

TOWN OF KEARNEY

AGENDA

SPECIAL COUNCIL MEETING

For The Purposes of Hosting a Public Town Hall Forum

Tuesday, August 20, 2024, 6:30 p.m.

Kearney Community Centre Gymnasium

- 1. Call the Meeting to Order**
- 2. Approval of Agenda**
- 3. Resolution to suspend the Procedural By-law for the Town Hall Meeting**
- 4. MAHC Hospital Restructuring Video**
- 5. Topics Requested by the Public:**
 - 5.1. Trailer By-law**
 - 5.2. Park creation and refurbishment to existing parks**
 - 5.3. Housing crisis and the impacts from Short Term Accommodations**
- 6. Adjournment**

Please note that this is an opportunity for the Town to hear from the Public on their perspective of these topics good and bad. No decisions will be made by the Town regarding these subjects as this is just an opportunity for the Town to hear from its community on the subject matter.

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.

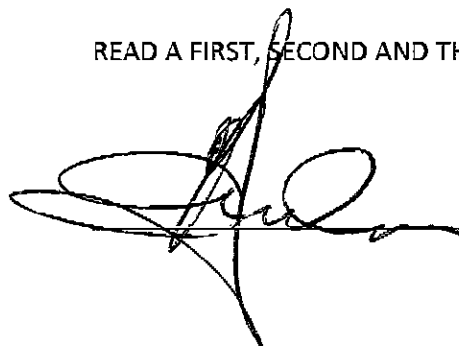
6. **INSPECTIONS**

- (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.

THE CORPORATION OF THE TOWN OF KEARNEY

BY-LAW 2024 - 28

BEING A BY-LAW TO LICENCE TRAILERS IN THE TOWN OF KEARNEY

WHEREAS the *Municipal Act*, S.O. 2001 as amended, Section 164 authorizes a municipality to pass By-laws to license trailers.

AND WHEREAS the Town of Kearney Bylaw #2022-20, known as the Comprehensive Zoning By-law Section 3.30.1 and Section 3.30. 2 as amended states:

Section 3.30.1 Travel trailers, motor homes, campers or recreational vehicles shall be stored in the rear or interior side yard and must meet the yard and setback requirements for an accessory building.

ii) A maximum of one (1) travel trailer, motor home or camper may be stored in Residential and Rural Zones. Travel trailers, motor homes and campers may be parked in parking spaces that comply with the provisions of Section 3.18 of this By-law.

3.30.2 One (1) travel trailer, motor home or camper may be used in the yard of a Residential or Rural Zone, where the camper meets the required setbacks for an accessory building unless otherwise permitted by special exemption.

ii) A travel trailer, motor home or camper parked or stored on a property for more than fourteen (14) days in any calendar year and used for human occupation must have a Camper License issued by the Town of Kearney in compliance with the current Camper Licensing By-law, unless it is located in a Camping Establishment.

NOW THEREFORE the Council for The Corporation of the Town of Kearney REPEALS By-law # 2013-17, and ENACTS the following:

SECTION 1 – TITLE AND APPLICATION

1.1 This By-law shall be cited as the 'Trailer License' By-law.

1.2 The licensing provisions enacted by this By-law does not apply to:

- a) Assessed Trailers as defined in Section 2.7
- b) Trailers located in Trailer Camps, Commercial as defined in Section 2.4
- c) A Stored Trailer as defined in Section 2.6
- d) A trailer or park model trailer used during the construction of a dwelling on a lot.

1.3 This By-law applies to any trailer, even if the trailer was placed on the property prior to date of enactment of this By-law.

SECTION 2 – DEFINITIONS

2.1 TOWN – means The Corporation of The Town of Kearney and shall be defined as the lands and premises within the corporate limits.

2.2 TRAILER – means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn, is propelled by the motor vehicle or is a self-propelled camping unit and is capable of being used for the living, sleeping, or eating accommodation of any persons. Without limiting the generality of the foregoing includes, a park model trailer, 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 but does not include a mobile home or accessory building, structure or use as defined in the Town of Kearney's Comprehensive Zoning By-law.

