

Presented To:	Operations Committee
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## Request for Decision

### Trailer Parks By-law

#### Recommendation

THAT the City of Greater Sudbury selects Option 2 of this report; Repeal and replace by-law 2004-351 with a by-law to license and regulate trailer parks as described in this report;

AND THAT Staff be directed to prepare the required by-law(s) to reflect the desired option.

#### Finance Implications

If option 1 is approved, the City would lose approximately \$2,700 in revenues, which is related to the cost of providing the service to administer and enforce the bylaw.

If option 2 is approved, the City would increase its revenues by \$440 for each new trailer park, which would approximate the cost of bylaw resources to administer and enforce the bylaw.

## Health Impact Assessment

If Council chooses Option 1 of this report a standard of regulations imposed by external agencies and through existing by-laws will assist to maintain the health and safety of the public residing in and around trailer parks. If Council chooses Option 2; to repeal and replace the current by-law, the regulations proposed will coordinate external regulatory approvals and provide additional requirements that will assist to maintain the health and safety of the occupants of trailer parks in the City. The licensing powers will encourage and motivate compliance of the regulations by owners of trailer parks.

## Background

By-law 2004-351 currently licenses and regulates trailer parks and mobile home parks in the City of Greater Sudbury. It contains specific requirements for owners of trailer parks and mobile home parks to obtain a licence and maintain standards that protect the health and safety of its residents, control nuisances, and provide consumer protection for those residing in and using a trailer park.

#### Signed By

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After amalgamation, the City passed the trailer park by-law to regulate trailer parks and mobile homes, which was based on the former City of Sudbury model for regulating such parks. To accommodate the issues associated with amalgamation and inconsistent standards, existing trailer parks were granted licences under that by-law and have been allowed to renew annually.

In 2014 the City received an application from an existing trailer park owner to operate a new trailer park, not previously licensed by the City. Upon receipt of this application, the Issuer of Licenses determined that the owner could not meet the requirements of the by-law and as such refused issuance of a license to operate his trailer park. A review of this application and regulations in the by-law revealed that if the City continues to license and regulate trailer parks it would be necessary to revisit the requirements of the bylaw and bring it into alignment with current licensing practices, recognize existing statutory and regulatory requirements and provide greater flexibility to the park owner, while still meeting municipal concerns.

## Options

Staff provides 2 options for Council's consideration; repeal the current trailer parks by-law and discontinue licensing trailer parks in the City, leaving other regulatory agencies and existing by-laws in force to regulate these businesses; or replace the existing trailer park by-law with one that contains regulations described herein, addressing the needs of the municipality while providing flexibility to owners in complying with the regulations.

### **Option 1 – Repeal the Current By-law**

#### Analysis

In addition to regulating and licensing trailer parks, by-law 2004-351 also regulates and licenses mobile home parks. There are several mobile home parks in existence in the City; however none are licensed pursuant to this by-law. Mobile home parks in the City are regulated in the current Zoning By-law as only permitted in a "Residential Mobile Home" zone. New mobile home parks are not permitted by the Official Plan. Any complaints received by Compliance and Enforcement about the existing locations have been addressed by enforcing by-laws consistent with other residential areas in the City.

By-law 2004-351 contains regulations set out in Schedule B, attached to this report, that contain the requirements for trailer parks that must be met before a licence can be issued. They are very specific and prescriptive and there is no discretion or flexibility in the by-law for the Issuer of Licenses to issue a license if the requirements are not met. Most of the regulations contained in Schedule B are in place to mitigate problems and harms such as nuisance, noise, property standards, garbage, emergency access, health and safety and consumer protection. These concerns may also be addressed by enforcing existing by-laws enacted by the City and provincial statutes required by other regulatory agencies, as described herein.

- The requirements of the Property Standards By-law and Clearing of Yards By-law may be enforced to ensure the property is maintained in a safe, clean manner, free from standing water, long grass and debris, and the service buildings are maintained for their intended purposes.
- The City's noise by-laws may be enforced to address nuisance control measures in the by-law set out to mitigate concerns of noise by neighbouring properties;
- The Health Unit inspects and enforces legislation to ensure potable water is provided and the sanitary system is sufficient for the volume and use of the property. The Health Unit may contact the Ministry of the Environment if warranted.

