

CONTINUING CONSOLIDATION
MOBILE HOME BY-LAW NO. 5252/21/84

AS AMENDED BY BY-LAW NO. 6797.

BEING A BY-LAW to license and regulate the placing and locating of mobile houses used as living accommodations within the City of Brandon.

WHEREAS Section 439 of “The Municipal Act” provides that any Municipality may pass by-laws for licensing and regulating the placing, locating and use of mobile houses and the development of trailer parks;

AND WHEREAS it is deemed expedient to provide for the licensing and regulating the placing, locating and use of mobile houses and the development of trailer parks within the City of Brandon;

AND WHEREAS it is deemed desirable to ensure that the development and improvement of areas for mobile homes shall provide for facilities and amenities appropriate for the needs of the occupants; and for the safe, comfortable and sanitary use by the occupants under all weather conditions;

AND WHEREAS insofar as is practicable the design of a mobile home park and placement of mobile homes within such park shall conform to the C.S.A. Standards for Mobile Homes and Mobile Home Parks;

NOW THEREFORE the Council of The City of Brandon in meeting assembled enacts as follows:

1. DEFINITIONS

In this By-law the following definitions shall apply:

- (A) “Accessory building” means any fully enclosed space used for storage of vehicles or other personal belongings including garages and workshops, but excluding tool storage sheds, located on the same property as the mobile home.**
- (B) “City” means the municipal corporation of The City of Brandon.**
- (C) “City Engineer” shall mean the City Engineer of The City of Brandon or any person acting in his stead.**
- (D) “Development Officer” shall mean an officer appointed by the Board of the Brandon and Area Planning District, and shall include the words Building Inspector in accordance with the provisions of The Planning Act.**
- (E) Existing Mobile Home Park shall mean those mobile home parks in existence on the passing of this By-law.**
- (F) “Health Officer” shall mean the Medical Officer of Health for the City of Brandon.**
- (G) “Heated Space” shall mean space that is intended to be used for living, sleeping, cooking or eating purposes, or any combination thereof that is heated by a central heating system or other fixed equipment.**
- (H) License shall mean a license issued by the City’s License Inspector to a person, authorizing the placement and location of a mobile home within a mobile home park.**
- (I) License Inspector shall mean the person appointed to such position in the City or any person acting in his stead.**
- (J) “Mobile Home” means a vehicle that:**

- (i) is so constructed as to be capable of being attached to and drawn on highways by motor vehicle, or which can be propelled by a motor vehicle engine installed therein or thereon, and
 - (ii) is intended to be used, and is used by person for living, sleeping, eating, or business purposes, or any one or more of all of those purposes and shall included;
 - (iii) any enclosed addition or structure attached to a unit described in Clause J (i) or (ii) herein and used as part of the living or working area described therein.
- (K) **“Mobile Home License Fee Appeal Board”** shall mean a Board comprised of three citizen members appointed by the City of Brandon to hear appeals against the license fees imposed on mobile home owners with respect to the size, age and accessory building characteristics of the mobile home.
- (L) **“Mobile Home Park”** means an area that is intended to be used, and is used, for the placing or parking of mobile homes, and includes any auxiliary buildings or other structures or facilities intended for or to be used for cooking, personal cleanliness, washing, health or sanitation, or any one or more or all of those purposes and which has been approved by Council.
- (M) **“Mobile Home Space”** shall mean a space in a mobile home park for the placement of a mobile home.
- (N) **“Tourist Camp”** shall mean a camping area, whether or not a rental or other charge is made for the use thereof, that is maintained and used primarily for:
 - (i) the accommodation of, and
 - (ii) the use for camping purposes, during the whole or part of the months of May to October both inclusive, by
 - (a) automobile tourists and
 - (b) residents and other non-residents of the municipality in which the area is situated; and includes any buildings, or other structures or facilities intended for, or to be used for, cooking, personal cleanliness, washing, health or sanitation, or any one or more of all of those purposes (but does not include a mobile home park).
- (O) **“Zoning By-law”** shall mean the City of Brandon Zoning By-law No. 6642 and amendments thereto.

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2. GENERAL APPLICATION

- (a) This By-law shall be subject to The Municipal Act, The Public Health Act, the Tourism and Recreation Act, Building and Mobile Homes Act and all other Government legislation and regulations both Provincial and Municipal having effect within the City. When the provisions of said legislation and regulations impose greater restrictions than the restrictions of this By-law, then such greater restrictions shall prevail.
- (b) All mobile homes, placed, located or relocated in the City of Brandon shall conform to the Building and Mobile Homes Act and the C.S.A. Standards for Mobile Homes.