2.3 TRAILER, PARK MODEL – means a manufactured building under the Ontario Building Code O. Reg. 332/12 Section 9.38 "Park Model Trailers" which has

been designed and constructed in conformance with the standards of CSA-Z241 "Park Model Trailers", and which is used as a recreational vehicle or building that meets the following criteria:

- a) Built on a single chassis mounted on wheels; and
 - b) Designed to facilitate relocation from time to time; and
 - c) Designed as living quarters for seasonal camping which may be connected to utilities necessary for the operation of installed fixtures and appliances; and
 - d) Built with a gross floor area, including lofts, not exceeding 50 square metres (538 sq. ft.) when in the set-up mode; and
 - e) Built with a width greater than 2.6 metres (8.5 feet) in the transit mode.
- 2.4 TRAILER CAMP, COMMERCIAL – means any land in or upon which any trailer or tent is used or intended to be used for human occupation on a temporary or seasonal basis and shall not include mobile homes or park model trailers.
- 2.5 SELF-PROPELLED CAMPING UNIT – means a motor vehicle designed, equipped and used for overnight sleeping accommodation and that includes built-in facilities for sleeping, cooking and refrigeration.
- 2.6 STORED TRAILER – means any MTO plated trailer located on a property for the purpose of storing such trailer.
- 2.7 ASSESSED TRAILER – means any trailer legally located on a property and that is assessed under the *Assessment Act*.
- 2.8 PERMANENT BASIS – means either year-round occupancy or occupancy by persons who do not maintain elsewhere a usual or normal place of residence.
- 2.9 OCCASIONAL USE – means used for temporary accommodations not to exceed 14 days within one year.

SECTION 3 – LICENCE AND REGULATIONS

- 3.1 No person shall use or permit to be used, a trailer, on lands that are not permitted under the current Comprehensive Zoning By-law for the Town, unless such trailer is licensed under this By-law. For clarity, pursuant to Section 1.3 of this By-law, this requirement to obtain a license applies to trailers which were located on property prior to the date of passage of this By-law.
- 3.2 A license issued pursuant to this By-law authorizes the use and maintenance of a trailer for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. In furtherance of the foregoing, no person shall occupy or permit to be occupied a trailer during the period commencing December 1st of a calendar year and ending April 30th of the following calendar year.
- 3.3 The issuance of a license is not intended and shall not be construed as permission or consent by the Town 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 Town.
- 3.4 A maximum of one (1) trailer licensed under this By-law is permitted on a single vacant parcel of land. Trailers, Park Model are not permitted on a single vacant parcel of land.
- 3.5 The owner of the property upon which the trailer is to be located shall consent to its placement on the property in writing.
- 3.6 Trailers must remain as manufactured free from addition or structures.
- 3.7 Heat sources and appliances must compliant with appropriate standards.

Including but not limited to the ESA, WETT and TSSA.

- 3.8 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 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.

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SECTION 4 – LICENCE APPLICATION AND FEES

- 4.1 All applications for such license shall be made to the Town upon the prescribed form and shall include the submissions referenced therein, including payment of the License Fee required, as per the Town's current 'Fees and Charges' By-law.
- 4.2 No license shall be issued, unless:
 - a) the trailer for which such license is issued is located in compliance with the setback requirements for a dwelling unit as prescribed by the Town's 'Zoning' By-law, for the zone in which it is located.
- 4.3 The Town may issue the following class of licenses:
 - a) Annual license – this license authorizes the placement of the trailer upon a property for a complete calendar year or any portion thereof, and its occupancy between May 1st and November 30th in the calendar year;.
- 4.4 Licenses shall be displayed in or upon the trailer in a place that can be seen easily from the outside of the trailer.
- 4.5 All Annual Licenses expire on December 31st and all Short-Term Licenses expire on the date specified in the license.
- 4.6 No person shall hinder or obstruct the Chief Building Official, Fire Official or By-law Enforcement Officer who are attempting to perform the initial trailer license inspection or the annual trailer license inspection of both the interior and the exterior of a licensed trailer.

SECTION 5 – ADMINISTRATION AND ENFORCEMENT

- 5.1 The administration and enforcement of this By-law is delegated to the Clerk, Treasurer, the Chief Building Official and the By-law Officer, or designate for the Town of Kearney. The Clerk or designate shall have the authority to issue permits under this By-law; notwithstanding the foregoing, the Clerk, in his/her discretion, may refer applications to Council.
- 5.2 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.
- 5.3 Each day that a contravention of this By-law continues may constitute a separate offence.
- 5.4 Every person who provides false information in any application for a license under this By-law or in an application for a renewal of license is guilty of an offence.
- 5.5 Where a conviction is entered under this section, in addition to any other remedy or any penalty provided, 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.
- 5.6 If the Town is satisfied that a contravention of this By-law has occurred, the By-law Officer 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 and or remove the contravening activity.
- 5.7 Any person who fails to comply with an order made under subsection 5.6 is guilty of an offence.

