

## By-law 2015-265

### A By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Camp Grounds in the City of Greater Sudbury

**Whereas** section 151 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act 2001*") confers the power to a municipality to pass by-laws to create a system of licensing with respect to a business;

**And Whereas** the Council of the City of Greater Sudbury deems it desirable to provide a system for the licensing, regulation and governing camp grounds in the City of Greater Sudbury;

**Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:**

#### Part 1 - Terminology / General

##### Terminology

1. For the purposes of this By-law:

"Business Day" means Monday to Friday inclusive, except for statutory and civic holidays;

"Building" or "Building or structure" have the same meaning as in the *Building Code Act, 1992*, S. O. 1992, as amended or replaced from time to time;

"By-law" means this By-law as it may be amended from time to time. The recitals to and the schedules attached to this By-law are considered integral parts of it;

"Camp Ground" means 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 on which accessory facilities such as administrative offices, sanitary facilities, recreational facilities or an accessory convenience store may be provided for the benefit of occupiers of the camp ground;

"Chief Building Official" means the person appointed by the City as its Chief Building Official pursuant to the *Building Code Act, 1992*, and includes his or her authorized designate;

"City" means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury as the context requires;

"City Clerk" means the person appointed by the City as its Clerk under the *Municipal Act, 2001*, and includes her or his authorized designate;

"Council" means the Council of the City of Greater Sudbury;

"Expansion" of a Camp Ground includes creating or making available for occupation, more Sites than specified in the Site Plan or License and also includes the construction or installation of accessory facilities such as administrative offices, sanitary facilities, recreational facilities or an accessory convenience store, not disclosed on the Site Plan;

"Fire Chief" means the person appointed by Council as the fire chief pursuant to the *Fire Protection and Prevention Act, 1997*, and includes his or her authorized designate;

"Hearing Committee" means the Hearing Committee authorized pursuant to the City's Procedure By-law, as amended or replaced from time to time;

"Inspection" or "Inspect" includes without limitation a physical, visual or other examination, includes any form of test or inquiry and includes the right to enter a building or onto land to conduct the inspection and also includes the right to take photographs, including digital images and to make copies of documents;

"Investigation" or "Investigate" includes the right to make enquiries, conduct an inspection regarding any aspect of a Camp Ground, its operation, an application for or renewal of a License or any other matter related to this By-law;

"Land Owner" means a Person who is the registered owner of the land on which the Camp Ground is located, whether or not the Land Owner is the Operator, and includes a receiver or manager, or a mortgagee in possession, a beneficial owner of the land or other similar Person, and "Own", "Ownership" and words of like import or intent have corresponding meaning;

"License" means a current and valid license issued or renewed under the authority of this By-law;

"License Issuer" means the Manager of Security, By-law and Court Services and includes his or her authorized designate;

"Licensee" means a Person who holds a License;

"Manager" means a Person other than the Licensee who is Operating a Camp Ground or in care and control of a Camp Ground at a point in time, under the authority of the License, such as a manager or supervisor;

"Medical Officer of Health" means the person who holds the position of the Medical Officer of Health for the Sudbury and District Health Unit, and includes his or her authorized designate;

"Municipal Law Enforcement Officer" includes the License Issuer, any Municipal By-law Enforcement Officer appointed by Council for the enforcement of this By-law and a duly sworn member of the Greater Sudbury Police Service;

"Operator" means the Licensee and where applicable, the Manager of a Camp Ground, and any person deemed to be an Operator under this By-law, collectively;

"Operate" or "Operating" means carrying on of the business of a Camp Ground and includes the activities in subsection 6(3);

"Operating Season" for a Camp Ground is the period between May 1<sup>st</sup> and October 31<sup>st</sup> in each year;

"Person" includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust and a corporation;

“Recreation Vehicle” means a non-commercial vehicle used primarily for recreational or vacation purposes, including, but not necessarily restricted to a Travel or Tent Trailer or any trailer or other vehicle capable of being used for the temporary vacation living accommodation of one or more Persons but does not include a mobile home as that term is used in the City’s Zoning By-law, being By-law 2010-100Z as amended or replaced from time to time;

“Revocation” means the recalling and voiding of a License previously issued under this Bylaw and “Revoke” and “Revoked” have similar meaning as required by the context;

“Site” means an area within a Camp Ground designated for occupation by or occupied by a Recreational Vehicle or a tent;

“Site Plan” means the site plan for the Camp Ground filed as part of the application for a License as updated or replaced in accordance with this By-law from time to time;

“Suspension” means the temporary discontinuance of a License previously issued under this By-law and “suspend” and “suspended” have similar meaning as required by the context;

“Travel or Tent Trailer” means any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently attached and a current license and is not permanently affixed to the ground; and

“User Fee By-law” means the City’s By-law 2015-266 being a By-law to Establish Miscellaneous User Fees for Services Provided by the City of Greater Sudbury, as amended or replaced from time to time.

### Interpretation

2.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended, restated or replaced from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.

(8) Where this By-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements have been provided in parentheses but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.

(9) Nothing here authorizes a contravention of the City's Zoning By-law 2010-100Z as amended or replaced.

(10) Terms with capitals shall be read with the meaning in section 1, and other words shall be given their ordinary meaning.

#### Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

#### Application

4.-(1) This By-law shall apply within the geographic limits of the City.

(2) This By-law applies to all Camp Grounds within the City, except those owned or operated by or on behalf of the federal or provincial government.