- The City's Fire Prevention Unit has authority to inspect the site to ensure that fire access routes are maintained, fire extinguishers are on site and other fire prevention measures are provided to ensure life safety from the harm of fire.
- The Open Air Burning By-law may be enforced in trailer parks to mitigate the risk of camp fires and the Fireworks By-law to mitigate the risks associated with fireworks.
- The Electrical Safety Authority inspects the electrical connections and supply within the trailer park to mitigate electrical safety risks.
- The zoning by-law references trailer parks as "Camping Grounds", and restricts the use to a "C7 zone". The zoning by-law also requires that one parking space be required for each campsite.
- The Ontario Building Code and Zoning By-law regulate the construction of permanent structures within trailer parks.
- The Ministry of Natural Resources and Nickel and District Conservation Authority regulate the activities of trailer parks in providing conditions and/or restrictions on locations close to water bodies and the associated flood plains.

### Current Trailer Parks Status

There are a total of 17 trailer parks in the City; 3 are owned by the City, 2 are provincially owned, 9 commercial trailer parks were licensed in 2014, and 3 unlicensed. The fee for a new license is \$440 which includes inspections and approvals from Zoning, Fire Prevention, Building Inspection, By-law Enforcement and the Health Unit. A renewal license which does not include approvals or inspections is \$248.48. The fees have not been adjusted or reviewed since 2004.

If Council repeals the current by-law and discontinues the licensing of trailer parks the loss of potential annual licensing fees are approximately \$3720, which is used to administer and enforce the by-law in accordance with the Ontario Municipal Act.

### **Option 2 – Repeal and Replace the Current By-law to License and Regulate Trailer Parks**

Although there are existing regulations in place to protect the public, additional regulations of these businesses would ensure that approvals through inspections are obtained by all regulatory agencies with additional requirements in the by-law that will assist in nuisance control, emergency access, way finding measures, public safety, and consumer protection. This report provides recommendations of the regulations and processes proposed in a new by-law that will address the needs of the municipality and provide greater flexibility for compliance of these regulations by trailer park owners.

### Municipal Survey

Staff has surveyed other municipalities and found that few in Ontario license and regulate trailer parks. In reviewing the by-laws, it is apparent that the level of regulation varies with each municipality. However, it was common in all of the by-laws that the applicant needs to secure, as a condition of a licence issuance, approvals by the local Health Unit, Ministry of Environment, Fire Prevention and Zoning and is required to submit a form of site plan, either pursuant to the licensing by-law or through the process laid out in the Planning Act. It is common in these by-laws to restrict the number of months in a year that the trailer park is allowed to operate. This avoids trailers in a park being used as permanent residences. The following is a table summarizing the survey.

<b>Municipality</b>	<b>Fee</b>	<b>Operational Restrictions</b>	<b>Additional Inspection Fee</b>	<b>Total Licensed</b>	<b>Additional Regulations</b>
Thunder Bay	\$217.80	None	\$50	5	License with conditions; trash disposal; cleanliness
Timmins	\$175	None		3	Access for sites; nuisance control; garbage; emergency measures
Hamilton	\$424	Apr 15 to Oct 31			Access and identification of sites; registration of campers; design and size of sites, roadways' buffer strip
Spring Water	\$200	May 1 to Nov 1 max 270 days/year	\$60		Site Plan – Planning Act; No permanent structures attached to trailers;
Kawartha Lakes	\$220	11 months of year	None	40	Access for each site, compliance with other by-laws
Otonabee-South Monaghan		Apr 15 to Oct 31 max 186 days/year	N/A	None	Site Plan – Planning Act

### Consultation Process

As part of the review process, staff has consulted with City departments and external agencies that have a regulatory role, to solicit comments and concerns regarding a proposed new by-law. Internally, consultation was held with Fire Prevention Services, Building Services, Planning and Development, Parks and Legal. Input was also invited from the Ministry of the Environment, Ministry of Natural Resources, Nickel District Conservation Authority and the Sudbury and District Health Unit.