- 5.8 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.
- 5.9 A Town employee, Staff person, agent or contractor hired by the Town, accompanied by any person under his or her direction, may enter onto any land that is used or believed to be used in contravention of this By-law for the purposes set out in subsection 436 (1) of the *Municipal Act*, 2001 and shall have all powers of inspection set out in subsection 436 (2) of the Act.
- 5.10 Any trailers 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. Failure to remove any trailers from a lot within the time prescribed by the By-law Officer may result in the removal of said trailer by the Town, at the expense of the owner of the lot.

SECTION 6 – REPEAL, VALIDITY AND EFFECTIVE DATE

- 6.1 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 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.
- 6.2 The Clerk of the Town of Kearney is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
- 6.3 This By-law repeals By-law #2013-17 and any other by-laws that are in contravention of this by-law .
- 6.4 This By-law shall come into effect on the date of the third reading and it being passed.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this ___ day of

_____ 2024.

MAYOR

CLERK

SCHEDULE A to BY-LAW # 2024-24

APPLICATION FOR TRAILER LICENCE

(Complete and attach all information prior to submitting)

(Information noted with an asterisk is optional subject to "Notes" set out below)

1. Applicant Information

Name: _____

Mailing Address: _____

Phone Number: _____

*Email: _____

Note: If Applicant is not the registered owner of the property, the Applicant must have the owner's consent to apply for such license.

Note: A Phone number may be a permanent "land line" or cellular number.

2. Property Information

Property Owner: _____

Civic Address: _____

*Roll Number: _____

*Proof of Ownership: Attach copy of parcel register or deed.

Note: If no civic address has been assigned for this property, one must be applied for prior to submitting this application.

Note: If a new entranceway or where substantial changes to an existing entranceway are required or proposed, an 'Access Permit' must be applied for and approved, prior to submitting this application.

Note: Either the MPAC Roll Number must be included or Proof of Ownership must be attached.

3. Trailer Information

Make & Model: _____

Serial Number or VIN: _____

Please attach four pictures of trailer if already located on the property (One of each side of trailer).

4. License Requested

Annual

5. Services Information

Will the trailer be connected to a sewage disposal system that exists on the property?

Yes

No

If yes, please provide the following:

Sewage System Building Permit or Certificate of Approval which indicates that connection of trailer to such system has been approved.

Will a grey water pit be utilized?

Yes

No

Will the site be serviced with an outhouse?

Yes

No

If the trailer is not connected to a holding tank or sewage disposal system, or is not serviced by a grey water pit or outhouse, please provide dumping receipts from an accredited dumping facility.

Will the trailer be directly connected to electrical services?

Yes

No

If yes, please provide the Electrical Safety Authority approval for connection. This requirement only applies if the trailer will have a direct connection to the electricity distribution system (i.e. not an extension cord plugged into an outlet.)

6. Required Submissions

Site Plan – a drawing showing the location or proposed location of the trailer in relation to the boundaries of the property and including all existing buildings, sewage systems, wells, and watercourses/waterbodies. Such drawing shall be scaled or, where the property is large, measurements shall be included indicating the distance of the trailer from property boundaries, existing buildings, wells and watercourses/waterbodies.

Proof of Property Ownership – as required under section 2

Pictures - as required under section 3 above.

Permits/Approvals referenced in section 5 above if applicable.

7. Applicable Fee (as per “Fee and Charges By-law”):

8. Methods of payment (Canadian funds only):

Debit card (Interac), cheque or cash only for in-person applications submitted by the cardholder. Prepaid debit cards are not accepted. If you are applying by mail, a cheque or money order (postal or bank) in the exact amount, payable to The Corporation of the Town of Kearney.

Applicant Signature and Date:

Property Owner Signature and Date:

If property owner and applicant are the same, please sign in both locations.