#### Administration / Delegation

5.-(1) The administration of this By-law is assigned to the License Issuer who is delegated the authority to:

- (a) make all decisions required of the License Issuer under this By-law;
- (b) perform all administrative functions, conduct all Inspections or Investigations referred to herein and those incidental to and necessary for the due administration and implementation of this By-law; and
- (c) establish and amend from time to time, such forms, documents, and such standards, protocols and procedures as the License Issuer may determine are required to implement and administer this Bylaw.

(2) The License Issuer may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may Revoke any such delegation. The License Issuer may continue to exercise any function delegated during the delegation.

(3) Unless specifically provided to the contrary in this By-law, the decisions of the License Issuer are final and not subject to appeal.

## **Part 2 - Licenses Required**

### License Required to Operate

6.-(1) No Person shall establish, Operate, continue to Operate, authorize or permit the establishment of or Operation of or authorize or permit the continuing Operation of a Camp Ground unless there is a License issued pursuant to this By-law for the Camp Ground.

(2) No Person shall establish, Operate, continue to Operate, authorize or permit the establishment of or Operation of or authorize or permit the continuing Operation of a Camp Ground except in accordance with the provisions of the License and this By-law.

(3) For the purposes of this By-law, the Operation of a Camp Ground may include any one or more of:

- (a) the solicitation of or advertising for Persons to occupy Sites in a Camp Ground with or without a fee or other compensation;
- (b) offering Sites in a Camp Ground with or without a fee or other compensation;
- (c) authorizing or permitting a Recreational Vehicle or a tent on a Site in a Camp Ground;
- (c) authorizing or permitting the occupation of a Recreational Vehicle or a tent on a Site in a Camp Ground;
- (d) authorizing or permitting the continuing occupation of a Recreational Vehicle or a tent on a Site in a Camp Ground; or
- (e) being in care and control of the Camp Ground.

(4) For the purposes of this By-law, a Person does not cease Operating a Camp Ground only for the reason that the Camp Ground is closed for the season.

### No Expansion / Alteration, Etc.

7. No Person shall Expand, extend, enlarge or alter or authorize or permit the Expansion, extension, enlargement or alteration of a Camp Ground for which a License has been issued or authorize or permit such activity without applying for and securing a replacement License.

### Land Owner to Ensure License Issued

8. No Land Owner shall authorize or permit the Operation or continuing Operation of a Camp Ground or Expansion of a Camp Ground on land owned by him or her unless:

- (a) there is a valid License issued for that Camp Ground; and
- (b) the Camp Ground is being operated in accordance with the License and this By-law.

### Land Owner deemed to be Operator

9. Every Land Owner of Land on which a Camp Ground is situated shall be deemed to be an Operator of that Camp Ground, unless the Land Owner provides evidence satisfactory to the License Issuer to the contrary.

### Licensee Responsible for Operation

10.-(1) Every Licensee is responsible for the Operation of a Camp Ground under the License, whether or not the Licensee is Operating the Camp Ground at the time directly or through a Manager.

(2) Every Licensee is responsible for the actions of the Manager of the Camp Ground.

### Operate only at Specified Location

11. No Licensee shall authorize or permit the Operation of a Camp Ground under the authority of his or her License in any location other than the location identified in that License.

### Operate only under Name on License

12. No Licensee shall Operate a Camp Ground or authorize or permit the Operation of a Camp Ground under the authority of his or her License under any name other than the name shown on the License.

## **Part 3 - License Applications, Etc.**

### Application for License / Renewal of License

13.-(1) Subject to subsection 15(2), every applicant for a License or renewal of a License under this By-law shall file with the License Issuer:

- (a) an application in the form established by the License Issuer from time to time, bearing the signature of the applicant, certifying the accuracy of the information provided. Where the applicant is a corporation or a partnership, the application shall be signed by a person who has authority to bind the applicant corporation or partnership;
- (b) all applicable fees determined in accordance with the City's User Fee By-law;
- (c) a criminal record check dated within thirty (30) days of the date the application is submitted:
  - (i) for the applicant, where the applicant is an individual or  
for the signing officer of the corporation or partnership who signed the application, where the applicant is a corporation or partnership; and
  - (ii) for the Person who will be Operating the Camp Ground, where such Person is not the applicant;
- (d) a certified copy of or a current certificate of insurance completed by the applicant's insurance representative demonstrating comprehensive general

liability insurance on an occurrence basis for an amount not less than two million (\$2,000,000) dollars and otherwise compliant with the requirements of subsection 21(2);

- (d) municipal address and legal description of the land on which the Camp Ground is or will be situate;
- (e) evidence satisfactory to the License Issuer that the land on which the Camp Ground is situate or is proposed to be situate:
  - (i) is registered to the applicant in the records of the Land Titles Office; or
  - (ii) the Land Owner has consented in writing to the Operation of the Camp Ground on that land during the term of the License, no more than thirty (30) days prior to the date of the application;
- (f) the applicant's consent pursuant the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, c. 32 as amended or replaced, to the disclosure to the City by any law enforcement agency, provincial ministry, federal department, agency, board or commission thereof of such records and personal information as the License Issuer may determine is required for the purposes of any Investigation to assist in determining if it is in order to issue a License or renewal of a License;
- (g) where the applicant intends to Operate the Camp Ground in a name other than the applicant's own name, particulars of the proposed business name and the right to use that business name; and
- (h) such additional information or documentation as the License Issuer may require in the circumstances to assess the application.

(2) Where the License Issuer considers it appropriate to do so, the License Issuer may require that information be provided in the form of a statutory declaration.