To solicit input from the trailer park owners, an information notice was forwarded to the owners of all trailer parks that staff identified within the City limits. To assist in the process, owners were asked to complete a survey form included with a meeting notice and return it to the City. After the survey results were received and reviewed a meeting was held on March 16, 2015 with trailer park owners and staff. Staff shared with the owners, goals of the proposed by-law and engaged in discussion with those present. Of the 12 trailer park owners who were provided with notice, four (4) surveys were received and three (3) trailer parks were represented at the meeting. The following table summarizes key comments which were received and staff's response to the owners.

<b>Concerns and Comments from Owners</b>	<b>Response by Staff</b>
Would like a registry of licensed trailer parks available from the City's website	This is a service we will provide as part of the license.

They felt the existing detailed regulatory requirements were too onerous, too specific, in some cases were better regulated by market demand and in some instances demand was not reflective of current market needs	Agreed. A new by-law would contain general regulations that address safety and protection for the occupants and some requirements for nuisance control. Less prescriptive and more general requirements provide flexibility for the issuance of licenses.
Some have already obtained a 2015 license. Will they need to reapply if the by-law is changed?	No. The proposed by-law will honour the 2015 licenses and provide a phase in period for compliance if required as long as the Issuer of Licenses determines that the health and safety of the residents is not compromised or if an alternative can be provided.
Concerned with the requirement of providing a site plan of the trailer park regarding the time and expense this will take if required to be professionally done.	As in the current by-law, the proposed by-law also provides for a site plan, so there are no changes to an application. The site plan need only be a drawing to scale. The site plan requirement is important for identifying sites, access routes and locations of services to reflect compliance with bylaw requirements and to assist during an emergency response.
Agreed that the requirements are less onerous than the current by-law, however some may not be able to comply immediately. They indicated that they would like a phase in period for compliance and still be able to operate.	A proposed phase in period of up to 2 years for the new by-law will assist owners in compliance, provided that the deficiencies do not compromise health and safety of the occupants of the park.
All responses state that they operate their trailer park 3 seasons of the year, most from Victoria Day weekend, to Thanksgiving.	Imposing a restriction of occupancy in trailers from Oct 31 to May 1 of the following year, will not affect operations of the current trailer parks.
Identified by one owner that at least one other trailer park is operating not in compliance with the by-law and regulations set out by the Health Department.	If the by-law is enacted it will be enforced consistently. If complaints are received an officer will investigate and follow up to ensure compliance. It will be an offence of the by-law for a trailer park owner that does not comply with the requirements set out in all by-laws, provincial and federal regulations.

### New By-law

Should Council wish to continue licensing and regulating Trailer Parks in the City of Greater Sudbury, staff propose the current by-law, 2004-351, be repealed and replaced with a new by-law containing the following changes and updates;

- Change term and definition of trailer park consistent with the Zoning By-law to “Camping Ground” meaning “an area of land in which space and facilities are provided specifically for the temporary accommodation of persons in tents, or recreation vehicles for vacation or recreational purposes, and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.” If approved, the by-law short title shall be “Camp Ground

## Licensing By-law” and

- Include the following administrative processes that will;
  - Provide for the issuer of licenses to circulate the application for approvals from the Chief Building Official, Medical Officer of Health and Fire Chief;
  - Require the applicant to seek approvals or provide evidence of compliance with regulatory authorities such as Ministry of Natural Resources, Ministry of the Environment, Electrical Safety Authority, Nickel and District Conservation Authority, and any such other approvals as required by the Issuer of Licenses;
  - Authorize the Issuer of Licenses to issue conditional licenses;
  - Impose a re-inspection fee to those applicants that are given time and notice to correct deficiencies identified during an inspection and are in default of the notice as a result of a re-inspection. A re-inspection fee of \$200 will cover operational costs for additional inspections and provide an incentive for compliance by owners of trailer parks;
  - Require proof of insurance in the amount of at least 2 million dollars for comprehensive liability against loss or damage resulting from bodily injury to, or the death of one or more persons, or from loss or damage to property resulting from any one accident. This requirement is standard in current licensing by-laws and provides consumer protection to the occupants of the trailer park;
  - Require the Issuer of Licenses to maintain and post a list of licensed trailer parks on the CGS website. This is a service that was discussed during the consultation meeting with current trailer park owners and is an incentive for licensing;
  - Require an operator of the trailer park to comply with regulations in the by-law, if the trailer park is not owner operated;
  - Update administrative requirements and procedures for the License Issuer and the applicant for processing licenses, hearings, notices, inspections and enforcement pursuant to the by-law;
  - Provide for a transition period of 2 years for existing trailer park owners to comply with the new by-law, giving consideration to the effect non-compliance will have on health and safety requirements for the occupiers of the trailer park.

