

THE CORPORATION OF THE

T O W N O F P E L H A M

BY-LAW #268 (1974)

A by-law restricting the use of trailers used solely as help houses for agriculturally based farmers.

WHEREAS pursuant to Subsection (1) of Section 35 of the Planning Act, R.S.O. 1970, Chapter 349, as amended, a municipality may pass by-laws restricting the use of land for such purposes as may be set out in the by-law within the municipality,

AND WHEREAS the Council of the Corporation of the Town of Pelham, hereinafter referred to as "The Council" deems it expedient to pass this by-law for such purposes,

BE IT THEREFORE ENACTED as a by-law of the Corporation of the Town of Pelham as follows:

(1) In this by-law:-

"Agriculturally-based farms" shall mean a farm or part of a farm whose farming business includes the use of land for the yielding of fruit or vegetables or grains for sale, and dairy farming.

"Permanent Dwelling" shall mean a residential dwelling unit which meets the standards of the building by-laws of the Town of Pelham and which is used as the primary residence of the occupants and which may be occupied on a year round basis.

"Temporary farm workers" shall mean those persons employed on agriculturally based farms during the period April 1 to November 30 only.

"Trailers" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.

(2) (1) No trailer shall be used for dwelling or eating purposes

unless:

(a) The trailer is used solely as accommodation and living quarters for temporary farm workers who are employed in agriculturally based farms

(b) The trailer is used or occupied by temporary farm workers during the period April 1 to November 30 of each year or for such other period as Council in its discretion may permit

(c) The owner or operator of the agriculturally based farm has applied in writing for, and received a certificate of occupancy from the Building Inspector in and for the Corporation of the Town of Pelham; and

(d) The owner or operator of the agriculturally based farm has entered into a site-plan agreement with the Council.

(2) Notwithstanding non-compliance with any of the conditions as set out in Subsection (1), Council may allow the use of trailers in the event of fire, flood or other natural disasters.

3. Trailers shall be located only in those areas designated for use as agricultural lands in accordance with the Official Plan of the Corporation of the Town of Pelham or so designated by any zoning by-law of the Town passed after this by-law.

4. Trailers shall be situate on agriculturally based farms in such a manner that access to and egress from them can be made only by those driveways or laneways existing on such farms at the time of location of the trailers.

5. Trailers that are located on agriculturally based farms shall be situated in such a manner as to minimize their intrusion on the natural appearance of the area with due regard to such natural screening as can be adopted.

6. Trailers shall be set back at least fifty (50) feet from lot lines where a permanent dwelling is not situate on a lot, but where a permanent dwelling is situate on the lot, the trailer shall be located to the rear of the permanent dwelling and shall be set back at least fifty (50) feet from the rear elevation of the permanent dwelling.

7. Trailers shall comply with the following requirements:-
Minimum Floor area must be 400 square feet.
Sanitary Water and Sewage System must be approved by Niagara Regional Health Unit, and letter of compliance to be forwarded to Building Inspector of the Town of Pelham.
Electrical Connections must conform to regulations as established under the Power Commission Act, R.S.O. 1970 Chapter 354 as amended from time to time.
8. No trailer for which a certificate of occupancy has been issued shall be used as a permanent dwelling.
9. All trailers shall be assessed pursuant to the provisions of the Assessment Act, R.S.O. 1970 Chapter 32 and amendments thereto.
10. The applicant for a trailer to be used by temporary farm workers shall submit a certificate of inspection and approval issued by the Fire Chief of the Corporation of the Town of Pelham to the Building Inspector with his application for a certificate of occupancy.
11. A certificate of occupancy shall be according to Schedule "A" attached to this by-law.
12. Every person who contravenes any of the provisions of this by-law shall, upon conviction, forfeit and pay at the discretion of the convicting Provincial Court Judge a fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars exclusive of costs for each offence. Every such fine shall be recoverable under the Summary Convictions Act R.S.O. 1970 Chapter 450 and amendments thereto, all of the provisions of which apply save and except that imprisonment for failure to pay any fine imposed shall not be for a term of more than twenty-one (21) days.
13. This by-law shall apply only to those areas designated for use as agricultural lands in accordance with the Official Plan of the Corporation of the Town of Pelham or so designated by any zoning by-law of the Town passed after this by-law.

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(14) Where trailers are being used on agriculturally based farms at the time this by-law is passed, the owner or operator or such agriculturally based farms shall obtain a certificate of occupancy and enter into a site plan agreement as required by the provisions of this by-law.

(15) This by-law shall come into effect upon being read a third time and finally passed.

READ A FIRST AND SECOND TIME
THIS 9th. DAY OF September, 1974



MAYOR



CLERK

READ A THIRD TIME AND FINALLY
PASSED IN COUNCIL THIS 18th.
DAY OF November, 1974



MAYOR



CLERK

S C H E D U L E "A"

BY-LAW # 268 (1974)

CERTIFICATE OF OCCUPANCY

Date of Application _____ Property Address _____
Name _____
Address _____

Trailer Description: _____
Size _____ Make _____
Colour _____
Number of Persons to Occupy Trailer (Maximum) _____
Certificate of Inspection by Fire Chief (Date) _____
Approval Given by Niagara Regional Health Unit (Date) _____

Declaration:

I hereby declare that the above information is true to the best of my knowledge, and that the above noted trailer will be occupied only during the period between April 1st, 197 , and November 30th, 197 by bona fide workers on the farm.

APPLICANT _____

Certificate of occupancy is hereby granted this
day of _____, 19

BUILDING INSPECTOR