#### Additional Requirements - New Licence

**14.** In addition to complying with the requirements of section 13, an applicant for a License shall provide to the License Issuer as part of the application for a License:

- (a) in the case of an applicant who is an individual, evidence the applicant is at least eighteen (18) years of age, or where the applicant is a partnership, evidence that each partner is over the age of eighteen (18) years;
- (b) where the applicant will not be Operating the Camp Ground, the name and contact information of the Person who will be Operating the Camp Ground on behalf of the applicant;
- (c) a letter from each of the following, confirming there has been an Inspection of the Camp Ground within thirty (30) days prior to the date of the application or such other time line as may be acceptable to the License Issuer and confirming that the Camp Ground meets applicable statutory, regulatory or code requirements for the Operation of a Camp Ground, or alternatively, specifying the requirements

to be met for approval to be granted or in the further alternative, confirming that there are no applicable requirements:

- (i) Ministry of the Natural Resources and Forestry;
  - (ii) Ministry of the Environment and Climate Change;
  - (iii) Electrical Safety Authority;
  - (iv) Nickel District Conservation Authority; and
  - (v) such other municipal, federal or provincial government department, ministry or agency or regulatory authority as the License Issuer may consider to be appropriate for reasons of health, safety or otherwise in the interests of the general public;
- (e) where the Operation of a Camp Ground is not a permitted use under the then current Zoning By-law, 2010-100Z a letter of opinion from the Chief Building Official that the proposed use as described in the application is a legal non-conforming use; and
- (f) a current Site Plan for the Camp Ground, drawn to scale and showing accurately, the layout of the Camp Ground and location of features and facilities, including:
- (i) the external boundaries and dimensions of the land on which the Camp Ground is situate and of the Camp Ground itself, if different;
  - (ii) all temporary or permanent buildings or structures, including the purpose of such buildings, such as administrative offices, sanitary facilities, recreational facilities or an accessory convenience store;
  - (iii) all existing and proposed roads and driveways, watercourses and drainage ditches within or adjacent to the Camp Ground;
  - (iv) each Site, including the Site dimensions, Site identifier number assigned, and the setback from the limits of the land on which the Camp Ground is situate and from the public road, of the Sites closest to each;
  - (v) the setback from the public road of the closest Site and the setback from the lot limits of the Campground to the closest Site;
  - (vi) drinking water access location(s) and source of drinking water;
  - (vii) all storage areas, identifying waste storage areas;
  - (viii) existing or proposed natural vegetative buffers;
  - (ix) publicly accessible phone and fire extinguishers locations; and
  - (x) such other information and features as the License Issuer may require in the circumstances to assess the application.



### Additional Requirements - Renewal

**15.-(1)** In addition to complying with the requirements of section 13, an applicant for the renewal of a License shall:

- (a) disclose to the License Issuer any changes to the information or documentation provided in the application for a License or the last application for renewal of a License; and
  - (b) file such documents as would be required in an application for a License to reflect the then current information.
- (2) Despite section 13, in an application for the renewal of a License, the License Issuer may in his or her discretion, waive the requirement in paragraph 13(1)(c) if a criminal record check has been filed within two (2) years previously.

### Refund

**16 (1)** An application for a License or renewal of a License will remain active for a period of six (6) months from the date of receipt. After six (6) months the application shall be deemed abandoned if the License is not issued and the License Issuer shall cancel the application and the application fee shall be forfeited.

(2) Despite subsection 16(1), a refund of 50% of the application fee shall be provided to the applicant where the applicant requests in writing within two (2) business days of submitting the application to the City that the application be cancelled.

### Input of Officials / Inspection

**17.-(1)** Upon receipt of a complete application for a new License the License Issuer shall:

- (a) circulate the application for comments on compliance with existing legislative or regulatory requirements and other input to the:
  - (i) Chief Building Official;
  - (ii) Fire Chief;
  - (iii) Medical Officer of Health; and
  - (iv) such other City department, or such other official as the License Issuer may consider to be appropriate for reasons of health, safety or otherwise in the interests of the general public;
- (b) arrange for an Inspection of the Camp Ground including its facilities, equipment and other property used or kept for hire in connection with the Camp Ground by the License Issuer and such representatives of City departments or other officials as the License Issuer may consider to be appropriate in the interests of the public; and
- (c) engage in such Investigations as appear to the License Issuer to be appropriate in the circumstances to determine compliance of the Camp Ground with the

requirements of this By-law or otherwise determine entitlement to a License or renewal of a License.

(2) Upon receipt of a complete application for a renewal of a License the License Issuer may require the applicant to comply with some or all of paragraphs (a) to (c) inclusive in subsection 17(1), as, in the opinion of the License Issuer are appropriate in the circumstances

(3) Every applicant for a License or renewal of a License shall co-operate with the License Issuer in arranging for and the facilitating the conduct of the Inspection and any Investigation, failing which the application shall be rejected.

(4) In processing the application for a License or renewal of a License, the License Issuer shall have regard to:

- (a) the results of any Inspection and any Investigation;
- (b) the input of any Person to whom the application was circulated pursuant to paragraph 17(1)(a) or subsection 17(2);
- (c) the input of any Person who provided comments arising out of an Inspection; and
- (d) any comments provided pursuant to paragraph 14(c).

(5) Where an Inspection reveals deficiencies in the Camp Ground the License Issuer shall give the applicant for a License or for renewal of a License written notice of such deficiencies, and the date by which the deficiencies are to be corrected. The Applicant may arrange for a re-Inspection by the date specified in the notice, provided however:

- (a) only one re-Inspection will be included as part of the application fee;
- (b) any re-Inspection must be completed within the time frame specified in the notice or such later date as may be agreed to by the License Issuer; and
- (c) the applicant shall pay any applicable fee determined in accordance with the User Fee By-law prior to any re-inspection after the re-inspection referenced in paragraph 17(5)(a).

