



Subject: *Draft Bylaw P-1300, Campground Bylaw*
To: CAO for Planning Advisory Committee, May 17, 2022
Date Prepared: May 9, 2022
Related Motions: PAC21(68), C21(343), PAC22(19), PAC22(20), C22(60), and C22(61)
Prepared by: Debbie Uloth, Project Planner
Approved by: John Woodford, Director of Planning and Development

Summary

As part of the Plan Update, Planning staff presented a background report on campground development to Planning Advisory Committee (PAC) at their November 16, 2021 meeting, which proposed to regulate campgrounds through site plan approval. As a result, PAC recommended and Council passed the following two motions:

- C21(342) *Moved that Council authorize staff to draft proposed amendments to the Official Community Plan in regards to permitting campgrounds by site plan approval, as presented to Executive Committee on November 16, 2021 and outlined in the staff report.*
- C21(343) *Moved that Council direct Staff to investigate options by way of policies, licensing, etc. which would allow us to address concerns with pre-existing campgrounds.*

At their February 23, 2022 meeting, Council passed the following two motions:

- C22(60) *Moved that Council authorize staff to conduct an educational campaign with campground owners on East Hants Bylaws that regulate noise, air quality, light control, and solid waste; and that owners be put on notice Council may consider a licensing bylaw.*
- C22(61) *Moved that Council direct Staff to continue to work on developing a Campground Licensing Bylaw.*

This report discusses the results of the education campaign and provides a draft Campground Bylaw for Planning Advisory Committee (PAC) to review.

Financial Impact Statement

There is no immediate financial impact from the recommendations in this report; however, there will be a financial impact in regards to staff resources if the Bylaw P-1300, Campground Bylaw is adopted.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to hold a stakeholder meeting with campground operators on draft Bylaw P-1300, Campground Bylaw.

Alternative Recommendation

That Planning Advisory Committee recommend that Council authorize staff use the existing Municipal Bylaw regulations to enforce items that need to be addressed instead of developing a Campground Bylaw in order to licence campgrounds.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to hold a stakeholder meeting with campground operators on draft Bylaw P-1300, Campground Bylaw.*

Background

At their November 2021 meeting, Council passed Motion C21(343) directing Staff to investigate options by way of policies, licensing, etc. which would allow Council to address concerns with pre-existing campgrounds.

Planning staff have reviewed the Municipal Government Act (MGA) and have contacted the Municipal Solicitor and have determined that a Bylaw to licence campgrounds may be created. However, the new bylaw cannot deal with matters that should be regulated under the Municipal Land Use Bylaw, such as setbacks from property lines, lot area, lot frontage, etc. A new Bylaw can only address issues such as noise, smoke drift, waste, and so on.

At their November meeting, Council also passed motion C21(342), which authorized staff to include provisions in the Land Use Bylaw to regulate new campgrounds by site plan approval as part of the Plan Update. Amendments to the Land Use Bylaw cannot be implemented retroactively; whereas, requirements of a Campground License Bylaw would be applicable to all campgrounds located in the Municipality.

At their February 2022 meeting, Council authorized staff to conduct an educational campaign on existing Municipal bylaws that relate to the operation of campgrounds and to let campground operators know that East Hants Council was considering the adoption of a Bylaw to licence campgrounds.

Discussion

As authorized by Council at their January 2022 meeting, staff mailed each campground owner operating in the Municipality a letter outlining current regulations including municipal bylaws and provincial regulations. Also included in the letter was a request for comments regarding the possible development of an East Hants bylaw to require the licencing of campgrounds. In addition to the letter, information on campgrounds was also included in the spring newsletter.

In total there were seven response letters from East Hants campground operators received by staff, all of which have been provided to Planning Advisory Committee for their information. In addition, the Campground Association of Nova Scotia provided their comments on the subject of licencing campgrounds. Below is a list of some of the comments provided by owners:

- Timeframes for the operation of a campground should be determined by the campground operator.
- There should be no application fee.
- There should be different requirements depending on the size of the campground, the number of sites, and the amenities provided.
- Consideration should be given to the ability to have bands come into the campground to play.
- Consider the fact that campgrounds outside of East Hants wouldn't be regulated in the same manner, do not want the Municipality to create unfair rules for East Hants campground operators.
- Already have to adhere to laws outlined in the letter not sure what more regulation will achieve.

