

THE CORPORATION OF THE TOWN OF KEARNEY

BY-LAW NO. 2013-17

BEING a By-Law to provide for the licensing and regulation of campers.

WHEREAS pursuant to Part IV, Subsection 164.(1) of the Municipal Act, R.S.O. 2001 (as amended), a municipality may enact a by-law for licensing or for prohibiting the use of trailers located in the municipality (except in a trailer camp) for the living, sleeping or eating accommodations of any person.

NOW THEREFORE it is hereby enacted by the Council of the Corporation of the Town of Kearney as follows:

1. DEFINITIONS

- (a) "CAMPER" means but not limited to a travel trailer, truck camper, recreational vehicle, motor home and tent trailer which is capable of being used for human occupation, but does not include a mobile home.
- (b) "CAMPING ESTABLISHMENT" means lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store, which is appropriately Zoned Tourist Commercial under the Town of Kearney Zoning By-Law No. 2002-28.
- (c) "EXISTING LOT" shall mean a legally conveyable parcel of land, governed by the Planning Act, R.S.O. 1990, as amended.

2. PROHIBITIONS

- (a) No person shall use any camper, located for more than 30 consecutive days within the Town of Kearney, outside of a Camping Establishment as defined herein, without a license issued pursuant to this by-law.
- (b) No owner of land shall permit a person to use any camper, located for more than 30 consecutive days within the Town of Kearney, outside of a Camping Establishment as defined herein, without a license issued pursuant to this by-law.
- (c) This by-law shall not apply to a camper where such camper is located on an existing lot for the purpose of storage, as per 3.27.2 or parking, as per 3.27.1 of Zoning By-Law No. 2002-28 or for the purpose of the sale of the camper. Where a camper is being stored or offered for sale no person shall use or occupy the camper, except in accordance to this by-law and 3.27.3 of Zoning By-Law No. 2002-28.
- (d) This by-law shall not apply to a mobile home as defined in Zoning By-Law No. 2002-28, 5.102 as amended.

3. THE LICENSE

- (a) The Owner of a lot where a camper is located shall apply for a license within 90 days of the passing of this by-law, prior to locating the camper on a lot or prior to the expiration of an existing license. The application should be made in the form attached hereto as Schedule "A".
- (b) Each license is valid for 365 days from the date it was issued, at which time the license expires.

- (c) Not more than one license for one camper shall be issued for each existing lot.
- (d) No camper shall be licensed unless it is connected to or served by a sewage system that is constructed, operated and maintained as per Part 8 of the Ontario Building Code and enforced by the North Bay Mattawa Conservation Authority, unless the camper contains an integral holding tank to be emptied at a facility licensed by the Ministry of the Environment.
- (e) No camper shall be licensed unless the location of the camper complies with the following:
 - i) All provincial statutory and regulatory requirements including but not limiting the generality of the foregoing, any license or permit required by the Ministry of the Environment;
 - ii) All federal statutory and regulatory requirements.
- (f) A license issued pursuant to this by-law authorizes the use and maintenance of a camper on existing lots for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the camper on a permanent basis. 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 law of Canada, Ontario or any by-law of the Municipality.

4. LICENSE FEES

- (a) The license fee for a camper shall be **THREE HUNDRED AND SIXTY DOLLARS (\$360.00)** per year for a camper located on an existing lot. Such fee shall be payable at the time of application for a license. The license fee may be reviewed by Council from time to time.
- (b) No license fee shall be charged for a camper occupied on the same property where a building permit has been issued for the construction of a principle building, except where the building permit has been revoked or the principle building is being occupied and/or used.
- (c) No license fee shall be charged in respect of a camper assessed under the Assessment Act.