Town of Kearney
Part I Provincial Offences Act
By-law 2024-24: 'Trailer License' By-law

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Permit person to locate trailer on property without a license	s. 3.1	\$300.00
2.	Fail to vacate trailer from the months of December 1 st to April 30 th	s. 3.2	\$300.00
3.	Permit more than one (1) trailer on property	s. 3.4	\$300.00
4.	Fail to display license conspicuously on trailer	s. 4.4	\$300.00
5.	Provide false information on license application	s. 5.4	\$300.00
6.	Fail to comply with an order	s. 5.7	\$300.00
7.	Obstruct person designated to enforce this By-law	s. 4.6, 5.9	\$300.00

NOTE: The penalty provision for the offence listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

THIS BY-LAW WAS BROUGHT TO THE PREVIOUS TERM OF COUNCIL FOR CONSIDERATION. HOWEVER, COUNCIL DEFEATED THIS BY-LAW IN JUNE 2022

**THE CORPORATION OF THE TOWN OF KEARNEY
BY-LAW NO. 2022-XX**

**BEING A BY-LAW TO LICENSE AND REGULATE THE USE OF SHORT-TERM
RENTAL ACCOMMODATIONS IN THE TOWN OF KEARNEY**

WHEREAS the Council of the Town of Kearney may, pursuant to the Municipal Act, 2001, S.O. 2001, c.25. as amended, ("The Municipal Act"), enact by-laws for the licensing, regulating and governing of businesses and occupations in the Town of Kearney;

AND WHEREAS pursuant to Section 10 of the Municipal Act, a municipality has the authority to implement business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

AND WHEREAS Sections 390 to 400 of the Municipal Act enables a municipality to pass By-laws for imposing fees or charges to permits and services provided or done by them;

AND WHEREAS pursuant to Section 434.1 of the Municipal Act, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law;

AND WHEREAS Section 436 of the Municipal Act permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or license;

AND WHEREAS Section 444 of the Municipal Act provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS the Council of the Corporation of the Town of Kearney deems it desirable that such licensing and regulation takes place with regard to Short Term Rental Accommodations as defined in this By-law;

AND WHEREAS, Council has enacted Zoning By-law 2022-XX under the provisions of the Planning Act, R.S.O. 1990, c. PI3, as amended, with respect to Short Term Accommodations within the Town and having done so desires to provide for a system of licensing to implement said policies and provisions;

AND WHEREAS pursuant to Section 151 of the Municipal Act, Council is exercising its authority to provide for a system of licensing with respect to Short Term Rental Accommodation businesses;

NOW THEREFORE the Council of the Corporation of the Town of Kearney enacts as follows:

1.0 Definitions:

Accessory Building or Structure shall mean a building or structure, which is normally incidental or subordinate and located on the same lot as the primary use

Fee shall mean a Fee as set forth in this by-law and is non-refundable.

License shall mean the License issued under this by-law.

Licensee means a person who holds a License or is required to hold a License under this by-law.

Mobile Home shall mean any dwelling that is designed to be mobile and constructed or manufactured to provide a permanent residence for one (1) or more persons in accordance with CSA Z240 or Z241 but does not include a motor home, travel trailer or tent trailer or trailer otherwise designed.

Officer shall mean any person appointed by the Town of Kearney to carry out by-law enforcement work or any other person legally permitted to enforce by-laws such as a police officer.

Secondary Dwelling Unit shall mean a self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings.

Short-Term Rental Accommodation shall mean a dwelling or dwelling unit, or any portion of it that is rented with the intention of financial compensation for any portion of a period of 30 consecutive calendar days or less and does not include a bed and breakfast, motel, hotel, hospital, or other short-term accommodations where there is no financial consideration or payment exchanged.

Single Detached Dwelling shall mean a detached building containing one dwelling unit either year-round or seasonal.

Town shall mean the Corporation of the Town of Kearney.

Travel Trailer/Camper shall mean 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.

Zoning By-law shall mean the Town of Kearney Comprehensive Zoning By-law 2022-20.

2.0 Administration

- 2.1 This by-law shall be administered by the Town.
- 2.2 Officers shall be responsible for the enforcement of this by-law.
- 2.3 Upon receipt of an application for License, the Town will review the application in the context of this by-law and either issue a License or provide a written explanation of why the application fails to meet the criteria for a License. This will be completed within 15 business days.
- 2.4 The Town will keep a public record of issued Licenses on the Town's website, including the property address, contact information of a representative for the Short-Term Accommodation, and the parameters under which the Short-Term Accommodation has been Licensed.
- 2.5 The Licensee is responsible for all fees and fines related to the operation of a Short-Term Rental Accommodation under this by-law.
- 2.6 Licenses must be renewed annually by the Licensee.
- 2.7 A License issued under this by-law is not transferrable and may not be used by any person other than the person who was issued the License. A new owner or operator of a property is required to obtain their own License.
- 2.8 No License shall be issued without receipt of the licensing fee as shown on Schedule A to this by-law.
- 2.9 Fines will be issued by Officers for contraventions of this by-law in accordance with Schedule B of this by-law.
- 2.10 A fine will be considered a strike against the Licensee for the purpose of this by-law. Receiving 3 strikes within the term of the License will result in the License being revoked for the remainder of the calendar year and will prevent a License being issued for the property for the following calendar year, regardless of a change in applicants. No refund of license fees.