#### Refuse to Issue or Renew

**18.** The License Issuer shall refuse to issue a License or to renew a License under this By-law if:

- (a) in the opinion of the License Issuer, the past conduct of the applicant for a License or renewal of a License, or in the case of a corporate applicant, the past conduct of the directors, officers, employees or agents, provides reasonable grounds for belief that:
  - (i) the applicant has not carried on or will not carry on, the trade, business or occupation for which the License is sought in accordance with law and with integrity and honesty; or
  - (ii) the Operation of the Camp Ground by the applicant or the applicant's Operator has infringed or in the opinion of the License Issuer would

infringe, the rights of other members of the public, or has endangered, or would, in the opinion of the License Issuer, endanger, the health and safety of other members of the public. In reaching such conclusion, the License Issuer may consider any input received as a result of an Investigation, and any order made pursuant to any municipal, provincial or federal by-law, statute, regulation or code; or

- (iii) the carrying of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this By-law or any other municipal by-law, federal or provincial statute or regulation thereunder;
- (b) a criminal record check submitted as part of the application reveals that Person to whom the criminal record check relates had, in the five (5) years prior to the date of the application, a conviction by indictment for any offence under the *Criminal Code*, R.S.C. 1985, C-46, or under any other federal statutes and without limiting the generality of the foregoing, under the *Controlled Drugs and Substances Act*, S.C. 1996, Chapter 19 and the *Food and Drugs Act*, R.S.C. 1985, C. F-27;
- (c) the License Issuer is not satisfied as a result of the comments from an agency, authority or ministry pursuant to paragraph 14(c), or on a circulation pursuant to paragraph 17(1)(a), an Inspection or re-Inspection; or any Investigation, that the Camp Ground or the Operation of the Camp Ground meets or will meet the requirements of this By-law, any other municipal by-law, or any federal or provincial statute or regulation thereunder;
- (d) there remains outstanding:
  - (i) any fee assessed under this By-law or a predecessor of this By-law;
  - (ii) any fine resulting from a contravention of this By-law or a predecessor of this By-law;
  - (iii) any overdue taxes for the land on which the Camp Ground is situate; or
  - (iv) any other amounts owing to the City;
- (e) the location of the Camp Ground is neither compliant with the Zoning By-law nor a legal non-conforming use;
- (f) there are any outstanding orders under any applicable by-law or federal or provincial legislation affecting the Camp Ground or the Operation of the Camp Ground;
- (g) the Camp Ground or the Operation of the Camp Ground is not compliant with any applicable federal, provincial or municipal statute, regulation, code or by-law;
- (h) the applicant has requested the Licence issue for more than one parcel of separately conveyable land;
- (i) any Site on the Site Plan is not compliant with the requirements of the Zoning By-law, 2010-100Z, as amended or replaced from time to time.

### Notice of Refusal to Issue or Renew

19-(1) Where the License Issuer determines that a License should not be issued or renewed the License Issuer shall give notice to the applicant for the License or renewal of a License of:

- (a) the decision and particulars of the reason for the refusal to issue or renew the License; and
- (b) any right to request a hearing before the Hearing Committee, the process to do so, and the time limitation for submitting the request.

(2) The applicant for a License or the renewal of a License may appeal to the Hearing Committee a refusal to issue or renew a License where such refusal is based on the exercise of the Licensee's discretion under paragraph 18(a) or 18(i).

(3) The decision of the License Issuer to refuse to issue or Renew a License shall be final:

- (a) if there is no right of appeal under subsection 19(2); or
- (b) no appeal by way of request for a hearing is filed with the License Issuer in accordance with this By-law.

### **Part 4 - License Issuance / Replacement / Re-Issuance / Expiry**

#### Issuance of License

20-(1) Where an applicant for a License or renewal of a License has complied with the requirements of this By-law, the Camp Ground is compliant with the requirements of this By-law and the issuance or renewal of the License is not otherwise prohibited under this By-law, the License Issuer is authorized to issue a License in a form determined by the License Issuer.

(2) The License Issuer shall show on the face of a License particulars of:

- (a) the Person to whom it is issued;
- (b) the effective date of the License;
- (c) the date on which the License will expire if not earlier terminated, or if not renewed prior to the expiry date;
- (d) the unique number assigned to the License;
- (e) the land on which the Camp Ground may be operated, including the municipal address assigned to the land and the legal description;
- (f) the number of Sites authorized as part of the Camp Ground;
- (g) the name of the Manager, if the Licensee will not be the sole Operator; and
- (h) such conditions or provisions as are authorized by this By-law.

(3) A License shall apply to only one location.

(4) The License Issuer issues a License by dating as of the date of issuance and signing the License.

#### License Conditions

**21-(1)** Whether or not specified on the face of the License, it is a condition of every License that the Licensee, its heirs, executors, administrators and assigns indemnifies and saves harmless the City, its elected and non-elected officials, employees and agents from and against any and all manner of causes of action, losses, costs, damages, expenses, charges and other proceedings whatsoever made or brought against, suffered by, incurred or imposed on the City which are occasioned by or attributable to the issuance of a License under this By-law or the operation of a Camp Ground and this indemnity shall survive the expiry, Revocation or abandonment of the License.