5. ADMINISTRATION AND ENFORCEMENT

- (a) The administration of this by-law is assigned to the Chief Administrative Officer who may delegate the performance of his or her functions under this by-law from time to time as occasion requires.
- (b) Every applicant shall provide in full, at the time the application is submitted, all of the information required on the application form attached as Schedule "A", as well as payment of the prescribed license fee as set out in this by-law and any other document or information as may be required in any other part of this by-law.
- (c) Every application will be subjected to approvals from such provincial or federal departments or agencies as the Chief Administrative Officer deems necessary.
- (d) Any application, comment, recommendation, information, document or thing in possession of the Clerk pursuant to the provisions of this by-law shall be made available by the Clerk for inspection:
 - i) By any person employed in the administration of the enforcement of this by-law and;

- ii) By any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board commission authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing;

Subject only to the limitations imposed by the Municipal Freedom of Information and Protection of Privacy Act.

- (e) The enforcement of this by-law is assigned to the By-Law Enforcement Officer of the Town of Kearney.
- (f) Any campers used, maintained or located in contravention of this by-law shall be removed from the lot, at the expense of the Owner of the lot. The failure to remove any campers from a lot within the time prescribed by the By-Law Enforcement Officer may result in the removal of any campers by the Town of Kearney, at the expense of the Owner of the lot.
- (g) Any person contravening the provisions of this by-law shall be liable to prosecution and upon summary conviction, to a fine not exceeding \$25,000.00 for each day the contravention continues in accordance with the provisions of the Provincial Offences Act and the Municipal Act.
- (h) No person being the registered owner of any lot or parcel of land within the Town of Kearney shall permit any person to locate camper on his or her property except in accordance with the provision of this by-law.
- (i) The use of campers for permanent or temporary human habitation shall be prohibited in all zones except for occasional use in any residential or rural zone in accordance with 3.27.2 of Zoning By-Law No. 2002-28.

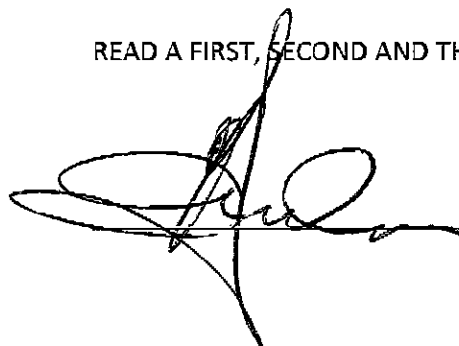
6. **INSPECTIONS**

- (a) Any person designated by Council to enforce this by-law may, at any reasonable time and upon producing proper identification, enter and inspect any property licensed under or in contravention of the provisions of this by-law.
- (b) No person shall obstruct, hinder or in any way interfere with any person designated to enforce this by-law.

7. **REPEAL**

By-Law Number 2012-07 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 26th DAY OF APRIL, 2013.

 Mayor

 DEPUTY
Clerk - ~~TREASURER~~



8 Main Street, P.O. Box 38 Kearney, ON P0A 1M0
 Telephone: 705 636-7752 Fax: 705 636-0527 Email: info@townofkearney.com

Schedule "A" to By-Law No. 2013-17

APPLICATION FOR CAMPER LICENSE FOR THE YEAR: _____
 (Complete and attach all information prior to submitting)

- 1) Type of Application i) New Yes / No (complete entire form)
 ii) Renewal Yes / No (complete parts 2) & 3)i) only)
- 2) Property Owner Info. i) Mailing Address _____

 ii) Phone No. _____
 Cell No. _____
 iii) E-mail _____
- 3) Property Description i) Civic Address* _____
 ii) Roll Number _____
 iii) Lot & Conc. _____
 iv) Plan No. _____
 v) Zoning _____
- 4) Camper Information i) Make & Model _____
 ii) Year & Colour _____
- 5) Sewage System Info. i) Permit # (copy attached) _____
 ii) Existing (shown on site plan) _____
 iii) Built In Tank (emptied off site) Yes / No
- 6) Proof of Ownership Attached (Deed or Deed Transfer)
- 7) Site Plan Attached (Show entire property, all existing buildings, sewage system camper location including distances to all property lines, driveway and utilities)
- 8) Four Pictures Attached (One of each side of trailer)
- 9) Fee submitted - \$360.00

_____ Date _____ Printed Name of Property Owner _____ Signature of Property Owner

*Civic address number is required. If no civic address has been assigned for this property, one must be applied for prior to submitting this application.