3.0 Prohibitions

- 3.1 No person shall use or operate any Short-Term Rental Accommodation dwelling unless they hold a current license issued pursuant to this By-law
- 3.2 No person shall advertise a Short-Term Rental Accommodation without a license.
- 3.3 No more than 2 persons per bedroom shall be permitted to occupy the Short-Term Rental Accommodation. A pull-out couch, or similar sleeping arrangement, can provide for a maximum of 2 additional guests beyond what the number of

bedrooms would allow. Only 2 additional guests per Short-Term Accommodation are permitted regardless of the number of pull-out couches or other sleeping arrangements present on site. This must be outlined in the application for License.

- 3.4 No licensee shall rent any portion of a Short-Term Rental Accommodation other than the bedrooms outlined in the application as per Section 3.4 of this by-law.
- 3.5 The provisions of this by-law shall not apply when the property is being used for personal use by the owner.
- 3.6 No person shall contravene any other municipal by-law while occupying a Short-Term Rental Accommodation.
- 3.7 No person shall advertise a Short-Term Rental Accommodation on a website or in any place that is not listed on their application.

4.0 License and Term

- 4.1 The License shall be valid for up to a maximum of 1 calendar year, but will expire on December 31st of any given year, regardless of how long the license has been active.
- 4.2 The License will expire upon the sale of a property that is being used as a Short-Term Accommodation.
- 4.3 A License may not be transferred to any other party and is only valid for the person who was issued the License.
- 4.4 No License will be issued for any property that has outstanding fines under this by-law.
- 4.5 No License will be issued for any property that has outstanding taxes owing to the Town.
- 4.6 The License must be displayed on the backside of the main door to the Short-Term Rental Accommodation.
- 4.7 A License shall not be granted to a corporation.

5.0 General Provisions

- 5.1 Travel trailers/campers are not permitted to be located on properties being used for Short-Term Rental Accommodations. This includes any Travel trailers/campers brought by and person, including renters.
- 5.2 Accommodations for Short-Term Rental Accommodations shall not be permitted in any accessory building or structure.
- 5.3 Short-Term Rental Accommodations are only permitted within single detached dwellings, which does not include a Mobile Home.
- 5.4 All waste disposal is the responsibility of the Licensee. All garbage and recycling must be sorted in appropriately sealed containers and taken to the appropriate transfer station no less than every seven (7) days.
- 5.5 Parking shall be provided at a rate of 1 space per two (2) bedrooms, and shall be located off-street on the same lot as the STRA. Parking spaces must meet the size requirements of the Zoning By-law.
- 5.6 Tents or other temporary accommodations are not permitted on the site of a Short-Term Rental Accommodation.
- 5.7 Events are not permitted at the location of a Short-Term Rental Accommodations including weddings or other organized events. The maximum occupancy for the Short-Term Rental is the maximum number of

guests permitted on the site.

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6.0 Inspection

- 6.1 Prior to the issuance of a License, an inspection of the property will take place by the Town. This inspection will be done by any staff deemed necessary to confirm compliance with the following:
- 6.1.1 Ontario Building Code Act, 1992, S.O. 1992 c.23
 - 6.1.2 Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4
 - 6.1.3 Town of Kearney Standards By-law
 - 6.1.4 Town of Kearney Comprehensive Zoning By-law
 - 6.1.5 Any other relevant by-law or municipal policy related to the operation of a Short-Term Rental Accommodation
- 6.2 The renewal of a License may not require a physical site visit if the parameters of the License remain consistent from year to year. This will be at the discretion of the Town.
- 6.3 Confirmation that the septic system for the property is adequately sized, up to current standards, and is in working order will be required as part of the inspection process. This will require a mandatory file review from the North Bay-Mattawa Conservation Authority at the expense of the applicant. Septic inspections on License renewals may be waived at the discretion of the Town.
- 6.4 If the septic system is deemed to be inadequate for the capacity of the dwelling or if it is in a state of disrepair, no License will be issued for Short-Term Rental Accommodations on the property until such time as the septic system is properly functioning and an adequate size.
- 6.5 An Officer may at any reasonable time inspect a property where a License has been issued under this By-law to determine ongoing compliance with this By-law.

