

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2022-12

Being a By-law to Regulate the Placement and Use of Trailers.

WHEREAS the Council of the Corporation of the Municipality of Tweed considers it desirable and necessary to regulate and prohibit the use and placement of recreational vehicles within the Municipality of Tweed;

AND WHEREAS Section 164 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may prohibit or licence trailers located in the municipality.

NOW THEREFORE BE IT RESOLVED THAT

1. DEFINITIONS:

In this By-law the following terms have the meanings ascribed below:

- 1.1. **"ASSESSED TRAILER"** means any Trailer legally located on a property and that is assessed under the *Assessment Act, R.S.O. 1990, c. A.31*, as amended;
- 1.2. **"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.
- 1.3. **"CAO"** shall mean the Chief Administrative Officer or his or her designate.
- 1.4. **"MOBILE HOME"** means any dwelling unit that is designed to be made mobile and constructed or manufactured to provide a permanent residence, but does not include a modular home, dwelling, Trailer or Park Model Trailer.
- 1.5. **"MODULAR HOME"** means a dwelling unit constructed in accordance with the Ontario Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site of final assembly on a permanent foundation, but does not include a mobile home, Park Model Trailer or Trailer.
- 1.6. **"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.
- 1.7. **"TRAILER"** shall mean 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, including without limitation a tent trailer, a camper trailer, a recreational vehicle, a fifth wheel, a bus converted into a motor home, a motor home, a truck camper or Park Model Trailer, but does not include a *mobile home or modular home*.
- 1.8. **"ZONING BY-LAW"** means Comprehensive Zoning By-law No. 2012-30, as amended from time to time.

2. TITLE AND APPLICATION

- 2.1. This By-law shall be cited as the “Trailer By-law”.
- 2.2. This By-law does not apply to:
 - 2.2.1. Assessed Trailers as defined in Section 1; or
 - 2.2.2. Trailers located on lands zoned Resort/Recreational Commercial Zone in the Zoning By-law.
- 2.3. This By-law applies to any Trailer, even if the Trailer was placed on lands prior to the date of the enactment of this By-law.

3. PROHIBITION

- 3.1. No person shall locate or use a Trailer on any lands within the geographic boundaries of the Municipality of Tweed.
- 3.2. No Trailer shall be used for human habitation.
- 3.3. Notwithstanding section 3.1, a person may park or store a Trailer on any lands provided:
 - 3.3.1. The Trailer is not used for temporary or permanent habitation; and
 - 3.3.2. The lands have a principal residential dwelling established; and
 - 3.3.3. The Trailer is not used for the purpose of carrying on any commercial activity.

4. ADMINISTRATION AND OFFENCES

- 4.1. The administration and enforcement of this By-law is delegated to the CAO and the Municipal By-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, R.S.O. 1990, c. P.33*, 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, including without limitation an order to remove the Trailer.
- 4.6. The Municipality may issue an order pursuant to section 4.5 above to the person contravening this By-law by issuing the order to the person personally or by regular mail at the person’s last known address and/or by posting a copy of the order on the property or Trailer subject to the contravention. The order shall specify the contravention and the date by which the contravention must be corrected.
- 4.7. Any person who contravenes an order made under Section 4.5 is guilty of an offence.
- 4.8. 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, S.O. 2001, c. 25*, as amended.

- 4.9. 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 that is in contravention of this By-law.
- 4.10. Where the Municipality removes a Trailer from any lands pursuant to Section 4.9 above, the Municipality shall not be responsible or liable for any damage caused to the Trailer or the lands and the Municipality may dispose of the Trailer in any manner it deems reasonable.
- 4.11. 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.
- 4.12. 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 the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, and shall have all powers of inspection set out in the Act.
- 4.13. 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, S.O. 2001, c. 25*, as amended.

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.

Read a first, second, and third and final time, passed, signed, and sealed in open Council this 9th day March, 2022.


DEPUTY MAYOR


CLERK