(2) Whether or not specified on the face of the License, it is a condition of every License that the Licensee:

- (a) maintains in effect with an insurer licensed in Ontario, comprehensive general liability insurance on an occurrence basis for an amount not less than two million (\$2,000,000) dollars. Any aggregate limit shall be equal to or greater than the amount of minimum requirements stated above, for the comprehensive general liability policy. The policy shall provide that it will not be cancelled or permitted to lapse unless the insurer notifies the City in writing at least thirty (30) days prior to the effective date of cancellation or expiry. Evidence of renewal or replacement of a compliant insurance policy must be filed with the License Issuer prior to each insurance policy renewal date. However, the taking out of insurance shall not limit the liability of the Licensee;
- (b) ensures the continuing compliance with such conditions as may be imposed upon issuance of the License;
- (c) ensures continuing compliance with all applicable federal, provincial and municipal statutes, regulations, codes and by-laws; and
- (d) ensures continuing compliance with the requirements of this By-law for the issuance or maintenance of a License.

#### License Register

**22.-(1)** The License Issuer shall maintain a register of Licenses issued under this By-law, including the particulars of the License, any Renewal, Suspension or Revocation, any status change and such other information as the License Issuer shall determine.

(2) The License Issuer shall update the register of Licenses as information is available, in order to keep the register current at all times.

(3) The register shall be available to the public in a form and in a manner determined by the License Issuer.

#### Expiry of License / Extension of License

**23.-(1)** Unless renewed or Revoked prior to expiry, an Owner's License issued under this By-law shall expire December 31<sup>st</sup> of the year in which it was issued or renewed.

(2) A Licensee who wishes to apply for the renewal of a License shall do so prior to the expiry of the License.

(3) A License which has expired without being renewed is deemed to be Revoked.

#### License Property of City - No Transfer or Lease

**24.**-(1) Every License issued under this By-law remains the property of the City and shall be surrendered to the License Issuer in accordance with this By-law upon Suspension, Revocation or expiry of the License.

(2) Every License issued under this By-law is personal to the holder thereof. No Licensee shall lease, license, transfer, or purport to lease, license or transfer to another Person any or all of the rights under a License issued under this By-law or in any way authorize any other Person to exercise any of the rights exercisable by the Licensee under this By-law. This provision shall not prevent a Licensee from hiring a Manager to Operate the Camp Ground under the direction and authority of the Licensee and in compliance with the provisions of this By-law.

(3) Where a Licensee acts contrary to 24(2), the License shall be deemed to be Revoked.

#### Replacement License - Lost, Defaced, Destroyed

**25.**-(1) Where a License has been defaced, lost or destroyed, the License Issuer may issue a replacement License upon:

- (a) application in writing in a form established by the License Issuer from time to time, signed by the Licensee;
- (b) provision of evidence satisfactory to the License Issuer that the License has been defaced, lost or destroyed;
- (c) payment of the fee determined in accordance with the User Fee By-law; and
- (d) in the case of a License which has been defaced, the surrender of the defaced License to the License Issuer.

### **Part 5 - License Suspension / Revocation**

#### Deemed Revocation

**26.**-(1) Every License issued to an individual is deemed to be Revoked on the death of the individual.

(2) Every License is deemed to be Revoked upon the transfer of the land on which the Camp Ground is situate:

- (a) immediately, if the Licensee is the Land Owner; and
- (b) ten (10) days after the transfer of land not owned by the Licensee unless prior to that date, the Licensee files with the License Issuer, the written consent of the Land Owner to the continuing Operation of the Camp Ground on the land.

## Suspend or Revoke a License

**27.-(1)** In addition to any other reasons provided for in this By-law, the License Issuer may Suspend or Revoke a License under this By-law where, in the opinion of the License Issuer:

- (a) there is a failure to comply with any requirement set out in this By-law which results in or potentially results in harm to the public health or safety;
- (b) there is or has been flagrant refusal to comply with any requirement set out in this By-law;
- (c) there has been a repeated failure to comply with one or more provisions of this By-law;
- (d) the conduct of the Licensee is or has been of a nature that is detrimental to the enforcement of this By-law, the safety of a Municipal Law Enforcement Officer or materially disrespectful of a Municipal Law Enforcement Officer;
- (e) any of the requirements for the issuance or renewal of a License can no longer be met;
- (f) there is a contravention of one or more of the conditions of the License;
- (g) there is a contravention of this By-law of a type for which Revocation or Suspension of a License is specifically provided for;
- (h) the License was issued in error or on mistaken, false or incorrect information; or
- (i) for any other reason which the License Issuer considers to be a sufficient reason for the Revocation or Suspension.

(2) A Licensee may request a hearing in accordance with the procedure in section 32, where the Licensee's License was Suspended or Revoked on the basis of the exercise of the License Issuer's discretion under paragraph 27(1) (b), (c), (d), (e), (f), (h) or (i).

## Notice of Suspension or Revocation

**28.** Where the License Issuer determines that a License should be Suspended or Revoked, the License Issuer shall give notice to the Licensee of:

- (a) the decision and particulars of the reason for the refusal to issue or renew the License or to Suspend or Revoke the License;
- (b) any rights to request a hearing before the Hearing Committee, the process to do so, and the time limitation for submitting the request;
- (c) the effective date of the Suspension or Revocation;
- (d) in the case of a Suspension, the period of time the Suspension will be in effect and where applicable, any conditions to be met during the Suspension period for the Suspension to be terminated; and

- (e) such other information as the License Issuer considers appropriate in the circumstances.