- Many campgrounds feel that they bring large economic benefit to the community and worry that a Bylaw may hurt how successful they are and reduce the economic benefit to the community.
- Pop-up campgrounds also need to be considered when regulating campgrounds. Need to maintain competitive fairness. Property owners that don't advertise that they are a campground but have 4 or 5 RVs on the lot should have the same regulations.
- New campgrounds should be required to have site plans.
- The Municipality should not require a management plan from a campground.
- Bi-annual renewal would be easier for both parties.
- If licencing of a campground is put in place the bylaw should have a way for campground owners to appeal the decision if their licence is revoked.
- Would like to have continued communication on the development of a Bylaw.
- Already are in compliance with all of the provincial regulations and the municipal bylaws, therefore they don't think more regulations are required.
- How will licences be priced?
- There must be a mechanism to resolve disputes in any bylaw.
- Un-organized campgrounds should be regulated.

The Campground Association of Nova Scotia has commented on the educational letter and they have indicated that they fully support East Hants' initiative to have private campgrounds licenced. They would want the Bylaw to help stakeholders decipher between legitimate, hard working and compliant private campgrounds and those landowners who are just looking to make a dollar without any regard for the health, safety and customer experience of their campers. In doing so the campground owners, who are members of the Association, want to ensure that any legislation change would not cause them to be non-competitive with other campgrounds located in the province outside of East Hants either operationally or financially. Included in the letter from the Association are comments on how it believes campgrounds should be regulated.

DRAFT CAMPGROUND BYLAW

As per Council's direction, Planning staff have drafted a basic bylaw to regulate the licencing of campgrounds. Draft Bylaw P-1300, Campground Bylaw has been attached as Appendix A to this staff report. Council may decide to add other items to the bylaw to regulate campgrounds, as long as they are not considered items that should be regulated by the Municipal Land Use Bylaw. Prior to giving first reading to a new bylaw, Planning staff recommend holding a stakeholder's meeting, with current campground owners, to hear their input on the draft bylaw.

As mentioned in the previous staff report, a Campground Licencing Bylaw would require additional staff time to register all campgrounds and to ensure that the campgrounds were in compliance with the requirements of licencing. It would also take additional time to help get campgrounds that were not in compliance with the Bylaw into compliance or to chase down, or shutdown, campgrounds that do not apply for the licence.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by "Ensure[ing] bylaws and public policy are in place to address current and future needs."

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create municipal bylaws under Part 7 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

There will be a financial consideration in regards to staff resources to enforce Bylaw P-1300, Campground Bylaw if it is adopted. There may also be revenue in the form of the campground licence fee.

Alternative

As an alternative to developing a Campground Bylaw, Council may instead consider using the existing Municipal bylaws to enforce items such as noise, air quality (smoke), light control, and solid waste.

Attachments

Attached as Appendix A is a draft of Bylaw P-1300, Campground Bylaw.

Conclusion

As per Council's authorization, Planning staff have mailed campground operators a letter to help educate them on existing Bylaws relevant to their operation and to ask them to comment on the potential development of a bylaw to licence campground operators in the Municipality. Taking into consideration the comments from campground operators, staff have also developed a draft Campground Bylaw and are recommending that a stakeholder meeting be held to get feedback on the proposed bylaw.

Appendix A - Draft Bylaw P-1300, Campground Bylaw



MUNICIPALITY OF EAST HANTS BYLAW NUMBER P-1300 CAMPGROUND BYLAW

WHEREAS Section 7 of the Municipal Government Act enables the council of a Municipality to create a bylaw to require a licence to control nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances.

BE IT ENACTED by the Council of the Municipality of East Hants, as follows:

1. SHORT TITLE

1.1. This bylaw shall be known as the Campground Bylaw.

2. DEFINITIONS

2.1 In this Bylaw:

- a. **Campground** means any premises operated for profit or gain for the accommodation of the travelling or vacationing public comprising of:
 - i. building, structure, land, or part thereof used for a range of overnight camping experiences, including but not limited to Tenting, Recreational Vehicle sites (serviced and un-serviced), and other camping structures.
- b. **Council** means the Council of the Municipality of the District of East Hants.
- c. **Development Officer** means the Municipal Development Officer appointed by Council to administer the provision of this Bylaw.
- d. **Licence** means a licence issued pursuant to the Bylaw.
- e. **Manager** includes an owner, lessee, operator or person in charge of a Campground.
- f. **Recreational Vehicle** means a motor vehicle or trailer which includes living quarters designed for short-term seasonal recreational use and accommodation and may include, but is not limited to, Park Model Trailers, Class A, Class B and Class C motor home, a travel trailer, a fifth wheel recreational vehicle, a folding or pop-up tent trailer or a pick-up camper.
- g. **Tent** means a shelter consisting of sheets of cloth or other material draped over, attached to one or more poles, or attached to a supporting rope, including but not limited to, dome and pop up tents.





3. APPLICATION

3.1 This Bylaw shall apply to the entire Municipality of the District of East Hants.

4. REQUIREMENT FOR A CAMPGROUND LICENCE

4.1 No person shall use, maintain, operate or manage a Campground or permit the use of any lands for the overnight parking of Recreational Vehicles for the travelling or vacationing public unless there is a Licence which is in force.

