



## Committee of the Whole Report

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**Report Number:** MLE2021-009

**Meeting Date:** September 7, 2021

**Title:** By-Law 2013-148 as amended, to License, Regulate and Govern Seasonal Trailer Park Businesses – review and amendments

**Author and Title:** Aaron Sloan - Manager

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### Recommendation(s):

**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.

**That** this recommendation be brought forward to Council for consideration at the Regular Council Meeting on September 21, 2021.

**Department Head:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

**Background:**

As part of a multi year plan to review all Licensing by-laws, Municipal Law Enforcement and Licensing staff have reviewed By-Law 2013-148 as amended, being a By-Law to License, Regulate and Govern Seasonal Trailer Park Businesses in the Kawartha Lakes. By-law reviews occur to address legislative changes, safety issues, health standards, items of concern and emerging trends.

The City of Kawartha Lakes has 39 Seasonal Trailer Parks registered and licensed each year. While each park varies in size and geographic location in our municipality, the total number of permitted seasonal campsites in all parks citywide is approximately 5500.

The Municipal Act, 2001, governs the passing of municipal licensing by-laws and the Act does not require a public consultation period or public meeting to amend the existing by-law.

However, following this report, notice advising of the intention to amend the existing by-laws at the October 19, 2021 meeting of Council will be sent to every currently licensed trailer park business in our municipality as per By-Law 2015-095 being a By-Law to Outline the Form, Manner and Timing of the Provision of Notices Required under the Municipal Act, 2001. The notice is attached as Appendix A.

Section/ Subject Matter	Requirement in the Municipal Act	City of Kawartha Lakes Policy	Individuals (or designate) Accountable for Ensuring Notice is Given
Section 151  General Business Licensing Powers	<b>No Statutory Requirement for Notice</b>	Notice of intent to persons and agencies directly affected to be provided at least fourteen (14) days prior to the enactment of the by-law by prepaid mail to last known address  Included on Agenda published prior to the meeting  Posted on the City's website	Senior Licensing Officer (now the Licensing Enforcement Officer)

## **Rationale:**

Staff have reviewed the Seasonal Trailer Park by-law to offer updates that reflect the change to the administrative structure, to the definitions and to other areas of the by-law as detailed below. Apart from minor amendments in 2014 and 2016, the by-law has not received a significant review since 2013.

Staff have considered historical issues and violations of the by-law as well as a number of efficiencies needed to provide information to stakeholders, resolve complaints and/or complete inspections. The suggested amendments consider methods to standardize the application and licensing processes.

### **Frequency of Inspections:**

Staff have an existing process in which new and renewal Seasonal Trailer Park applications for business licenses are circulated internally and externally to stakeholders that have interest such as Planning, Fire Prevention, the Haliburton Kawartha Pine Ridge District Health Unit and the Ministry of Environment, Conservation and Parks. The intention of this circulation is to bring the seasonal trailer park locations and applications to their attention and to receive feedback regarding the applications. In the past, the seasonal trailer parks that are seeking to renew their existing business license have been inspected upon request or in response to complaints received. Inspections at any time are coordinated amongst the stakeholders previously mentioned depending on the issue. The Licensing Enforcement Officer role in 2021 has changed to provide a well-organized hands-on approach to investigative issues and communication across the entire licensing operations program. These changes also allow for a minimum of one (impromptu) seasonal trailer park inspection per camping season.

### **Full time Residents:**

Staff have encountered situations either by inspection or complaint received that involve full time year round occupancy of the seasonal trailer park campsites. While these issues are rare, they have been increasing in frequency. Staff note, that the Provincial Policies, Zoning by-laws and the Seasonal Trailer Park by-law do not permit the year round occupancy of Seasonal Trailer Parks and that all business licenses expire on December 31 in the year issued. Council should note that the fulltime occupants of seasonal campsites are not considered tenants as per the Residential Tenancies Act (RTA) 2006, S.O. 2006, c.17. Section 5 (a) states that the RTA does not apply to campgrounds or trailer parks.

Staff note the City of Kawartha Lakes has specialized residential parks, which are zoned to permit residents to live year round, which differ from Seasonal Trailer Parks. The municipality has four residential parks. These parks have manufactured homes (formerly referred to in the industry as mobile homes) and as such, these homes are designed to a CSA Z240 standard and installed to facilitate year round occupancy. These parks are located on properties that meet the standards recommended by Provincial Policy and Zoning By-law and they are not required to be licensed under the Seasonal Trailer Parks by-law.