#### Guidelines for Suspensions

**29.-(1)** The License Issuer may terminate a notice of Suspension or shorten the duration of the Suspension where:

- (a) any deficiency identified in the notice of Suspension has been remedied to the satisfaction of the License Issuer; or
- (b) in the opinion of the License Issuer it is appropriate in the circumstances to do so.

(2) The License Issuer may extend the period of a Suspension where, in the opinion of the License Issuer, additional time is required to remediate any deficiency identified in the notice and in the opinion of the License Issuer, it is appropriate in the circumstances to provide such additional time.

(3) Where the period of Suspension exceeds the time remaining before the License expires, the Suspension shall not prevent the Licensee from applying for a renewal of the License and where the Suspension is conditional upon compliance with specified conditions, the License Issuer may assess the application for renewal as if the conditions had been complied with. Any Suspended License which is renewed shall continue to be Suspended on the same terms. Any Suspended License which has not been renewed as of December 31<sup>st</sup> in the year in which it was issued shall expire.

(4) The License Issuer may Revoke the License if, at the end of the Suspension period or any extended Suspension period, any conditions imposed by the License Issuer have not been complied with.

(5) The License Issuer may Revoke a License during a period of Suspension.

#### Decision Final

**30.** The decision of the License Issuer to Suspend or Revoke a License shall be final:

- (a) if there is no right of appeal under subsection 27(2); or
- (b) no appeal by way of request for a hearing compliant with subsection 32(1) is filed with the License Issuer.

### **Part 6 - Notice / Hearings**

#### Notice Requirements

**31-(1)** Any notice to be given or required to be given by the License Issuer under this By-law may be given in writing, or may be given orally followed by a written confirmation of the oral notice mailed within 2 (two) Business Days of the oral notice.

(2) Written notice or written confirmation of an oral notice may be served personally or served by registered mail addressed to the applicant or Licensee at the address shown in the



most recent application for a License or renewal, or such updated address as may have been provided.

(3) Any oral notice shall be deemed to have been served on the date it is given, whether or not the written confirmation is sent in time or received by the applicant or Licensee and any notice in writing shall be deemed to have been served on the date it is given if served by personal service, or on the fifth day after mailing if served by registered mail, whether or not it is actually received by the Person to whom it is addressed.

### Hearings

32.-(1) Any Person entitled under this By-law to request a hearing before the Hearing Committee may apply in writing to the License Issuer for a hearing within thirty (30) days of the effective date of service of the notice of the decision of the License Issuer that the hearing relates to and, in the case of an application for a hearing regarding a Suspension or Revocation, shall surrender his or her License with the application.

(2) On receipt of a request for a hearing, the License Issuer shall review the request to determine if the request is timely and is based on grounds provided for in this By-law. If the License Issuer determines that the applicant for the hearing:

- (a) is entitled to a hearing, the License Issuer shall refer the request to the City Clerk; or
- (b) does not qualify for a hearing under this Bylaw, the License Issuer shall advise the applicant of his or her decision and the reason for the refusal.

(3) When asked to do so by the License Issuer, the City Clerk shall set a date, time and place for a hearing of the appeal before the Hearing Committee and give notice of the date, time and place of the hearing to the applicant for the hearing.

(4) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the License Issuer and by the applicant for the hearing and may:

- (a) uphold or deny the Suspension or Revocation of the License or the refusal to issue or renew a License, as the case may be, on any grounds open to the License Issuer;
- (b) in the event that the Suspension of a License is upheld, increase or decrease the duration of the Suspension or impose conditions or change existing conditions for the termination of the Suspension; and
- (c) in the event that the Revocation of a License or refusal to issue a License or renewal of a License is overturned, impose conditions on issuance or renewal of the License as if the Hearing Committee were the License Issuer.

(5) Upon the Hearing Committee reaching a decision, the City Clerk shall give notice of the decision in writing to the applicant for the hearing, and the License Issuer shall:

- (a) in the event that the Revocation or Suspension is not upheld, return the surrendered License to the Licensee;

- (b) in the event that a Suspension was upheld, return the surrendered License to the Licensee at the end of the Suspension period, provided any conditions imposed have been complied with;
- (c) in the event that a Revocation is upheld, cancel the License; and
- (d) in the event that a refusal to issue a License is not upheld, issue the License to the applicant as directed by the Hearing Committee.

### Onus

33.-(1) The onus is on the applicant for a License or renewal of a License as the case may be, to provide evidence to the satisfaction of the License Issuer that the applicant is entitled to the issuance or renewal of the License.

(2) The onus is on a Licensee whose License has been Suspended to provide evidence satisfactory to the License Issuer that the Suspension should be terminated.

(3) The onus is on the applicant or the Licensee, as the case may be to provide evidence satisfactory to the Hearing Committee that the License should be issued or renewed or the Suspension or Revocation should be terminated, as the case may be.

## **Part 7 - Additional Duties of License Issuer**

### Inspection

34.-(1) In addition to the Inspections required under paragraph 17(1)(b) the License Issuer may:

- (a) conduct an Inspection or Investigation at any time of any Camp Ground subject to a License with or without notice to determine compliance with this By-law; and
- (b) give notice to the Licensee that the License Issuer requires the Licensee to arrange for a further Investigation or Inspection by any one or more of the agencies in paragraph 14(c) and to file a report by a specified date.

(2) The License Issuer may be accompanied on an Inspection by such officials and representatives of City departments as the License Issuer may consider to be appropriate to determine if the Camp Ground and the operation of the Camp Ground is compliant with the requirements of this or any other City By-law, and any applicable federal or provincial statute or regulation thereunder.

