

CORPORATION OF THE
TOWNSHIP OF BILLINGS

AGENDA

October 13, 2021 7:00 p.m.

Electronic

1. OPEN
2. APPROVAL OF AGENDA
3. DISCLOSURE OF PECUNIARY INTEREST
4. ADOPTION OF MINUTES
5. DELEGATIONS
6. COMMITTEE REPORTS
7. OLD BUSINESS
8. NEW BUSINESS
 - a. Trailer By-Law Discussion
9. CORRESPONDENCE
10. INFORMATION
11. ACCOUNTS FOR PAYMENT
12. CLOSED SESSION
13. CONFIRMING BY-LAW
14. ADJOURNMENT



Memo to Council

June 2, 2021

Re: Revised Trailer Bylaw

From: Arthur Moran, Bylaw Enforcement Officer

Request

I am submitting a draft copy of a new Trailer Bylaw that I would like Council to review and put forward for approval and enactment.

Budget Implications

This revised bylaw will have a positive effect on the budget for the Township from permit fees.

Background

I am submitting this revised Bylaw for the following reasons:

- 1) Upon my starting as a bylaw enforcement officer for the Township in July of 2019 I was informed that one of the primary problems that needed to be addressed by me was the use of recreational trailers/vehicles within the Township.
- 2) After one full year of enforcing the current trailer bylaw I found that the way that the bylaw is currently written creates inconsistencies between the various uses of trailers on various property settings and that it can be somewhat punitive. e.g.
 - a) The current bylaw prohibits any recreational trailer/vehicle on vacant lots where the property owner is preparing the property to obtain a building permit and build a habitable structure.
 - b) The current bylaw does not have provisions that allow for the control of how many recreational trailers/vehicles can be located on a property at one given time.
 - c) The current bylaw does not deal with the influx of trailers that arrive on various properties once hunting season begins around the beginning of October.
 - d) The current bylaw does not address the possible commercial use of recreational trailers/vehicles of being used as short-term rental units.
- 3) It has been recognized that the sale of recreational trailers/vehicles increased substantially in the past year, which has been reflected in the increased local reports of flagrant disregard with persons who are locating the recreational trailers/vehicles on private lands without permission and on public properties where recreational trailers/vehicles are not allowed. And it appears to be a trend that is more than likely to continue.

Summary

In the new bylaw, I am putting forth a method of consistent control and enforceability in dealing with a continual problem that the Township has been dealing with for some time now, while looking forward to possible future issues that may arise.

The method that I am proposing is a that there be a user-based fee and permit structure for the use of recreational trailers/vehicles in all of the aspects that the recreational trailers/vehicles are currently being used within the Township, and yet not be taking away customers from any commercial trailer/tent park businesses within the Township.

To ensure the fairness of the new bylaw I am approaching it from the property tax inequality that currently exists between residents who currently own and live in full-time in habitable residences who are paying taxes at the current assessed Township rates and persons who are using recreational trailers/vehicles on properties with seasonal residences or on properties deemed as vacant lots, who are paying a lower property tax, but are benefiting from the use of the same Township resources as the full time residents who are paying the higher tax rates.

By initiating the permit and fee concept that I am proposing, it will assist in providing a method of determining the amount of recreational trailer/vehicle usage that is taking place within the Township, which may assist in determining actual stresses that are being put on the Township environmental resources. It will also be putting in place a systematic method of controlling recreational trailer/trailer use while allowing enforcement to be consistently applied to all aspects of recreational trailer/vehicle use. And there will also be the revenues raised from the fees associated with the permits that the Township will receive.

This is not to say that the persons who drafted and passed the provisions of the current bylaw and its amendments produced an ineffective bylaw. The current bylaw has provided some of the basic framework of a recreation trailer/vehicle bylaw.

I have had successes in removing trailers from properties within the Township, but the current bylaw leaves the person performing the bylaw enforcement in an awkward situation of having to explain the inequalities that I have previously listed.

What I am proposing, with this revised bylaw is a progressive document that provides a method of control of a long-time problem, a method of generating revenue for the Township and a method of standardized enforcement.