Several Seasonal Trailer parks contain trailers that are manufactured and built to CAN CSA Z241 standard. These units, while similar to the CSA Z240, are intended for seasonal occupancy and are constructed with this in mind.

Seasonal Trailer Parks by-law includes a business license expiration date and the intention of the expiry date is that Seasonal Trailer parks are not permitted to operate until their license is renewed for the next season. Seasonal trailer parks due to seasonal limits (closed in the winter months) often do not have ground water or septic systems that are capable of supporting fulltime or permanent occupancy of the campsites during the winter months. As a result, the Licensing Enforcement Officer will receive complaints regarding the interruption of water, septic services and occasionally hydro.

Staff have noted that the some parks have expanded their seasonal camping sites numbers thereby exceeding their original site plan. Any expansion should trigger a new site plan (scalable drawing) and consider items such as septic capacity, fresh water supply, zoning; site plans amendments and application of the Building Code (building permits for decks, sheds etc.).

Staff, in consultation with the Haliburton, Kawartha, Pine Ridge District Health Unit, have been advised, that health regulations following a seasonal closure of a trailer park require that the water systems be inspected each year prior to re-occupying and seasonal use. Small Drinking Water System Regulations under the Health Protection and Promotion Act (HPPA), specifically the Ontario Small Drinking Water Regulation 319, requires that the owner/operator notify the Medical Officer of Health (MOH) of their intent to open for the season and that they must provide potable water. The MOH has not been receiving this notification from the Seasonal Trailer park owners. The proposed amendments to the Seasonal Trailer Park By-law will serve to provide staff contact with the MOH and to receive the MOH approval that the water systems are

ready for seasonal use, which will allow the issuance of the Seasonal Trailer Park license.

Specifically, Ontario Small Drinking Water Regulation O. Reg. 319/08, s. 5 **Intent to Supply Users** advises that:

(6). Every owner and every operator of a small drinking water system who intends to begin to supply water to the users of the system after any period of more than 60 days duration during which the system has not been supplying water to users shall ensure that,

- (a) a water sample is taken and tested for Escherichia coli and total coliforms;
- (b) they are in receipt of the results of the water sample tests; and
- (c) the medical officer of health of the health unit where the small drinking water system is located is notified in writing of,
  - (i) the proposed date on which the small drinking water system will begin to supply water to the users of the system,
  - (ii) the name and address of the owner and any operator of the small drinking water system,
  - (iii) the address that the small drinking water is located at and the name of the system, and
  - (iv) the results of the tests conducted pursuant to this section. O. Reg. 319/08, s. 5 (6).

(7) The owner and operator of a small drinking water system to which subsection (6) applies shall ensure that no water is supplied to a user of that system until the medical officer of health is notified

In addition, to the septic and water issues, the park and/or individual trailer electrical systems may not be specifically rated to accommodate the additional demand of winter heating or use of portable heaters. Full-time occupants may report electrical issues to the MLEL and staff will forward these safety concerns immediately to the Electrical Safety Authority and to the Kawartha Lakes Fire Services - Fire Prevention.

### **Proposed By-Law Amendments:**

Staff are proposing the following changes to the Seasonal Trailer Park By-Law 2013-148 attached as Appendix B. (Unchanged by-law attached as Appendix C),

#### Definitions:

- “Licensing Enforcement Officer ” means the municipal Licensing Enforcement Officer for the City, responsible for the issuing, administration and approval of licenses in accordance with provincial legislation and City policies and procedures, or their delegate.
- “Manager of Municipal Law Enforcement and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.
- “Municipal Law Enforcement Officer” is a person duly appointed within the City’s administration to enforce the by-laws of the City, and includes the Licensing Officer Enforcement Officer.

#### Licensing Procedures:

- 3.02 Application Process: Applicants are able to submit their completed licence or renewal application package starting January 2nd of each calendar year.
- 3.03 Application Review: The Licensing Enforcement Officer or delegate shall review the application package, collect associated fees, provide circulation internally and externally to various agencies and provide a response back to the applicant within 90 days.
- 3.04 Review Period: No person or business save and except the park owner and or park manager shall operate or occupy a seasonal site within a seasonal trailer park during the application and review process.
- 3.05 Application Requirements and Documentation: The application form shall require information to be provided, and other necessary document or approvals to be completed or submitted by the applicant in conjunction with their application in support of the application as outlined below:
  - d. Proof that the Environmental Compliance Approval for any communal private water system, septic system and/or storm water system has been issued and is in good standing, indicating the

period of any mandatory shutdown period (which shutdown period will be a condition of the business license), 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.