## **Part 8 - Duties - Licensee**

### Change in License Information

35.-(1) Every Licensee shall, within five (5) Business Days of a change or proposed change to any information disclosed in the application for a License or for renewal of a License:

- (a) advise the License Issuer in writing; and
- (b) surrender the License.

(2) The License Issuer shall consider the effect of the information provided under subsection 35(1) and any other information available to the License Issuer, and in the event that, in the opinion of the License Issuer:

- (a) the change is minor and does not require further Investigation, the License Issuer may return the License or where necessary, re-issue the License with corrected information and labelled as an "Re-Issued" License, upon payment of any applicable fee under the User Fee By-law;
- (b) the Licensee no longer qualifies for a License, the License Issuer may Revoke the License; or
- (c) in the circumstances, a new application is required, the License Issuer may Revoke the License and require an application for a new License to be submitted.

#### Ceasing Operation

**36.-(1)** Any Licensee who no longer intends to Operate a Camp Ground shall surrender the License to the License Issuer for cancellation.

(2) Any Licensee who ceases to Operate a Camp Ground during the term of a License shall notify the License Issuer and surrender the License for cancellation.

(3) Any License issued to a Licensee who ceases to Operate a Camp Ground is deemed Revoked whether or not it is surrendered for cancellation.

#### Surrender License - Suspension / Revocation

**37.-(1)** Every Licensee shall surrender his or her License to the License Issuer upon Revocation, deemed Revocation, Suspension or refusal to renew a License:

- (a) for cancellation in the event that the License has expired, or the Licensee is not entitled to appeal the Suspension or Revocation or deemed Revocation, or does not submit an appeal in a timely manner; or
- (b) to be held by the License Issuer pending the outcome of an appeal of the decision and cancelled or returned to the Licensee as directed by the Hearing Committee.

(2) Where a License has been deemed to be Revoked by the death of the Licensee, that person's estate trustee or the next of kin shall, surrender the License to the License Issuer for cancellation.

(3) Failure to surrender a License does not affect the Suspension, Revocation or deemed Revocation.

#### No Rights during Revocation or Suspension

**38.-(1)** No Person shall Operate a Camp Ground while a License is Suspended or after it is Revoked or is deemed to be Suspended or is deemed to be Revoked.

(2) Where an application is filed to appeal the Suspension or Revocation of a License, the License remains Suspended or Revoked pending the decision of the Hearing Committee.

Produce License

39. Every Operator of a Camp Ground shall keep the License or cause the License to be kept posted in a visible location in the Camp Ground which is accessible to all Persons.

Identify Self

40. Every Operator of a Camp Ground shall, when requested to do so by a Municipal By-law Enforcement Officer:

- (a) produce the License for the Camp Ground; and
- (b) identify himself or herself to the Municipal By-law Enforcement Officer and provide such proof of identity as may be requested

Co-operate with Inspection / Investigation

41. Every Operator shall co-operate as necessary with an Inspection or an Investigation.

Access / Identifiers / Phone

42.-(1) Every Operator shall ensure that at all times:

- (a) a sign is posted at the entrance to the Camp Ground from the public road, setting out the name and civic address for the Camp Ground;
- (b) the sign posted under 42(1)(a) is of a suitable size and in a location and made of appropriate reflective materials so as to be readily visible and easily read from the highway at all times of the day and night; and
- (c) a unique Site identifier number is posted on each Site, to identify the Site in the same manner as identified on the Site Plan;
- (d) each Site identifier under 42(1)(c) is adequate in size, is posted in an appropriate location and made of appropriate reflective materials so as to be readily visible and easily read at all times of the day and night, when viewed from the adjacent internal road within the Camp Ground; and
- (e) a plan of the Camp Ground of suitable size and material is posted in an easily visible location within the Camp Ground to assist wayfinding within the Camp Ground.

(2) Every Operator shall ensure that at all times during the Operating Season there is adequate access to the Camp Ground and to each Site and without limiting the generality of the foregoing, ensure that all internal driveways and roads providing access to the Camp Ground or within the Camp Ground providing access to Sites are:

- (a) maintained in a condition suitable for use by emergency response vehicles and others; and

- (b) treated as fire routes and kept free of parked vehicles or other obstacles to use by emergency responders and others.
- (3) Every Operator shall ensure that at all times during the Operating Season:
- (a) there is at least one functioning telephone readily available for public use;
  - (b) the telephone referred to in 42(3)(a) is accessible for emergency use by the public, twenty-four (24) hours a day; and
  - (c) effective notice is given of the location of the telephone in 42(3)(a), through appropriate signage or other means and that the location is as shown on the Site Plan.
- (4) Every Operator shall ensure that at all times during the Operating Season:
- (a) the Camp Ground is equipped with no fewer than the number of each type of fire extinguisher recommended by the Fire Chief in the Fire Chief's last Inspection of the Camp Ground;
  - (b) the fire extinguishers are maintained at all time in good working order;
  - (c) the fire extinguishers are in a location or locations which accessible at all times to Persons in the Camp Ground and as shown on the Site Plan; and
  - (d) appropriate signage is posted or notice given to effectively alert the public to the location of the fire extinguishers.

#### Comply with Site Plan / other Plans

**43.** Every Operator shall at all times, maintain the Camp Ground and facilities therein in locations consistent with the Site Plan filed with the License Issuer, as updated from time to time and without limiting the generality of the foregoing shall not, except in compliance with the requirements of this By-law:

- (a) change the dimensions or location of any Site, roadway, facility or any other item or information shown on the Site Plan; or
- (b) increase the number of Sites from that shown on the Site Plan.