Note: If you have any questions or concerns, I can be reached at 705 348 1703 or at bylaw @billingstwp.ca.

The Corporation of the Township of Billings

Bylaw 2021- __

Being a Bylaw to Regulate the Use of and Recreational Trailers/Vehicles Outside of Tent and Trailer Parks

WHEREAS the *Ontario Municipal Act, S.O. 2001 c. 25 section 8* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipalities to govern its affairs as it considers appropriate and enhance the municipality's ability to respond to municipal issues; and

WHEREAS the *Ontario Municipal Act, S.O. 2001 c. 25 section 164* states that without limiting sections 9, 10 and 11, a local municipality may prohibit or license recreational trailers/vehicles located in the municipality.

WHEREAS if a municipality licenses recreational trailers/vehicle in the municipality, no license fee shall be charged in respect of a recreational trailer/vehicle assessed under the *Assessment Act*; and

WHEREAS the Township recognizes the need for owners of vacant lots within the Township who will be building principal/seasonal residences on vacant lots and will require the use of recreational trailer/vehicle for shelter while preparing their property to be able to obtain a building permit for the constructing of principal/seasonal residences; and

WHEREAS the Township wishes to regulate that the use of recreational trailers/vehicles on vacant lots properties with a seasonal residence during the period of October 1st to **December 16** of each year and that a permit will be required; and

WHEREAS the Township wishes to allow the use of recreation trailers/vehicles for lodging guests, for non-commercial uses, on properties that are principal residences and seasonal residences; and

WHEREAS the Township recognizes that full time Township residents who own recreational trailers/vehicles and their desire to use their recreational trailer/vehicle to lodge guests; and

WHEREAS the Township wishes to regulate the use of motorhomes and recreational travel trailers and regulate the licensing of recreational trailers/vehicles on properties with habitable principal and seasonal residences and vacant lots; and

WHEREAS the *Ontario Municipal Act, 2001 c. 25 section 425 (1)* states a municipality may pass a bylaw providing that a person who contravenes a bylaw of the municipality passed under this Act is guilty of an offence.

NOW THEREFORE the Council of the Corporation of the Township of Billings hereby enacts as follows:

1.0 Definitions

1.1 'Bylaw Enforcement Officer' means a person appointed by the Council of the Township of Billings to enforce its bylaws.

1.2 "Class 1 Sewage System" means a privy (outhouse) that is used for personal sanitary purposes and sewage storage.

1.3 "Class 2 Sewage System" means a leaching pit system used for the treatment and disposal of greywater derived from plumbing fixtures such as kitchen sinks, bathtubs, washing machines, laundry tubs or any other water source that does not contain human waste.

1.4 "Consecutive Days" means days following one after the other without an interruption.

1.4 "Habitable" means a building over **474** square feet in size, and that contains a kitchen, bathroom and bedrooms that can be utilized all year around.

1.5 “Municipality” means the Corporation of the Township of Billings.

1.6 “Principal Residence” means the primary location that a person inhabits, also referred to as primary residence or main residence.

1.7 “Recreational Trailer/Vehicle” means a structure that is designed to provide temporary living accommodations (kitchen, washroom, sleeping) for vacation, travel or recreational use, and to be driven, towed, parked or transported. Such structures include but is not limited to the following:

1.7.1 “Motorhomes” (Class A, Class B, Class C) means a recreational vehicle built on a self-propelled chassis, combining transportation and living quarters in a complete unit.

1.7.2 “Travel Trailer” means a unit designed to be towed by car or pick-up by means of an equalizing frame hitch.

1.7.3 “Fifth Wheel Trailer” means a two-level unit designed to be affixed and towed by a pick-up truck with a special fifth wheel hitch in the truck bed.

1.7.4 “Folding Camping Trailer” means a light weight unit that collapses for the purposes of towing and storage.

1.7.5 “Truck Camper” means a small recreational unit that is loaded or affixed to the bed or chassis of a truck.

1.7.6 “Toy Hauler” means a trailer used to haul recreational equipment that includes a temporary living quarters in the forward section.

1.7.7 “Hybrid/Expandable Trailer” means a conventional travel trailer with folding bunks end.

