



**Special Council
Agenda**

Monday, June 26, 2017 3:30 PM

Council Chambers

- 1. Call to Order**
 - 1.06S.1 Call to Order
 - 1.06S.2 Additions, Deletions and Excused
- 2. Declaration of Pecuniary Interest**
- 3. Delegation/Presentation**
- 4. Facilities - Council Rep: Glenda McKay**
- 5. Public Works Department - Council Rep: Wayne Fraser**
- 6. Environmental Management Department - Council Rep: Wayne Fraser**
- 7. Planning Department - Council Rep: Brian Hunt**
 - 7.06S.1 Trailers - Discussion Item
- 8. Finance & Administration Department - Council Rep: Brian Hunt**
- 9. Protection Services Department - Council Reps: Brian Hunt and Glen MacPherson**
- 10. Economic Development & Technology Department - Council Rep: Wayne Fraser**
- 11. Community & Health Committee - Council Rep: Glenda McKay**
- 12. Community Parks, Recreation and Library - Council Reps: Wayne Fraser, Brian Hunt, Harold Murphy and Glen MacPherson**
- 13. Minutes**
- 14. Other**
- 15. Closed Session**



16. Open Session

17. By-Law (s)

17.06S.1 By-Law Approval

- 48-2017 Confirmatory

18. Adjournment

18.06S.1 Motion to Adjourn

Note: Any submissions received by the public, either orally or in writing may become part of the public record/package.



Memo

To: Mayor and Council
From: Luke Desjardins
Date: June 22, 2017
Subject: Trailers

The purpose of this special council meeting is to provide Council with an update of current activities related to the use of trailers and to determine if Council is seeking any change or alternative course of action with how the use of trailers is being managed.

Recommendation

None.

Background

Under the Township Zoning By-law the occupancy of travel trailers/recreational vehicles is prohibited except where explicitly zoned, such as in the case of a trailer park zoned Tourism Commercial (TC). Section 3.19 of the Zoning By-law states:

"No truck, bus, coach, vehicle, recreational vehicle or trailer shall be used as a residence for human habitation within the Municipality whether or not the same is mounted on wheels. Trucks, buses, coaches, vehicles, recreational vehicles and trailers may be stored as an accessory use on the same lot as a permitted use."

A Travel Trailer means "any trailer capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. A tent or travel trailer is deemed to be a building or structure for the purposes of this By-law, as authorized by Section 34(4) of the Planning Act."

The Township has invested time and effort to control the use of trailers within the Township. For example, in 2014 a person was hired on contract to locate and catalog trailers on vacant lots throughout the Township. A database of the properties exists. These property owners were asked to either remove the trailer or provide an affidavit to confirm the trailer has existed prior to section 3.19 of the Zoning By-law coming into effect, which was 2005. These trailers are considered legal non-conforming and their use can continue.

Currently, when staff receives notice that a new trailer appears on a property, usually in the form of complaints from nearby property owners, staff will consult the trailer database and if the trailer is illegal will write to the property owner to advise them of the applicable sections in the Zoning By-law and ask that the trailer be removed. If after issuing the letter a property owner chooses not to remove the trailer the only option left to staff, which is apparent at this

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time, is to collect evidence to the satisfaction of the municipal solicitor who would then bring the matter to court. This option has not been exercised.

Discussion

Some considerations for prohibiting trailers includes the following:

- A property with a recreational vehicle is in most cases assessed as vacant land and therefore the owner of the property is not contributing towards the use of municipal services, such as roads, waste facilities, administration, fire and police services etc. This is likely the greatest issue when deciding whether to permit the use of trailers in the Township.
- The method of sewage disposal is unregulated and undocumented and could contribute to negative environmental impacts.
- The positioning of the recreational vehicle may contravene zoning setback requirements, such as setback to a high water mark.
- In regards to health and safety, a property with a recreational vehicle may not have a civic address and therefore the location would be unknown to first responders.
- Access to the property may not be approved by the applicable road authority.