#### Additional Documents Required:

- 3.06 In addition to the requirements prescribed in subsection 3.05, the applicant shall, at the request of the Licensing Enforcement Officer, or when application is being made for a new or altered business, provide the following:
- b. a scalable site plan drawing outlining the location of all roads and campsites and their names and or numbers, all buildings, the buildings dimensions and their proximity to other buildings, campsites and property lines;
  - e. any other documents or approvals deemed appropriate by the Licensing Enforcement Officer

#### Administration of the By-law:

10.01 The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.

#### Consolidated Fees By-law

Staff are proposing the following changes to the Fees By-law Section B-3:

The Fees By-law currently lists the Seasonal Trailer Parks License Fees:

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

The fees have seen minor increases in accordance with the Fees By-law since 2013 when the License fee was \$220.00 and prior to that the fee was set at \$190.00. Fees are generally used to offset the cost of the related administration, enforcement and inspection programs. The enforcement of licensing regulations should be a fee for service or cost recovery model and not a burden to the general tax base.

Staff have noted a few municipal comparators and note their Seasonal Trailer Park license fees to be as follows:

<b>Location</b>	<b>Seasonal Trailer Park Fee</b>
Township Of Selwyn	\$200.00 + \$10/site
Township of Muskoka Lakes	\$500.00
Chatham-Kent	\$340.00
Municipality of Highlands East	\$300.00

Establishing the fee at the proposed rate will provide a service that offers inspections from staff, circulation of the application to Planning, Building, Fire Services and the Health Unit, electronic records management and response to issues and/or complaints.

Revenue from Season Trailer Parks Licenses (yearly budgeted \$9000.00):

2020 – \$9477.00

2021 - \$6609.00 (\*Potential pandemic impact causing park closures, partial season and/or late renewals.)

An increase of the yearly Season Trailer park business license fee would generate approximately \$15,600.

Any adjustment to the Seasonal Trailer parks fees will require an amendment to the Fees By-Law and notification to the Park owners to inform that the fees are set to increase January 2022.

### **Other Alternatives Considered:**

Staff considered mandatory shut down periods in discussion with Seasonal Trailer Park owners. Seasonal Trailer Park Licenses expire December 31st in the year in which they are issued. The Licensing Enforcement Officer has provided this information, as well as a copy of By-Law 2013-148 and have had contact with the park owners this year. Considering the recurrence in which citizens are leasing or purchasing seasonal trailers that are advertised for year round occupancy contrary to regulations. Staff are not recommending an additional consultation period.

The approach as suggested above in this report serves to clarify the intention of the by-law and to establish a standard of practice when the Seasonal Trailer Park license expires and for the period during the business's winter closure. The time between this report and the regular Council meeting on October 19, 2021 will be sufficient time to notify the park owners of the intention to amend the by-law.

If Council suggests that additional consultation is to occur, Council can consider the following resolution:

**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;

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**That** Seasonal Trailer Park owners be invited to provide a response prior to October 15, 2021, back to staff in Licensing, to provide feedback about the suggested amendments; and,

**That** staff be directed to provide a follow-up report to Council along with a recommended amending bylaw at the November 2, 2021 Committee of the Whole meeting.

**That** this recommendation be brought forward to Council for consideration at the Regular Council Meeting on September 21, 2021.

### **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 and businesses that our licensed by the municipality, the proposed by-law amendments serve to enhance and protect the environment from septic system issues and unsafe drinking water.

### **Financial/Operation Impacts:**

Changes to the existing by-law will not affect the current function and/or service provided by the Licensing Enforcement Officer.

Staff is suggesting a modest increase to the fees associated with licensing Seasonal Trailer Parks, which will be applied to offset general Licensing operation costs.

### **Consultations:**

Licensing  
Planning  
Risk Management  
Solicitor  
Chief Building Official

### **Attachments:**

Appendix A – Notification Letter



Seasonal Trailer  
Park Notification.do

Appendix B – Amended Seasonal Trailer Parks By-law 2021-xxx (Draft)



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Appendix C – Seasonal Trailer Parks By-law 2013-148



2013-148  
Consolidated Seaso

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**Department Head: Cathie Ritchie, Clerk**