1.8 “Seasonal Residence” means a building that is 474 square feet in size and that contains a kitchen, bathroom and bedroom(s) and is used for seasonal or recreational use, and is not intended for permanent living quarters.

1.9 “Storage” means being in a closed and disconnected state unsuitable for human habitation, with window awnings closed, extensions retracted and all water, power and sewage supply lines disconnected.

1.10 “Trailer Park” means a Municipally or privately owned business operation on properly zoned property, which accepts trailers of members of the general public for weekly or seasonal accommodation.

1.11 “Trailer Permit Class A” means a Permit that is issued by the Township, for a fee (see Schedule “B”), that allows for 1 (one) Recreational Trailer/Vehicle to be used for recreational purposes on Vacant Land within the Township while the property is being readied for the construction of a Habitable/Principal/ Seasonal Residence.

1.12 “Trailer Permit Class B” means a Permit that is issued by the Township, for a fee (see Schedule “B”), that allows for 1 (one) Recreational Trailer Vehicle to be used for recreational and shelter purposes once a Building Permit has been issued for a Habitable/Principal/ Seasonal Residence.

1.13 “Trailer Permit Class C” means a Permit that is issued by the Township, for a fee (see Schedule “B”) that permits owners of Principal/Habitable Seasonal Residences that allows for 1 (one) Recreational Trailer/Vehicle to be used for temporarily lodging guests, for non-commercial purposes, for a period of 14 days up to a maximum of 30 consecutive days.

1.14 “Trailer Permit Class D” means a permit that is issued by the Township, for a fee, (see schedule “B”) that allows owners of a Principal/Habitable Seasonal residences to have more than the one allowable Recreational Trailer/Vehicle, up to a maximum of 4 total Recreational Trailer/Vehicle for a period of 4 to 14 Consecutive Days

1.15 “Trailer Permit Class E” means a permit that is issued by the Township for a fee, for the period of September 15 and December 15 (not pro-rated) and is only valid for the property address that it is issued to. The maximum number of Class “E” permits issued to any property at one time is 3. Trailers must be removed by December 16.

1.16 “Use” shall mean any human use for shelter, recreation or sleeping and does not necessarily include cooking or eating. Occupation need not be permanent or seasonal, or for any significant period of time.

1.17 “Vacant Land” means a lot of record where there is no legal residential dwelling.

2.0 GENERAL REQUIREMENTS

2.1 Current Vacant Lot Property Owners and New Property Owners of a Vacant Lot will be given a three-year period, effective from the day that this Bylaw comes into effect to ready their property for building and to purchase a Building Permit to erect a Habitable/Principal/Seasonal Residence.

2.1.1 If the Property Owner does not obtain a Building Permit after the three-year period, an additional yearly fee, equivalent to the cost of a Class “B” permit will be added to the cost of the Class “A” Permit

2.2 During the period of readying a Vacant Lot for construction, the Property Owner is required to purchase a yearly Class A Trailer Permit from the Township office.

2.3 During the period of construction, once a Building Permit has been issued to build a Habitable/Principal/ Seasonal Residence, the Property Owner is required to purchase a Class B Trailer Permit from the Township office.

2.4 Class B Trailer Permits will only be renewed on a yearly consecutive basis for no more than 3 years from the date the Building Permit is initially issued and will only allow for 1 (one) Recreational Trailer/Vehicle on the property.

2.5 Trailer Permits and Building Permits are required to be prominently displayed on the property for inspection purposes.

2.6 Class A, Class B, Class C and Class D Trailer Permits will be valid from May 1st thru October 31st of each calendar year.

2.7 Recreational Trailers/Vehicles must be removed from Vacant Lots or Properties with a Seasonal Residence from November 1st thru April 30th with the exception of trailers with a Class “E” permit which states that trailers must be removed by December 16. Property Owners shall be responsible for the trailers being removed.

2.8 Property Owners who own a Principal/Habitable Seasonal Residence and desire to lodge guests using 1 Recreational Trailer/Vehicle on their property may do so for a period of 14 Consecutive Days.