Staff also recommends setting out regulations in the by-law which provides for nuisance control for surrounding neighborhoods, protection of residents and visitors from safety hazards, and protection of the environment and access for emergency vehicles. The following table describes the proposed general requirements that will address the concerns of the municipality.

Requirements	Purpose
Post and maintain a sign at the trailer park entrance; reflective material and easily read from the highway at all times of the day and night;	Way finding by emergency responders
Post and maintain site identifiers on each site in the park which can be readily visible and easily read from any access road within the trailer park, at all times of the day and night;	
Ensure there is adequate access to the trailer park and to each site. Access shall be maintained in a condition suitable for use by emergency responders and treated as a fire route;	Unobstructed access to and from the park in the case of emergencies

Ensure there is one functioning telephone available and accessible for emergency use and emergency contact numbers posted for use	Emergency access for occupiers of the park
Equip the trailer park with such number and type of multipurpose dry chemical fire extinguishers in good working condition as are recommended by the Fire Chief;	Fire Hazards
Compliance with the Open Air Burning and Fireworks By-law	Fire Hazards and Nuisance control
Provide an adequate number of 'bear proof' storage containers for waste and ensure same are emptied on a regular basis	Safety of occupiers of the park, nuisance control
Operate the trailer park in compliance with every by-law and every statute or regulation there under of the federal or provincial government	Health and Safety, nuisance control and environmental protection
Not permit occupancy of the trailers in the park before May 1 and after Oct 31 (no permanent residency in a trailer)	Nuisance control and health and safety
Require trailers to be at least 3 m from the property line and 6 m from a highway or road boundary, unless a greater set back is required by the Zoning By-law, where in such case the greater setback shall be required.	Nuisance control and health and safety
Provide and maintain a natural screening around the boundary of the trailer park	Nuisance control

## Financial Considerations

The License fee to open a new Trailer Park is \$440, and renewal of the license yearly is \$248. Revenue from licensing fees related to Trailer Parks in 2014 was approximately, \$2672. Staff is proposing that an additional re-inspection fee for non-compliance with a notice in default be approved at \$200. This fee will assist to cover operating costs, and act as an incentive for owners to comply.

### City Owned Trailer Parks

Since 2009 the City has operated 3 trailer parks in compliance with the Trailer Park By-law; Ella Lake Park in Capreol, Whitewater Lake Park in Azilda and Centennial Park in Whitefish. In 2008 the City was required to reduce the number of trailer sites at Ella Lake Park from 28 to 17 to comply with the regulation in the current by-law restricting the density of trailers in a trailer park. The regulation states that the average density of tents and trailer sites shall not exceed four (4) sites per acre; and that there must a clearance of 4.7 meters between trailers which space is kept clear of all obstructions. If Council approves a new by-law, Parks Staff will have the opportunity to review City owned trailer parks to determine if additional serviced lots can be developed.

The proposed by-law does not exempt City parks from obtaining a licence pursuant to the by-law and operating it in compliance with the by-law.

## Conclusion

Staff has identified that the current by-law regulating and licensing trailer parks in the City should be updated or repealed and provides 2 options for Council's consideration. Option 1 describes discontinuing licensing trailer parks and mobile homes and enforcing existing by-laws and external authorities to maintain minimum standards in trailer parks. Option 2 proposes to repeal and replace the current by-law with a by-law that provides flexibility for the issuer of licenses, is less onerous on the owners and operators of trailer parks, and addresses concerns of the municipality. The option to license provides Council with an additional tool to co-ordinate external inspections and motivate compliance by the owners through the licensing process. Through consultation with key stakeholders, staff is confident that if Council selects option 2 the proposed by-law will maintain standards addressing public safety, consumer and environmental protection, and nuisance control through compliance with regulations in the proposed by-law, existing CGS by-laws and provincial and federal legislation.