5. EXPIRY OF A CAMPGROUND LICENCE

5.1 Unless a Licence sooner expires or is sooner cancelled, every Licence expires on March 31st in each year.

5.2 Upon a change in the ownership of a Campground with respect to which a Licence has been issued, the Licence expires.

6. APPLICATION FOR A CAMPGROUND LICENCE

- a. Every operator of a Campground shall be required to apply in writing for a Licence;
 - i. On the occasion of the establishment of a new Campground.
 - ii. For the enlargement of an existing Campground.
 - iii. For the resumption of operation of a Campground that has not operated for more than one year.
- b. The application fee for a Licence for a Campground is \$100.00.
- c. An application for a Licence shall be submitted to the Development Officer and shall include a copy of:
 - i. a complete application in the form prescribed in Schedule “A” attached hereto and forming part of this bylaw.
 - ii. copy of approvals from Nova Scotia Environment and Climate Change for the wastewater disposal system and approval for the operation of a public water supply.





- iii. a site plan for the subject property based on a survey or an accurate to scale drawing containing the following information:
 - i) identify the external boundaries and dimension of the contiguous land holdings of the owner of the Campground;
 - ii) the location of all temporary or permanent buildings and structures, both existing or proposed, including setbacks to property lines;
 - iii) the location of all existing and proposed roads and driveways, water courses, and drainage ditches within or adjacent to the subject land;
 - iv) the extent and location of all shoreline vegetative buffers;
 - v) the dimensions and location of each campsite including the distance from property lines;
 - vi) the location of sanitary sewage facilities as well as the location and source of drinking water;
 - vii) the location of all garbage storage areas and facilities, including the distance from property lines;
 - viii) the location of all other storage areas and facilities on the subject property, including the distance from property lines;
 - ix) the location, height and type of lighting; and
 - x) any other features considered as being required or pertinent to the application.
- i. the fee prescribed in this section.

7. REQUIREMENTS

7.1 Water Servicing Requirements

If water is provided, the Manager of a Campground shall provide a potable water system in compliance with Nova Scotia Environment and Climate Change regulations.

7.2 Wastewater Servicing Requirements

If wastewater services are provided, the Manager of a Campground shall provide for the disposal of all wastewater in compliance with Nova Scotia Environment and Climate Change regulations.

7.3 Solid Waste Management Facilities





Campground garbage disposal, recycling, and organics shall be managed in accordance with Bylaw IO-400-1, Solid Waste Resource Collection and Disposal Bylaw, as amended from time to time.

7.4 **Drainage and Stormwater Management**

The Manager shall maintain the Campground to avoid ponding/stagnant pools on roads, camp sites, and common user areas.

7.5 **Operation of Campground**

- a. The Manager is directly responsible to ensure that all of the requirements of this Bylaw have been met and shall have a responsible supervisor available at all times when the Campground is open.
- b. There shall be no year-round habitation of a Recreational Vehicle or a Tent.

7.6 **Other Requirements**

Every Campground shall conform to this bylaw, all other applicable Municipal Bylaws, including the Municipal Land Use Bylaw; as well as all Provincial and Federal Laws.

8. ENFORCEMENT

- 8.1 A person who violates any provision of this Bylaw or any agreement made pursuant to this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than one hundred dollars (\$100) and not exceeding five thousand dollars (\$5000) and in default of payment, to imprisonment for a term not exceeding six (6) months and in case of a continuing offence, to a further fine not exceeding five hundred dollars (\$500) for each day during which the offence, continues and, in default of payment, to imprisonment for a term not exceeding thirty (30) days.

9. REPEAL AND REPLACE

The previous version, and all other versions of the _____ Bylaw, are repealed and replaced by this bylaw





Certification

I, Kim Ramsay, Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on _____, 2022.

Kim Ramsay
Municipal Clerk

Bylaw Adoption	
First Reading:	<Month/Day/Year>
Website and Social Media Notifications:	<Month/Day/Year>
Formal Notice of Publication:	<Month/Day/Year>
Second Reading:	<Month/Day/Year>
Website and Social Media Notifications:	<Month/Day/Year>
Formal Final Publication and Enactment:	<Month/Day/Year>
Enacted Bylaw posted to website:	<Month/Day/Year>





Bylaw Adoption

Notice to the Province of Nova Scotia:

<Month/Day/Year>

Version Number	Amendment Description	Council Approval Date
<XX.XX>	<Summary of the amendment(s) to the Bylaw>	<Month/Day/Year>

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Schedule "A"

Application form still to be drafted after initial review of the draft bylaw.

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