licensee at the licensee's request at the termination of the license period upon the recommendation in writing of the Chief Building Official or designate, provided that all or any part of such deposit may be used by the Municipality at any time at the sole discretion of the Municipality upon the recommendation of the Chief Building Official or designate, to pay for costs to bring the trailer into compliance with the provisions of this By-law or the provisions of the license, compliance with the Zoning By-laws or any By-law or policy of the Municipality, the Ontario Building Code, Fire Code or any other Code, Federal or Provincial Statute, order, law or regulation, and that of any regulatory authority having jurisdiction over such matters, or for removal of the trailer from the subject lands and any costs associated thereto.

4.6 Any license issued under this By-law is not transferrable.

4.7 Any license issued under this By-law must be displayed on the trailer so that it can be easily seen from outside of the trailer.

4.8 Under no circumstances does the issuance of a license under this By-law grant the licensee the authority to occupy the trailer on a permanent basis.

5. Refusal/Suspension/Termination or Revoking of License:

5.1 Where a license is being refused, suspended or revoked written notice shall be given advising the applicant or licensee setting out the reasons for the refusal or revoking of the license.

5.2 Upon the date of termination of the license or on the date when the license is suspended or revoked:

5.2.1 The licensee or applicant shall immediately cease to use or permit any person to use the trailer for living, sleeping or eating accommodation.

5.2.2 The licensee shall remove such trailer from the subject lands on the date of termination of the license, or as otherwise provided notice where such license is refused, suspended or revoked unless written approval of the Chief Building Official or designate has been provided confirming that the licensee or applicant may be permitted to store the unoccupied trailer on the owner's lands, for the sole purpose of sale or storage in accordance with the Municipality's Zoning By-laws.

6. Term of License:

6.1 No Trailer License issued under the provisions of this By-law shall be for a period greater than six (6) consecutive months' duration commencing from the date of issuance, however one license extension, at no charge may be granted upon approval of the Chief Building Official or designate for up to an additional six (6) month period. At the termination of any license extension, no further extension to the license shall be permitted except by Resolution approved by Council, such approval may or may not be granted by Council, at the sole discretion of Council, and under such terms and conditions as Council requires.

6.2 A trailer shall be deemed to be in use on every day it is located on the subject lands in the Municipality, other than when used for the sole purpose of having the trailer for sale or temporarily stored on the property in accordance with the Municipality's Zoning By-laws.

6.3 No person shall enjoy a vested right in the continuance of a license and upon cancellation, suspension, termination or revoking, such license issued pursuant to this By-law shall remain the property of the Municipality.

7. Compliance:

7.1 The licensee shall ensure that the trailer is maintained and used only in compliance with the provisions of this By-law, all applicable Municipal By-laws and policies, Zoning By-law, the Building Code Act, the Ontario Building Code, Fire Code or any other Code, Federal or Provincial Government Statute, order, regulation or law, and that of any regulatory authority having jurisdiction over such matters.

8. Inspections:

8.1 The Chief Building Official or designate may, at any reasonable time, enter upon the subject lands for the purpose of inspection to determine whether or not the provisions of this By-law have been complied with.

8.2 No person shall prevent, hinder, interfere or attempt to prevent, hinder, or interfere with an inspection undertaken by the Chief Building Official or designate.

9. Exemptions:

9.1 Accessory Farm Employee Accommodation in accordance with the provisions of the Zoning By-law (By-law 20/2010 as amended) and the necessary agreement being entered into, as they are usually longer term uses, and may be only used seasonally.

9.2 Garden Suites which are accommodated through the Zoning By-law (By-law 20/2010, as amended) Temporary Use process and in accordance with the provisions of the Planning Act require a Garden Suite Agreement to be entered into.

9.3 Trailers which are a permitted use in accordance with the provisions of Zoning By-law (By-law 20/2010, as amended).

9.4 Provisions of the applicable By-law Governing the use of Parks, Recreation Areas and Parks Facilities (By-law 45/2012, as amended) which permits camping, overnight sleeping or accommodations on the 4th weekend of April during the opening of trout fishing with respect to the Cavan Street Park and Optimist Park, and Facility Use Permits which the Parks and Recreation Department issues in conjunction with special events.

9.5 Municipally owned lands or where trailers are permitted on a temporary basis on Municipal property through a separate legally binding agreement/contract.

9.6 Council may grant exemptions to this By-law on an individual basis, based on unique circumstance that may arise from time to time.

10. Enforcement:

10.1 This By-law shall be enforced by the Chief Building Official, By-law Enforcement Officer or designate.

11. Offences and Penalties:

11.1 Any person who contravenes any provision of this By-law shall be liable to have such license revoked by the Municipality and shall be guilty of an offence and upon conviction is liable to such fines and penalties as are authorized under the Provincial Offences Act, R.S.O. 1990, as amended, and all such fines shall be recoverable pursuant to the provisions of the Provincial Offences Act.

11.2 A person shall have five (5) business days after being provided notice or issued a ticket under the By-law to come into compliance with the By-law and thereafter may be issued a subsequent ticket for the same or a continuing violation.

11.3 Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

12. Headings:

12.1 Section headings in this By-law are included solely for convenience and in no way are intended to modify, alter or detract from the provisions of this By-law.

13. Number:

13.1 In this By-law, words importing the singular shall include the plural where the context or circumstances requires.

14. Severability:

14.1 In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

14.2 If any provision of this By-law conflicts with a provision of any applicable Act, Regulation or By-law, the provision that establishes the higher or more restrictive standard shall prevail.

15. Effective Date and Repeal of By-law:

15.1 This By-law shall take force and effect immediately upon passing.

15.2 That By-law 1726 passed by the former Township of Hope is hereby repealed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 5th day of April, 2016.

_____
R.J. Sanderson, Mayor

_____
B. Gilmer, Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

By-law 22/2016

By-law for Licensing of Trailers for temporary accommodations
within the Municipality of Port Hope

Part 1 Provincial Offences Act
Set Fine Schedule

Item	**Column 1** Short Form Wording	**Column 2** Provision Creating or Defining Offence	**Column 3** Set Fine Offence
1.	Failure to obtain a license	3.1	$500.00
2.	Failure to remove a trailer without license	3.3	$500.00
3.	Failure to post license on trailer	4.7	$100.00
4.	Failure to cease use where license is refused, suspended, terminated or revoked	5.2.1	$500.00
5.	Failure to remove trailer where license is refused, suspended, terminated or revoked	5.2.2	$500.00
6.	Failure to maintain trailer	7.1	$500.00

NOTE: **The general penalty provision for the offences indicated above is Section 11 of By-law 22/2016, a certified copy of which has been filed.**