## **SCHEDULE "B"**

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### **TO BY-LAW 2004-351**

#### **REQUIREMENTS FOR TOURIST CAMPS AND TRAILER CAMPS OTHER THAN MOBILE HOME PARKS**

1. The owner or operator of a tourist camp or a trailer camp other than a mobile home park shall ensure:
  - (a) the camp is located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water;
  - (b) the average density of tents and trailer sites does not exceed four units per acre;
  - (c) trailers are located one to a lot with at least a 4.7 metres clearance between trailers which space is kept clear of all obstructions.
  - (d) no trailer is located closer than 3 metres from any property line bounding the camp and 6 metres from any highway or road boundary;
  - (e) every surfaced trailer site is provided with municipal water, sewage disposal and electrical connections;
  - (f) sewage dumping trucks are provided for trailers with holding tanks;
  - (g) all access roads are constructed to the following minimum standards:
    - (i) main access road - 6.7 metres minimum width and hard surfaced;
    - (ii) lateral secondary roads - 5.5 metres minimum width;
    - (iii) one-way tent site and trailer roads - 4.6 metres minimum width;
    - (iv) tent site and trailer site parking spurs - 3.7 metres minimum width with clearings up to 5.5 metres wide to accept fold-out tent trailers;
    - (v) all drainage ditches are graded and seeded as gentle swales; and
    - (vi) all cuts and fills are kept to a minimum;

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### **TO BY-LAW 2004-351**

- (h) every tent site and tent trailer site consists of a level tent pad composed of fine gravel, permanently fixed table, a simple campfire grill, a small garbage container and a gravel spur and the specific location of that part of each site designed for the tent pad shall be clearly identified on the plans submitted to the Issuer of Licences;
- (i) where possible a sewage dumping station connected to municipal sewers, shall be provided for trailer holding tanks;
- (j) walkways are provided from the trailers to a service building which are:
  - (i) not less than .6 metres in width;
  - (ii) well marked; and
  - (iii) properly lighted at night;
- (k) each trailer lot is provided with an electrical outlet supplying at least 100 volts;
- (l) there is a hedge surrounding the camp on three sides within two years from the date of receiving the first licence;
- (m) each boundary of the camp site is at least 61 metres from any permanent residential building located outside the trailer camp;
- (n) water for drinking and domestic purposes is supplied:
  - (i) from faucets only;
  - (ii) in a manner which prohibits the use of common drinking cups;
- (o) there is an adequate supply of hot water provided at all times in the service building, for bathing and washing facilities;
- (p) there are available in the camp, water closets, baths or showers, and toilet facilities for men and women either in separate buildings at least 6 metres apart or if in the same building, separated by a sound-proof wall;

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### **TO BY-LAW 2004-351**

- (q) two flush toilets and one bath or shower are provided for each twenty trailer lots;
- (r) the service structures housing the toilet facilities are permanent structures;
- (s) each service building contains at least one slop sink for each sex, located in a separate compartment;
- (t) each service building is well lighted and heated at all times of the day or night, and is well-ventilated with screened openings;
- (u) any automatic laundry facilities provided, at the option of the owner, operator, or lessee, are provided in a quantity to maintain the ratio of one double laundry tub and ironing board for every 20 trailers;
- (v) waste from showers, bath-tubs, toilets, slop sinks and laundries is discharged directly into the City sewer system, if possible;
- (vi) all waste is kept in covered metal garbage containers;
- (vii) there are three fire extinguishers in good working order and complete with directions for their proper use for every 10 trailer lots located not farther than 61 metres from each trailer lot, as follows:
  - (i) a 4.5 kg carbon dioxide fire extinguisher;
  - (ii) a 9 kg dry chemical fire extinguisher; and
  - (iii) a 2-1/2 gallon, pressurized water fire extinguisher.