# THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

By-Law 2020-15 (Amended April 12, 2021)

BEING A BY-LAW TO REGULATE TRAILERS IN THE TOWNSHIP OF FRONTENAC ISLANDS

WHEREAS section 164 of the *Municipal Act*, S.O. 2001 as amended, authorizes a

municipality to pass by-laws to prohibit trailers;

AND WHEREAS the Township of Frontenac Islands deems it in the public interest to regulate and prohibit the placement of trailers within the Township;

NOW THEREFORE the Township of Frontenac Islands enacts the following:

# SECTION 1 - TITLE AND APPLICATION

* 1. This By-law shall be cited as the “Trailer By-law”.
  2. This by-law does not apply to:
     1. Assessed Trailers as defined in Section 2.1
     2. Trailers located in Campgrounds as defined in Section 2.2
     3. Registered Owners who have entered into a “Temporary Living Accommodations Agreement”
  3. Subject only to section 3.2, this By-law applies to any trailer, even if the trailer was placed on the property prior to the date of the enactment of this By-law.

# SECTION 2 - DEFINITIONS

* 1. ASSESSED TRAILER means any trailer legally located on a property and that is assessed under the Assessment Act, as amended.
  2. CAMPGROUND means a commercial establishment permitted in accordance with the Zoning By-law, as amended, which is used for seasonal recreational activity as grounds for camping, and wherein camping in trailers is permitted.
  3. CHIEF BUILDING OFFICIAL (CBO) means the person appointed by Council of the Municipality under the Building Code Act, S.O. 1992, c 23, as amended, or the person who is appointed to act in that capacity during his or her absence.
  4. CLERK means the Clerk of the Municipality or any other person designated to perform the duties of Clerk for the Municipality.
  5. COUNCIL means the elected Council of the Township of Frontenac Islands.
  6. MUNICIPALITY means the Corporation of the Township of Frontenac Islands and

shall be defined as the lands and premises within the corporate limits.

* 1. MUNICIPAL LAW ENFORCEMENT OFFICER (MLEO) means the officer in charge of the by-law enforcement of the Municipality or his or her authorized subordinates or assistants.
  2. PARK MODEL TRAILER means a recreational trailer constructed to CSA Standard Z-241 or similar standard and built on a single chassis mounted on wheels for the purpose of being drawn by a motor vehicle, and whose primary purpose is for seasonal/ recreational accommodation.
  3. PERMANENT BASIS means either year-round occupancy or occupancy by persons who do not maintain a usual or normal place of residence elsewhere.
  4. PERSON means an individual, a corporation, a tenant, an association, a chartered organization, a firm, a partnership, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
  5. 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.
  6. TRAILER means any vehicle constructed to be attached and propelled by a motor vehicle or is self-propelled and 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. Examples include but are not limited to a tent trailer, a camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home, a motor home, a truck camper, and park model trailer.
  7. TEMPORARY LIVING ACCOMODATIONS means a trailer placed on the Property for a period of time that a dwelling unit is being constructed on the Property. The Township agrees to permit the Property Owner to place a trailer on the Property identified with an agreement not to exceed the maximum period within the terms outlined in Schedule “B”

2.14 USE shall mean to temporarily occupy a trailer for the purposes of human habitation which includes living and/or sleeping and/or eating and/or using sanitary facilities and/or accommodation within the trailer for any period of time, and USED has a similar meaning.

2.15 VACANT LAND means any parcel or combination of parcels of real property without industrial, commercial, or residential buildings.

2.16 ZONING BY-LAW means, the Zoning By-law, as amended from time to time, for the Township of Frontenac Islands.

SECTION 3 - PROHIBITION

* 1. No person shall be allowed to use or store a trailer on vacant land.
  2. Notwithstanding anything to the contrary in this By-law, where a trailer was located on a property prior to 2005, and provided that the trailer continued to be so located up to and including the date this By-law was passed, the use of that trailer is not prohibited by this By-law.
  3. A trailer referred to in paragraph 3.2 above shall not be replaced for any reason. Such trailer may be repaired but no enclosure, roof-over, permanent canopy, extension, sunroom addition or other structure shall be constructed.
  4. Where a house exists on a lot, a person may use or allow a trailer to be used for a maximum of 14 cumulative days in a calendar year on that property.
  5. Any person may have one stored trailer on a property provided the use does not breach the Zoning By-law of the Municipality. (refer to 2.12)

# SECTION 4 - ADMINISTRATION AND ENFORCEMENT

4.1 The administration and enforcement of this By-law is delegated to the Clerk, the Chief Building Official and the Municipal Law Enforcement Officer for the Municipality.

