



Council Report

Report Number: **MLE2021-018**

Meeting Date: December 14, 2021

Title: Seasonal Trailer Park By-law Update Final Report

Author and Title: Aaron Sloan, Manager

Recommendation(s):

That Report MLE2021-018, **Seasonal Trailer Parks By-law Update Final Report**, be received;

That By-law 2013-148 as amended, being a By-law to Licence, Regulate and Govern Seasonal Trailer Park Businesses in Kawartha Lakes be repealed and replaced; and

That the recommended by-law, attached as Appendix D to Report MLE2021-018, be brought forward to Council for approval.

Department Head: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of September 21, 2021, Council adopted the following resolution:

CR2021-421

That Report MLE2021-009, By-Law 2013-148 as amended, to License, Regulate and Govern Seasonal Trailer Park Businesses – review and amendments, be received;

That staff provide notification to all park owners indicating the intention of amending By-Law 2013-148 as amended, being a By-Law to License, Regulate and Govern Seasonal Trailer Park Businesses be amended;

That staff provide notification to all park owners indicating the intention of amending By-Law 2018-234 as amended, being a By-law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes (known as the Consolidated Fees By-law); and

That the recommended By-Law to amend By-Law 2013-148 be brought forward to Council for consideration at the Regular Council Meeting on October 19, 2021.

Carried

At the Council Meeting of October 19, 2021, Council adopted the following resolution:

CR2021-483

That Report MLE2021-016, Trailer Park By-Law Update to Council, be received;

That staff consider the responses received from the “notice of intention” letters indicating the intention to amend By-Law 2013-148 as amended, being a By-Law to License, Regulate and Govern Seasonal Trailer Park Businesses; and

That the final report and recommended By-Law to amend By-Law 2013-148 be brought forward to Council for consideration at the Regular Council Meeting on November 16, 2021.

Carried

At the Council Meeting of November 16, 2021, Council adopted the following resolution:

CR2021-550

That Report CORP2021-017, **2022 Proposed Amendments to By-law 2018-234 – Consolidated Fees By-law**, be received; and

That the recommended fees and charges amendments be brought forward through the necessary amending by-law for adoption at the December 14, 2021 Council Meeting.

Carried

This report serves to provide Council with an update regarding the responses received from the “notice of intention” letters and further to highlight the proposed changes to the Consolidated Trailer Park By-law.

Rationale:

In the reports above, also attached as **Appendix A**, staff proposed changes to By-law 2013-148 being a Consolidated Seasonal Trailer Parks By-law, referred to as the Trailer Parks By-law. Letters of intention to amend the by-laws were sent out to all registered trailer park owners in the municipality.

A response period was established to allow staff to receive comments back from the park owners, to be returned to Council on October 19, 2021, this period was additionally extended to November 16, 2021 and notification sent to all park owners advising of the extension. This notification is attached in **Appendix B**.

This report summarizes the responses received and attached as **Appendix C**, and are follows:

Timing (Owner Responses):

- The Camping in Ontario Association and park owner respondents expressed that the proposed changes to the by-laws require review and that the suggested return date (October 19, 2021) was not sufficient to do so.

On October 19, 2021, staff reported to Council and resolution CR2021-483 was received, extending the response period until November 16, 2021. The response period was further deferred until December 14, 2021, to allow for additional consultations with the park owners, the Haliburton, Kawartha, Pine Ridge District Health Unit and the Ministry of the Environment Conservation and Parks.

Notice of the extension and proposed by-law changes was emailed to all seasonal trailer park owners, the Camping in Ontario association and approval agencies. The email notice is attached in **Appendix B**.

Fees (Owner Responses):

- The respondents generally advise that they are small businesses and comments indicate and request that the trailer park licensing fees is not increased.

In report, MLE2021-009 staff provided a fees chart recommending that the Consolidated Fees By-law be amended by the following chart:

Classification	Current Rate	Proposed Rate
Licence Fee per year or part year	\$243.00	\$400.00
Licence Replacement	\$16.00	\$20.00

On November 16, 2021, Council received report CORP2021-017, which highlighted the 2022 Proposed Amendments to By-law 2018-234 being the Consolidated Fees By-law. The Fees By-Law will return to Council December 14, 2021.

The proposed amendment to the fees by-law, if approved by Council will come into effect January 2022.

Septic Inspection 3.05 (d) and (e) (Owner Responses):

- The respondents advise that section Septic Inspection 3.05 (d) and (e) are not necessary, but could be an additional cost and step to seasonal opening. The MOECP requires the park owners comply with all water and sewage legislation.
- The Haliburton, Kawartha, Pine Ridge District Health Unit requires water testing.
- The respondents expressed that a new system is inspected by the MOECP and design and approvals based on size could be \$200k to \$300k. If an ECA inspection were to occur yearly, it would cost \$10k to \$20k.
- These issues should not be the responsibility of the municipality.

Staff discussed the proposed wording in section 3.05 (d) and (e) with the MOECP inspector and found that Environmental Compliance Approval is issued when a system is new and is not required yearly. Additional MOECP inspections of the system occurs periodically (not every year) or when issues that are reported, such as a malfunction or system expansion occur. MOECP staff have advised that their resources are primarily complaint response and ECA inspections are limited to approximately four per year.