Three options for addressing the use of trailers which are apparent at this time include:

1. To remain status quo which is to continue to prohibit trailers on vacant lots and for staff to work with property owners regarding compliance.
2. The second option would be to amend the Zoning By-law to permit trailers in certain zones, and for staff to find means to address the issues identified above. The issue of property tax contributions will be a challenge with this option.
3. The third option would be to amend the Zoning By-law to permit trailers in certain locations, such as waterfront lots, but also to license the use of trailers. The advantage of licencing trailers is that the above concerns may be able to be addressed through an application which would require certain conditions be met, such as to have an approved septic system, to submit a site plan for the trailer, and to require the property to have a civic address and entrance permit. Lastly the licence could carry a yearly fee which would account for costs related to municipal services. The authority to license trailers is granted under Section 164 of the Municipal Act as follows:

Trailers

164. (1) Without limiting sections 9, 10 and 11, a local municipality may prohibit or licence trailers located in the municipality. 2006, c. 32, Sched. A, s. 82.
- Restriction
- (2) If a municipality licenses trailers in the municipality, no licence fee shall be charged in respect of a trailer assessed under the *Assessment Act*. 2006, c. 32, Sched. A, s. 82.
- Restriction, trailer camps
- (3) If a municipality licenses trailer camps under a business licensing by-law and imposes a licence fee for each lot in the trailer camp to be occupied by one trailer, no licence fee shall be charged in respect of a lot that is to be made available only for a trailer that is assessed under the *Assessment Act*. 2006, c. 32, Sched. A, s. 82.

It can be seen that there are two restrictions applied to licensing trailers, those that are already assessed through MPAC and those located in licensed trailer parks.

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Lastly it is noted that staff are generally not seeking to enforce the infrequent use of trailers when the trailer is located on property with an existing dwelling. Many of the above noted concerns in these circumstances are addressed by virtue of the presence of the dwelling, such as the payment of taxes, the presence of an approved septic system etc.

The above information is not applicable to trailers located in trailer parks.

People Consulted

Planning Committee.

Financial Implications

None.

Respectfully Submitted,
Luke Desjardins

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THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 48-2017

Being a By-Law to confirm the proceedings of
The Council of The Corporation of The Township of Greater Madawaska

WHEREAS Section 8 of the Municipal Act, 2001, as amended, provides that a municipality has the capacity, rights and powers of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Subsection 5(1) of the Municipal Act, 2001, as amended, provides that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Subsection 5(3) of the Municipal Act, 2001, as amended, provides that a municipal power, including the municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act 2001, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS in many cases, action which is taken or authorized to be taken by the Council does not lend itself to the passage of an individual by-law;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska adopted By-Law No. 79-2016 on November 28, 2016, establishing the rules of order and procedures for the Council;

AND WHEREAS provision was made in By-Law No. 79-2016 for enactment of a Confirmatory By-Law at the end of each Regular Meeting to confirm recommendations and actions approved at that meeting;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska deems it advisable and expedient that the proceedings of this meeting be confirmed and adopted by by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA ENACTS AS FOLLOWS:

- 1) THAT the actions of the Council of the Corporation of the Township of Greater Madawaska at its Regular or Special meeting(s) held on the date(s) listed below in respect of every report, motion, resolution, or other action passed and taken by Council, including the exercise of natural person powers, except where approval of another authority is required by law or where implementation is subject to other legislation, are hereby adopted, ratified, and confirmed as if each report, motion, resolution or other action was adopted, ratified, and confirmed by a separate by-law.

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- 2) THAT where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Township of Greater Madawaska in the above-mentioned minutes then this by-law shall be deemed for all purposes to be the by-law required for approving and authorizing and taking of any action authorized therein and thereby or required for the exercise of any powers therein by the Township of Greater Madawaska.

- 3) THAT any member of Council who dissented from any action or proceeding or has abstained from discussion and voting thereon shall be deemed to have dissented or abstained, as the case may be, in respect to this By-Law as it applies to such action or proceeding.
- 4) THAT the Mayor or designate and the proper officials of the Township of Greater Madawaska are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, are to execute all documents as may be necessary in that behalf, and the CAO or his/her designate is hereby authorized and directed to affix the Corporate Seal to all such documents.

READ a first and second time this 26th of June, 2017

READ a third time and passed this 26th of June, 2017

Glenda McKay
Mayor

Allison Holtzhauer
CAO Clerk/Treasurer