2.9 All Recreational Trailer/Vehicle Permits are valid for one (1) Recreational Trailer/Vehicle.

2.10 Property Owners that have a Recreational Trailer/Vehicle on their property for more than 30 Consecutive Days shall ensure that their Recreational Vehicle/Trailer has an integral holding system for human waste that is emptied at a waste disposal facility that is licensed by the Ministry of the Environment and Climate Change.

2.11 Property Owners who are not using an integral holding tank system for human waste in their Recreational Trailer/Vehicle shall be utilizing a Class 1 sewage system privy (outhouse) as specified by Sudbury and District Health Unit pit privies specifications.

2.12 Property Owners that have a Recreational Trailer/Vehicles on their property for more than 30 Consecutive Days shall ensure that their trailer is connected to a Class 2 sewage system leaching pit for the disposal of greywater, as required by Sudbury and District Public Health (This type of system requires a permit issued by Sudbury and District Public Health Unit).

2.13 Property Owners shall be able to provide documentation of human waste disposal from a waste disposal facility that is licensed by the Ministry of the Environment and Climate Change.

3.0 PROHIBITIONS

3.1 No person shall Use or locate any Recreational Trailer/Vehicle on any Township Road, road allowance, marine allowance or on any lands, leased or controlled by the Township

3.2 No Property Owner shall permit any person to, Use or locate a Recreational Trailer/Vehicle on their Vacant Lot unless they have purchased either a Class A or Class B Recreational Trailer/Vehicle Permit and a Building Permit.

3.3 No Property Owner shall use a Recreational Trailer/Vehicle on a property that has a Habitable Permanent/Seasonal Residence for a period of 14 or more consecutive days unless they have purchased a Class "C" Recreational Trailer/Vehicle Permit.

3.4 No property Owner shall use a Recreational Trailer/Vehicle on a property that has a Habitable Permanent/Seasonal Residence for a period of 4 to 13 Consecutive Days unless they have purchased a Class "D" Recreational Trailer/Vehicle Permit.

3.5 No Person or Property Owner shall use or locate a Recreational Trailer/Vehicle on a Vacant/Seasonal Property after October 31 unless they have purchased a Class "E" Permit.

3.6 No Property Owner shall append any thing or any device that was not part of the original Recreational Trailer/Vehicle when it was manufactured.

3.7 No Property Owner shall Use a trailer on a property without displaying the Trailer Permit for inspection purposes.

3.8 No Property Owner shall dispose of sewage or greywater in a manner that is not consistent with the specified sewage system requirements of the Sudbury and District Public Health Unit.

4.0 ENFORCEMENT

4.1 This Bylaw shall be enforced by the Township Bylaw Enforcement Officer.

4.2 No person shall obstruct or hinder or attempt to obstruct or hinder an Officer who is exercising a power or performing a duty under this Bylaw.

4.3 Persons enforcing this bylaw are permitted to enter onto property to enforce the provisions of this Bylaw as per section 435 of the Act.

4.4 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided by the *Provincial Offences Act, R.S.O. 1990-chapter P.33* as amended. (See Schedule "A")

5.0 SEVERABILITY

5.1 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part in particular circumstances, the balance of the bylaw or its application in other circumstances, shall not be affected or shall continue in full force and effect.

6.0 ADMINISTRATION

6.1 This Bylaw repeals Township of Billings Bylaws 2019-44 and 2017-27.

6.2 This Bylaw shall be referred to as the Trailer Bylaw.

6.3 This Bylaw shall come into effect upon the final passing thereof.

Read for the first, second and third time and enacted this ___ day of _____, 2020.