4.2 Any person who contravenes any provision(s) of this by-law is guilty of an

offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, as amended.

4.3 Each day that a contravention of this By-law continues shall constitute a separate offence.

4.4 Where a conviction is entered under this section, in addition to any other remedy or any penalty provided by law, 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.

4.5 If the Municipality is satisfied that a contravention of this by-law has occurred, the Municipality 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.

4.6 An order under this By-law is effective where it is served personally or sent by registered mail to the last known address of the owner of the land.

4.7 Where an owner or occupant fails to comply with an order issued under this By-law within the time specified for compliance, the Municipality may, with such assistance by others as may be required and upon reasonable notice, clean, clear or remove from the land any trailer or structure that is in contravention of this By-law.

4.8 The Municipality shall recover all costs and expenses associated with actions taken and work done under this By-law in a manner provided by statute, whether by action or by adding the cost to the tax roll and collecting the cost in the same manner as the taxes.

4.9 Any person who contravenes an order made under Section 4.5 is guilty of an offence.

4.10 Every contravention of this By-law may be restrained by application at the instance of a taxpayer or of the Municipality in accordance with the provisions of the Municipal Act, 2001, as amended.

4.11 A municipal employee, staff person, agent or contractor hired by the Municipality, accompanied by any person under his or her direction, may enter onto any land where a trailer is used or believed to be used in contravention of this By-law for the purposes of carrying out an inspection pursuant to subsection 436 (1) of the Municipal Act, 2001, as amended, and shall have all powers of inspection set out in subsection 436(2) of the Act, as amended.

4.12 Every person who contravenes any provision of this By-law is liable to pay an Administrative Monetary Penalty (AMP) in lieu of prosecution and fine, pursuant to section 434.1 of the Municipal Act, 2001, as amended.

4.13 At the discretion of the Municipal Law Enforcement Officer, any person who breaches any provision of this By-law may be issued an Administrative Monetary Penalty Notice in an amount not to exceed $500.00.

4.14 The Administrative Monetary Penalty (AMP) Notice shall include the following information:

(i) the name of the person contravening this By-law;

(ii) the particulars of the contravention;

(iii) the amount of the AMP and the date payment is due;

(iv) a statement that if the AMP is not paid that it shall constitute a debt owed to the Municipality that may be collected in any manner permitted by law, including adding it to the Tax Roll of the person and being collected in the same manner as real property taxes.

4.15 The AMP Notice may be served in the same manner as an order under this By-law.

4.16 Upon receipt of the AMP Notice, the person named in the Notice shall pay the prescribed amount to the Municipality within fifteen (15) days.

4.17 Where an AMP is paid in full within fifteen (15) days of receipt, no prosecution shall be initiated against that person for the same offence.

4.18 Where an AMP is not paid in full within fifteen (15) days of receipt, a further late payment charge shall be levied in accordance with the Municipality’s Fees and Charges By-law.

4.19 The Municipality may collect any unpaid AMP from the person named in the AMP as a debt owed to the Municipality in any manner permitted by law. In addition to any other collection method, the Municipality may add the amount owing to the tax roll of the person named in the AMP Notice and collect the amount in the same manner as real property taxes.

# SECTION 5 - VALIDITY AND EFFECTIVE DATE

5.1 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 of Council 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.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Doyle C.A.O./Clerk Plumley

**SCHEDULE “A” of BY-LAW 2020 - 15**

PART 1 – PROVINCIAL OFFENCES ACT

TRAILER BY-LAW

|  |  |  |  |
| --- | --- | --- | --- |
| **ITEM** | **SHORT FORM WORDING** | **PROVISION CREATING OR DEFINING**  **OFFENCE** | **SET FINE** |
| 1 | Constructing an unauthorized structure. |  | 300.00 |
| 2 | Allowing an unauthorized structure. |  | 300.00 |
| 3 | Use a trailer on a vacant lot. |  | 300.00 |
| 4 | Allow a trailer to be used on a vacant lot. |  | 300.00 |
| 5 | Trailer used in excess of 14 days per calendar year (per occurrence) |  | 300.00 |

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