7.0 Application Requirements

- 7.1 A completed application form, as provided by the Town, is required prior to the issuance of a License under this By-law. The application requirements include, but are not limited to:
- 7.1.1 Proof of ownership of the property
 - 7.1.2 Contact information for a person who can be a public contact on behalf of the Short-Term Rental Accommodation. This contact information will be posted publicly on the Town's website. The contact information will come in the form of both an email and phone number.
 - 7.1.3 Proof of commercial insurance covering the time period that the rental is active.
 - 7.1.4 Proof that the applicant, if a corporation, is legally permitted to conduct business in Ontario.
 - 7.1.5 A site plan showing the locations of all buildings and structures on site including the parking layout.
 - 7.1.6 A floor plan of the Short-Term Rental Accommodation showing all bedrooms and sleeping accommodations and indicating the maximum capacity based on the provisions of this by-law.
 - 7.1.7 A listing of all websites or any other places that the Short-Term Rental Accommodation will be listed for rent.
 - 7.1.8 Proof of the proper functioning and adequate size of the septic system.
 - 7.1.9 A plan of how the Licensee plans to make renters aware of local by-laws and their obligations under this by-law.
 - 7.1.10 A waste collection plan. The Licensee must detail how they will ensure that garbage is collected and delivered to the waste transfer station.

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8.0 Fines

- 8.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 8.2 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "B" attached to this by-law.
- 8.3 Each day a contravention occurs constitutes a new offence.
- 8.4 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

9.0 Collection of Unpaid Fines

- 9.1 Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c P.33, ("Provincial Offences Act") including any extension of time for payment ordered under that Section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the Owner's tax roll and collected in the same manner as Property taxes.

10.0 Severability

- 10.1 If any provision of this By-law is for any reason held to be invalid by a decision of a court, all remaining provisions shall be valid and shall remain in full force and effect.

11.0 Transitional Clause

- 11.1 Notwithstanding the illegal status of existing Short-Term Rental Accommodations and recognizing that Short-Term Rental Accommodations have never been permitted under Zoning By-law No. 2002-28 or No. 2022-20, except as amended by By-Law 2022-XX, and in specific accordance with this by-law, the Town is enacting a transitional clause as follows:

11.1.1 There will be a two-month period from the date of the passing of this by-law in which applications will be accepted to determine the eligibility of existing properties for a Short-Term Rental Accommodation License.

11.1.2 After the expiration of the two-month period following the passing of this by-law, any properties not issued a License under this by-law may be subject to ongoing fines as per Schedule B of this by-law.

12.0 Date of Effect

- 12.1 This by-law shall come into effect on the date that it receives 3rd reading by the Council for the Corporation of the Town of Kearney.

READ A FIRST AND SECOND time this ____ day of June, 2022.

READ A THIRD TIME, AND FINALLY passed this ____ day of June, 2022.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF KEARNEY

SCHEDULE "A"

Licensing Fees

Item	Fee
Short-Term Rental Accommodation License	\$750.00

This is Schedule "A" To By-law No. 2022-XX passed by Council on the ____ day of June, 2022.

Mayor

Clerk

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**THE CORPORATION OF THE TOWN OF KEARNEY
SCHEDULE "B"**

Fines

**(Draft Note – This is a proposed fine schedule and subject to approval under the
Provincial Offences Act procedures)**

Item	Fine
Operate a Short-Term Rental Accommodation without a License	\$500.00
Operate a Short-Term Rental Accommodation with revoked License	\$1000.00
Advertising for a Short-Term Rental Accommodation without a valid License	\$300.00
Advertising a Short-Term Rental Accommodation for more guests than the permitted occupancy for the License	\$300.00
Advertising on a website or in another location that is not listed on the application form	\$100.00
Failure to display the License	\$100.00
Exceed the maximum occupancy as per the License requirements	\$500.00
Contravention of waste management plan	\$300.00
Travel trailer/Camper located on the property	\$500.00
Outdoor tents or other sleeping accommodations on site	\$300.00
Operation of a Short-Term Rental Accommodation in an accessory building or structure	\$500.00
Event at the location of a Short-Term Rental Accommodation	\$1000.00

This is Schedule "B" To By-law No. 2022-XX passed by Council on the ____ day of June, 2022.

Mayor

Clerk