#### Maintain Facilities / Services

**44.-(1)** Every Operator shall at all times, maintain any potable water system or sewer system in good working order and compliant with applicable law.

(2) Every Operator shall implement and maintain an effective drainage system for the Camp Ground.

(3) Every Operator shall maintain the vegetative screening shown on the Site Plan in healthy condition in order to provide an effective visual barrier and to replace same in whole or in part if necessary to provide an effective visual barrier.

(4) Every Operator shall:

- (a) provide an adequate number of containers for waste, for general use by occupiers of the Camp Ground; and
- (b) ensure that all containers on the Camp Ground are:
  - (i) designed to be 'bear proof';
  - (ii) emptied on a regular basis so as to avoid attracting vermin or wild life; and
  - (iii) maintained in a clean and odour free condition at all times.

#### Operating Season

**45.-(1)** No Licensee shall Operate or permit or authorize the Operation of a Camp Ground or the use of a Camp Ground except during the Operating Season.

(2) No Licensee shall authorize or permit a Recreational Vehicle in the Camp Ground to be occupied except during the Operating Season.

#### General Regulations

**46.** Every Operator shall at all times:

- (a) maintain the Camp Ground and any buildings on the Camp Ground free of any condition that may threaten the health of any occupant or the public or constitute a nuisance; and
- (b) Operate or cause the Camp Ground to be Operated in compliance with every bylaw of the City or any local board thereof, and every statute or regulation thereunder of the federal or provincial government of application to Camp Ground.

### **Part 9 - Enforcement**

#### Enforcement - No Obstruction, Etc.

**47.-(1)** This By-law may be enforced by any Municipal By-Law Enforcement Officer.

(2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

#### Offence

**48.-(1)** Every Person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of subsection 48(1), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this By-law.

(4) The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law shall be deemed to be a violation of the provisions of this By-law.

#### Right of Entry - Inspection

**49.** A Municipal By-Law Enforcement Officer may enter on private property at all reasonable times to ascertain whether there is compliance with:

- (a) the provisions of this By-law;
- (b) a direction or order or notice given under this By-law; or
- (c) the conditions of a License issued under this By-law.

#### Order to Discontinue

**50.** Where the License Issuer is satisfied that a contravention of this By-law has occurred, the License Issuer may make an order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention, the location of the land on which the contravention is occurring and the date by which there must be compliance.

#### Order to Comply

**51.-(1)** Where the License Issuer is satisfied that a contravention of this By-law has occurred, an order may be made requiring the Person who contravened this By-law or who caused or permitted the contravention or the Licensee to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this By-law;
- (d) the date by which the work must be done or steps taken; and
- (e) provide that if any work specified is not completed by the date specified to the satisfaction of the License Issuer, that the License Issuer may cause the work to be done at the expense of the Licensee.

(2) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 51(1) may require the work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.

### Service of Orders

**52.** Service of an Order issued under section 50 or subsection 51(1) shall be given to each Person, by delivering personally to the Person, or in the case of an Operator, by mailing to each Operator by registered mail at the address recorded for that Operator in the last filed application for a License or Renewal of a License in the records of the License Issuer.

### Comply with Order

**53.** Every Person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

### Remediation by City

**54.** Where a Person fails to comply with the requirements of the order under section 50 or subsection 51(1) within the time period specified in the order, the License Issuer may cause such work to be done or take such steps as are necessary to meet the requirements of the order, and the cost thereof including interest thereon at the rate established under the User Fee By-law as applicable to debts to the City of Greater Sudbury, from the date the costs were incurred until payment in full and may be recovered by any means open to the City of Greater Sudbury, including without limitation by action and where the Person is the owner of the land on which the Camp Ground is situate, by adding same to the property tax rolls for the land on which the Camp Ground is situate and collecting the amount in the same manner as property taxes.

### Prohibition Order

**55.** When a Person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

### Confidential Information

**56.-(1)** The License Issuer is authorized to collect personal information for the purposes of administering this By-law.

(2) All information submitted to and collected by the City in accordance with this By-law shall, unless the City Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(3) In the event that any Person in submitting information to the City or to the License Issuer in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the License Issuer and shall provide sufficient details as to the reason for its purported exemption from disclosure.



**Part 10 - General**

Short Title

57. This By-law may be referred to as the "Camp Ground Licensing By-law".

Transition

58.-(1) Despite any other provision in this By-law, where there is an application for a License or renewal of a Licence submitted for the 2016 and 2017 Licence years, the License Issuer may, where in the opinion of the License Issuer doing so will not be contrary to any federal or provincial statute or regulation thereunder, or contrary to any other By-law of the City than this By-law or pose a material risk to the health of safety of the public:

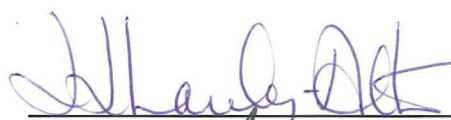
- (a) process the application although the application is not compliant with the requirements of this By-law; and
- (b) issue a License or renew a Licence where not otherwise permitted under this By-law, conditional upon the Licensee complying with the conditions specified in the License within the time frame specified by the License Issuer.


(2) Despite anything else in this By-law, no decision of the License Issuer pursuant to subsection 58(1) shall be subject to appeal to the Hearing Committee.

Effective

59. This By-law comes into force and effect on January 1st, 2016.

**Read and Passed in Open Council** this 15th day of December, 2015

  
\_\_\_\_\_  
Deputy Mayor

  
\_\_\_\_\_  
Clerk