Ian Anderson, Mayor

Kathy McDonald, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF BILLINGS

BYLAW 2021-___

(Being a Bylaw to Regulate the Use of Recreational Trailers/Vehicles)

PART 1

PROVINCIAL OFFENCES ACT

SCHEDULE "A"

item	Short Form Wording	Provision Creating/Defining the Offence	Set Fine
1	Use/locate recreational trailer/vehicle on Township property	Section 3.1	\$500.00
2	Use Recreational Trailer/Vehicle on Vacant Lot without a Class "A" Permit.	Section 3.2	\$500.00
3	Use Recreational Trailer/Vehicle on Vacant Lot without a Class "B" Permit	Section 3.2	\$500.00
	Use Recreational Trailer/Vehicle on a Principal/Seasonable Property without a Class "C" Permit	Section 3.3	\$250.00
4	Use Recreational Trailer/Vehicle on a Principal/ Seasonal Property without a "Class "D" Permit.	Section 3.4	\$500.00
5	Use Recreational Trailer/Vehicle on a Vacant/Seasonal Property after October 1 without a Class "E" Permit.	Section 3.5	\$200.00
4	Use recreational trailer/vehicle for commercial purposes	Section 3.5	\$1,000.00
5	Append thing or device to recreational trailer/vehicle.	Section 3.6	\$500.00
6	Failure to display a Permit	Section 3.7	\$50.00

7	Improper disposal of sewage or greywater.	Section 3.8	\$500.00
8	Obstruct or hinder an Officer	Section 4.2	\$500.00
9	Attempt to obstruct or hinder an Officer.	Section 4.2	\$500.00

Note: The general penalty provision for the offences listed above is section 4.4 of Bylaw 2021-___, a certified copy of which has been filed.

THE CORPORATION OF THE TOWNSHIP OF BILLINGS
BYLAW 2021-___
(Being a Bylaw to Regulate the Use of Recreational Trailers/Vehicles)
SCHEDULE "B"
PERMITS



CLASS "A" PERMIT
(Vacant Lot)
RECREATIONAL TRAILER/VEHICLE

ISSUED TO:
ADDRESS ISSUED TO:
TRAILER LICENSE PLATE NUMBER:
DATE OF ISSUE:

Authorized By;

Permit Fee: \$1,200.00
Permit is only valid for the issued address.
This Permit is valid for one (1) Recreational Trailer/Vehicle identified above.
Permit is Valid from May 1st to October 31st
Non-transferable
Blue Background



CLASS "B" PERMIT
(With Building Permit Only)
RECREATIONAL TRAILER/VEHICLE

ISSUED TO:
ADDRESS ISSUED TO:
TRAILER LICENSE PLATE NUMBER:
DATE OF ISSUE:

Authorized by:

Permit Fee: \$300.00
Permit is only valid for the issued address.
This Permit is valid for one (1) Recreational Trailer/Vehicle identified above
Permit is valid from May 1st to October 31st
Non-transferable
Building Permit must be displayed

Yellow Background



CLASS "C" PERMIT
Permanent Residence/Habitable Seasonal Residence
RECREATIONAL TRAILER/VEHICLE

ISSUED TO:
ADDRESS ISSUED TO:
TRAILER LICENSE PLATE NUMBER:
DATES ISSUED FOR:

Authorized By

Permit fee: \$250.00
Permit is only valid for the issued address.
Permit is valid for one (1) Recreational Trailer/Vehicle identified above.
Permit is valid from May 1st to October 31st
Non-transferable

Green Background



CLASS "D" PERMIT
(Permanent Residence/Habitable Seasonal Residence
RECREATIONAL TRAILER/VEHICLE

ISSUED TO:
ADDRESS ISSUED TO:
TRAILER LICENSE PLATE NUMBER:

DATES ISSUED FOR:

Issued By:

Permit Fee: \$125.00 per Trailer
Permit is valid only on the property issued to.
This permit is valid for one recreational trailer/vehicle identified above.
Permits issued from May 1st to December 16
Maximum: 3 Permits at One Time
Non-transferable
White Background



**CLASS 'E' PERMIT
(FALL SEASON ONLY)
RECREATIONAL TRAILER/VEHICLE**

ISSUED TO:

ADDRESS ISSUED TO:

DATE OF ISSUE:

ISSUED BY

PERMIT FEE \$250.00

**THIS PERMIT IS ON VALID FOR THE PROPERTY ISSUED TO.
PERMIT IS ONLY VALID BETWEEN OCTOBER 31 THROUGH DECEMBER 16 OF THE YEAR OF ISSUE.
MAXIMUM 3 TRAILERS PER PROPERTY**