Staff considered the intention of the draft amendments, which is simply to receive information that the systems that were shutdown during the winter trailer park closure and when restarted they are operating efficiently and safely functioning as designed. Prior to granting a municipal trailer park operating licence, staff is placing the onus on the system owners to provide statements, documents and supporting confirmation. This information will be used to establish that their park systems are working in accordance to the standards established by the ECA and Small Drinking Water System Regulation under the Health Protection and Promotion Act (HPPA) and the Ontario Small Drinking Water Regulation 319 as may be amended.

Options

Considering the feedback received and the additional consultations staff have reviewed the proposed wording and have amended it with the following and attached a redline draft version of the proposed Seasonal Trailer Parks by-law as **Appendix D:**

Section 3.05 Application Requirements and Documentation: The application form shall require information to be provided, and other necessary papers to be completed or submitted by the applicant in conjunction with their application in support of the application as outlined below:

- d. signed acknowledgment indicating that any communal water system, septic system and/or storm water system:
 - 1. was shutdown during the prescribed seasonal shutdown period (90 days commencing January 1st; during the application review and response period); and
 - 2. that there are no outstanding Orders with respect to the construction, repair or maintenance of any of the communal systems.

For clarity, section 3.05 is will act as an acknowledgment that will contain two yes/no check boxes on the application/renewal form. In this proposed process change, the City is seeking to gather the specific information at the application review level, which will be used to inform the approval agencies during the circulation process. Circulation approval agencies include the Medical Officer of Health and the MOECP area inspector.

Section 3.07 Additional Criteria Considered: The Licensing Enforcement Officer may deny a licence or issue a licence with specific licencing conditions based on, but not limited to, the following criteria:

- d. the applicant's premises requires corrective action pursuant to a Ministry of Environment, Conservation and Parks, Provincial Officers

Order with respect to the communal private water system, septic system and/or storm water systems.

For clarity, section 3.07 d.) as proposed is similar to 3.07 c.) which applies to the Medical Officer of Health with the Haliburton, Kawartha, Pine Ridge District Health Unit.

At this stage of the application review, a licence may be issued, issued with specific conditions or denied based on the circulation process and the responses received from the circulation approval agencies. This is not a new process, simply a clarification of what is occurring. It may be helpful to review section 3.07 in its entirety to see the wording in context, but a licence is subject to specific requirements such as compliance with the Health Protection and Promotion Act (Medical Officer of Health), Building Code, Property Standards by-law, Area Zoning by-law, Fire Prevention (Fire Code) and other legislation.

In these proposed amendments, staff is allowing the Seasonal Trailer Park licence applicants to acknowledge their good standing and staff is improving the function of the application and circulation process wording. These proposed changes will not increase the park owner's workload, information submitted to satisfy the application requirements or cause unnecessary studies.

Other Alternatives Considered:

Previous proposal for reference (not staff recommended).

3.05 Application Requirements and Documentation: The application form shall require information to be provided, and other necessary papers to be completed or submitted by the applicant in conjunction with their application in support of the application as outlined:

- d. New or existing systems owners shall provide a copy of the most recent Environmental Compliance Approval for their communal private water system, septic system and/or storm water system as issued and in good standing, or provide a system inspection report from a 3rd party such as a Licensed Septic Installer, verifying function of an existing system following the period of mandatory shutdown (which shutdown period will be a condition of the business license);
 - i. Systems owners shall provide documentation advising that there are no outstanding Provincial Officers Orders with respect to

the construction, repair or maintenance of any of these communal systems.

- e. Proof that the drinking water system has been inspected and tested and results provided to the Haliburton, Kawartha, Pine Ridge District Health Unit as per the Small Drinking Water System Regulation under the Health Protection and Promotion Act (HPPA) and the Ontario Small Drinking Water Regulation 319 as may be amended, which requires the owner/operator to notify the Medical Officer of Health of their intent to open for the season.

Alignment to Strategic Priorities

Regulation of seasonal trailer parks and the proposed by-law amendments aligns with the principles of **Good Government** and **Healthy Environment** while considering the health and safety of citizens, tourists and the businesses that are licensed by the municipality.

Financial/Operation Impacts:

The proposed changes will not affect the current function or service provided by the Licensing staff.

Consultations:

Haliburton, Kawartha, Pine Ridge District Health Unit
Ministry of the Environment, Conservation and Parks
Seasonal Trailer Parks owners including Camping in Ontario Association
Licensing
Solicitor

Attachments:

Appendix A



MLE2021-009 MLE2021-016 Trailer
Review and Amend IPark Bylaw Update t



Appendix B



Appendix B - Tir
Review of City of Ka



MLE2021-018
Appendix B1.docx

Appendix C –



Camping In Ontario
Review of City of Ka



COKL letter.pdf



Response 1 of 4 Response 2 of 4. Response 3 of 4. Response 4 of 4.
Review of City of Ka



Appendix D – Redline version of draft Seasonal Trailer Parks bylaw



Seasonal Trailer
Park Licensing draft

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