



BY-LAW NO. 2005-124

"A BY-LAW TO PERMIT AND REGULATE THE USE OF SELF CONTAINED VEHICLES FOR HUMAN OCCUPANCY DURING FISHING DERBIES (EXTENDED PARKING) AND TO LICENCE OWNERS OF PRIVATE LANDS WHO WISH TO PROVIDE EXTENDED PARKING"

Originally Passed and Enacted June 27, 2005

Amended By By-law:	Passed On:
2013-030	February 11, 2013

Consolidated Version
Revised and Verified June 27, 2013

Consolidated for Convenience Only

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BY-LAW NO. 2005-124

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO PERMIT AND REGULATE THE USE OF SELF CONTAINED VEHICLES FOR HUMAN OCCUPANCY DURING FISHING DERBIES (EXTENDED PARKING) AND TO LICENCE OWNERS OF PRIVATE LANDS WHO WISH TO PROVIDE EXTENDED PARKING

WHEREAS Section 150 of the *Municipal Act*, 2001, c.25 empowers municipalities to license, regulate and govern any business wholly or partly carried on within the municipality; and

WHEREAS the Council of The Corporation of the City of Owen Sound deems it appropriate to enact a By-law to permit and regulate the use of self contained vehicles for human occupancy during fishing derbies (extended parking) and to licence owners of private lands who wish to provide extended parking; and

WHEREAS, except as otherwise provided, a municipality may only exercise its licensing powers under this section including imposing conditions, for one or more of the following purposes – health and safety, nuisance control and consumer protection; and

WHEREAS a By-law Licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under the *Municipal Act*, 2001, Section 150 (2); and

WHEREAS the Council of The Corporation of the City of Owen Sound held a public meeting on June 20, 2005, pursuant to Section 150 (4) of the *Municipal Act*, 2001, c.25, prior to the adoption of this By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.0 For the purpose of this By-law the following definitions apply:

1.1 **“Extended Parking Area”** means an area of land on a lot identified in By-law No. 1985-80, as amended, upon which overnight parking of Self-Contained Vehicles for a period of 24 hours or more may occur pursuant to permission issued by the Corporation of the City of Owen Sound in accordance with the provisions set out in By-law No. 1985-80, as amended, and this By-law.

1.2 **“Licensed Operator”** means an owner or authorized agent licensed by The Corporation of the City of Owen Sound to operate an Extended Parking Area pursuant to the provisions of this By-law.

1.3 **“Self Contained Vehicle”** means a self propelled mobile unit capable of providing human occupancy and which shall contain at minimum a toilet and sink with a holding tank or similar receptacle capable of managing waste water from the toilet and sink and all other appliances that produce waste water, a food preparation area, and sleeping facilities, but which shall not include barbecues or other external elements normally associated with camping.

2. REASON

2.0 Unregulated extended parking can create a public nuisance affecting near-by residences. This reason relates to nuisance control.

3. GENERAL REQUIREMENTS

3.1 No person shall establish, operate or occupy any Extended Parking Area except in accordance with the provisions of this By-law and unless a licence, if required, has been issued pursuant to this By-law. A licence to operate an Extended Parking Area is required for lands that are privately owned, leased, or occupied by agreement with the owner or otherwise.

3.2 No person licensed this By-law shall establish, operate or occupy any Extended Parking Area except in accordance with the provisions of By-law No. 1985-80, as amended, this By-law, and any other applicable law having application. Permission of the City pursuant to By-law No. 1985-80, as amended, shall mean the issuing of a licence to operate, establish or occupy an Extended Parking Area pursuant to this By-law.

3.3 In addition to any other penalty, the Council of the Corporation of the City of Owen Sound may revoke any licence issued pursuant to this By-law where the licensee fails to comply with any provisions of this By-law, By-law No. 1985-80, as amended, or any other reason permitted by the *Municipal Act*, or By-law.

4. LICENCE

4.1 A licence to operate an Extended Parking Area is not required for the lands owned and under the control, directly or indirectly, of the Corporation of the City of Owen Sound. Notwithstanding, the Corporation of the City of Owen Sound or its authorized agent shall be subject to all other provisions of this By-law.

4.2 Owners of private property, as identified in the City's Zoning By-law No. 1985-80, as amended, wishing to provide an Extended Parking Area shall make application for a licence in accordance with Section 4.3 of this By-law.

4.3 No request for a licence to operate an Extended Parking Area will be considered by the City unless it contains the following information:

4.3.1 Site Plan indicating:

4.3.1.1 Location and dimensions of the proposed Extended Parking Area, including distance from all property lines and watercourses and number of individual sites to be included in the Extended Parking Area.

In accordance with By-law No. 1985-80, as amended, the following are times, and minimum and maximum distances provided for in By-law No. 1985-80, as amended:

a) Times during which Extended Parking shall be permitted:

Extended Parking areas shall be permitted during and three days prior and subsequent to the Georgian Triangle Spring Trout Derby (which generally runs for approximately 21 days between the dates of April 1 to May 10) and during and three days prior and subsequent to the Owen Sound Salmon Spectacular (which generally runs for approximately 10 days between the dates of August 15 and September 15).

b) Maximum Number of Extended Parking Sites:

25 sites

c) Minimum Setback of an Extended Parking Site from any lot located in a RI-, R2-, R3-, or RS- zone as defined in the City of Owen Sound Zoning By-law No. 1985-80, as amended:

100.0 m minimum

Minimum setback of an Extended Parking Site from Shoreline:

20.0 m minimum

4.3.1.2 Intended means of access to and through the Extended Parking Area.

4.3.1.3 The location of and the number of washrooms, garbage receptacles and containers, and other facilities that the operator may wish to provide to support the Extended Parking Area.

- 4.3.1.4 Any other information the City may request to clarify the nature of the proposed Extended Parking Area.

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- 4.3.2 *The "Extended Term Parking Licence Application" fee set out in the Fees and Charge By-law, as amended from time to time, payable to The Corporation of the City of Owen Sound.*

- 4.4 Licences are valid for one year and shall expire on the 31st day of December.

5. GENERAL REGULATIONS AND REQUIREMENTS

- 5.1 Extended Parking Areas licensed under this By-law shall be permitted to operate within the time period prescribed by By-law No. 1985-80, as amended.
- 5.2 No person shall permit open camp fires for cooking or other purposes within an Extended Parking Area.
- 5.3 No person operating or licensed to operate an Extended Parking Area shall permit any rubbish or material to accumulate.
- 5.4 No person operating or licensed to operate an Extended Parking Area shall permit any rubbish, material or other facilities established to support the Extended Parking Area to remain more than four days following the conclusion of a fishing derby.

6. APPLICABILITY OF BY-LAW

- 6.1 Where the provisions of other By-laws passed by the Council of The Corporation of the City of Owen Sound conflict with the provisions of this By-law, the provisions of this By-law shall apply.

7. PENALTY

- 7.0 Any person who contravenes any of the provisions of this By-law is guilty of an offence.
- 7.1 Any person convicted of an offence under any section of this By-law shall forfeit and pay a fine which shall be recovered under the provisions of the *Provincial Offences Act*.
- 7.2 In accordance with Sections 150 (8) (k) of the *Municipal Act, 2001, C.25*, the City may require the payment by a licensed business of additional fees at any time during the term of the licence for costs incurred by the city attributable to the activities of the business.

8. REPEAL

- 8.0 By-law No. 1997-125 is hereby repealed.

This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 27th day of June, 2005.

Signature on File

Mayor

Signature on File

Clerk