

MEMORANDUM

To: Owners, Operators and Residents of Seasonal Campgrounds & Trailer Parks
From: Environmental Health Team, Peterborough Public Health
Date: April 29, 2021
Subject: Applicability of the Stay-at-Home Order and Shutdown Legislation to Campground Operations

Peterborough Public Health is receiving a high number inquiries from owners, operators and residents of seasonal campgrounds and trailer parks regarding the applicability of the current emergency legislation to the operation of these facilities. Please be advised that this memo is intended to provide clarity on Peterborough Public Health's position on the matter, and does not constitute legal advice.

Current Applicable Legislation

There are currently two provincial regulations in effect that must be considered when it comes to understanding the permissibility of seasonal campgrounds/trailer parks to open/operate.

- 1) O. Reg. 265/21: Stay-at-Home Order, under the *Emergency Management and Civil Protection Act*
- 2) O. Reg. 82/20: Rules for Areas in Stage 1, under the *Reopening Ontario (A Flexible Approach to COVID-19) Act*

Both of these regulations need to be considered in tandem as they are both currently in effect. While O. Reg. 82/20 does provide allowances for the operation of seasonal campgrounds (with restrictions), this cannot be considered alone – the requirements of the Stay-at-Home Order must be considered in conjunction.

O. Reg. 265/21: Stay-at-Home Order

The Stay-at-Home Order does not allow most trips to a cottage, trailer, campsite, or other secondary residence. There are certain trips which are permitted under section 19 of the Order including:

- Attending the property so long as attendance by an individual is for essential reasons as outlined in the order (e.g. essential maintenance) and the individual will be at the residence for less than 24 hours.
- Attending the property with the intention that the individual will relocate to the residence (i.e. trailer) for 14 days or longer.

Short term stays, for example, attending the trailer for a weekend, **are currently prohibited.**

Ultimately, it is up to the owner/operator of the campground or trailer park to determine whether or not they will open to individuals attending for one of the purposes listed above. Any questions regarding contractual obligations between a park and a resident should be directed to the owner of the campground/park and/or your own legal counsel. If a campground or park chooses to open for the purposes listed above, then they must comply with the requirements pertaining to businesses permitted to open as laid out in O. Reg. 82/20 and the Stay-at-Home Order. If business are not confident that they will be able to comply with the legislation, then they must not open.

O. Reg. 82/20: Rules for Areas in Stage 1

Currently, businesses in the province of Ontario must abide by the requirements outlines in Schedules 1 to 5 of the "Shutdown Zone". Specifically, schedule 2 provides the list of businesses that may open during the shutdown, and any additional requirements that must be followed. Section 26 provides the information for seasonal campgrounds.

Seasonal campgrounds that meet the following conditions, may open:

- Campsites must be made available only for trailers and recreational vehicles that,
 - are used by individuals who are in need of housing, or
 - are permitted to be there by the terms of a full season contract.
- Only campsites with electricity, water service and facilities for sewage disposal may be provided for use.
- All recreational facilities in the campground and all other shared facilities in the campground, other than washrooms and showers, must be closed.
- Other areas of the seasonal campground must be closed to the general public and must only be opened for the purpose of preparing the seasonal campground for reopening.

This means that a campground may open for those who need housing and/or those who have full season contracts, however, **the requirements of the Stay-at-Home Order must also be followed.** The person in need of housing or the person attending on a full season contract may only do so:

- a) for less than 24 hours and for essential purposes (e.g. maintenance); or
- b) for 14 days or longer.

Note that all other amenities at the campground (with the exception of washrooms and showers) must be closed, including, but not limited to: pools, hot tubs, playgrounds, splash pads, laundry facilities, recreation rooms, etc.

Responsibility for Compliance

Given that there are requirements pertaining to the business and individuals, responsibility to ensure compliance with the legislation is blended between both parties – the owner/operator/person responsible for the business and the resident/individual attending the campground. Peterborough Public Health expects full compliance by both parties and has a zero-tolerance approach for noncompliance with public health measures intended to slow the spread of COVID-19.

Owners/operators must ensure that the requirements for opening are met (i.e. contracts, electricity, sewage disposal, closure of amenities, etc.) and are expected to communicate to residents who may and may not attend.

Owners/operators are expected to ask those residents who are not in compliance with the Stay-at-Home Order to vacate the premises (i.e. those residents who are coming up for short-term, weekend visits).

Residents must ensure that they are personally complying with the Stay-at-Home Order and only attending the property when it is permissible to do so, as outlined above.

Enforcement and Fines

Peterborough Public Health will investigate complaints of noncompliance and seek the assistance of other enforcement partners, including Peterborough Police Service and the Ontario Provincial Police, when required. When indicated, business owners/operators may be charged, as well as individual residents.

Business owners/operators may be subject to fines under the Reopening Ontario Act for failing to comply with a continued emergency order. Residents may be subject to fines under the Reopening Ontario Act, as outlined above, or under the Emergency Management and Civil Protection Act for failing to comply with an order made during a declared emergency (i.e. Stay-at-Home Order).

Charges may be laid in accordance with the Provincial Offences Act, R.S.O. 1990, c. P33 in the form of a Part 1 Offence Notice (i.e. a ticket) in the amount of \$750.00 for an individual or \$1000.00 for a corporation. Charges also may be commenced under Part 3 of the Act (summons to court), where penalties may be much larger in nature, including significant monetary fines (up to \$100,000 for individuals and \$10,000,000 for corporations) and the possibility of imprisonment.

Sincerely,
Environmental Health / COVID-19 Enforcement
Peterborough Public Health