- (c) All mobile homes used as living accommodation unless specifically otherwise authorized by City Council shall be placed and located within areas designated or permitted for such uses in the City=s Zoning By-law.
- (d) Each mobile home space shall be considered to be an approved location provided that the plans for the mobile home park have been approved by the Council and provided further that all conditions of approval for the said park have been fulfilled and have not since been violated.
- (e) The provisions of this By-law shall not apply to any mobile home used by any person who:
 - (i) is a non-paying guest of a local resident and parks such mobile house on the premises of such local resident
 - (a) for a period not exceeding seventy-two (72) hours; or
 - (b) for a period not exceeding thirty (30) days, provided such parking is reported by such local resident to the License Inspector within seventy-two (72) hours after it occurs and is approved by said License Inspector.
 - (ii) is in receipt of a development permit issued by the Development Officer for the construction of a permanent residence, commercial establishment or industrial building within the limits of the City and is using the mobile home on the land subject to the said development permit as a temporary dwelling or place of business. Temporary accommodations shall be in accordance with those requirements set forth in The Zoning By-law.
 - (iii) uses a mobile home in connection with his operation of any exhibition, fair, carnival, amusement or entertainment that is authorized to operate for a special duration of time on a certain designated site.

3. MOBILE HOME PARK

(a) Application Requirements

Upon the passing of this By-law, every person wishing to establish, expand, operate, keep, maintain, or alter a mobile home park within the City shall first obtain approval from the City Council. A signed development application together with relevant plans and specifications shall be filed with the Development Officer showing whatever information may be required by the City Council and the City Engineer, including but not limited to the following particulars:

- (i) the name and address of the applicant, and the owner and operator if different from the applicant;
- (ii) the location and general layout of the mobile home park, including mobile home spaces, storage areas, service/maintenance buildings, managers officer, and/or other buildings and uses related to the operations of the mobile home park including roadways, walkways, buffers and recreation areas;
- (iii) the dimensions and the shape of all mobile home spaces and roadways;
- (iv) the method of garbage collection and disposal;
- (v) the fire protection in the area;
- (vi) the means of vehicular and pedestrian access;

- (vii) the location of any water bodies or water storage plants within a radius of 2,000 feet of the proposed development;
 - (vii) an engineer=s report, which shall be prepared by a registered professional engineer who is legally entitled to practice engineering in the Province, consisting of the following with respect to the proposed expansion, renovations, and/or alterations and with respect to an existing park when in the opinion of the City Engineer, the existing park will be affected:
 - (a) anticipated volume of water use, point and size of water meter, source of supply, and capabilities of the internal distribution system to transport said volumes.
 - (b) anticipated sewage flow and the City's ability to collect and treat the anticipated flow.
 - (c) description and plan of controlling soil erosion and sediment during construction.
 - (d) the proposed method of controlling storm water runoff. This section of the report shall also state the percentage of the site to be covered by impermeable material, drainage and runoff calculations for the site as it exists prior to development and as it will exist following development.
- (b) General Requirements
 - (i) the minimum requirements pertaining to a mobile home park as set forth in the City's Zoning By-law shall apply herein;
 - (ii) all roadways of the internal roadway system shall be properly identified with a sign, being of the standard size used by the City of Brandon and such sign shall be placed at each intersection of the internal roadway system;
 - (iii) all roadways within the mobile home park shall be properly illuminated in accordance with a lighting plan submitted by Manitoba Hydro and approved by the City Engineer;
 - (iv) the owner/operator of every existing and new mobile home park shall, at his sole expense, ensure that snow removal operations on all roadways within the mobile home park are carried out promptly;
 - (v) the owner and/or operator of every mobile home park shall provide at the main entrance a map of the park, showing each lot and lot numbers as identified in accordance with (vi) of this section and each roadway located within the said park and such sign shall be placed in such a manner that it will be easily read from a roadway, but will not obstruct traffic or pedestrian visibility, and shall be subject to the City Engineer's approval;
 - (vi) each mobile home shall display lot numbers on the front top half of the mobile home in numbers that are clearly visible from the roadway and no less than 127mm (5") in height;
 - (vii) the owner and/or operator of the mobile home park shall be responsible for the installation and maintenance of water and sewer service lines to each mobile home within the park in such a manner as the City Engineer will approve, with special regards to installing same at sufficient depth to prevent freezing of the lines during winter as well as providing a suitable means of capping the water and sewer service connection when same is not in use.

- (viii) all public utilities such as hydro, telephone, sewer and water distribution shall be underground;
- (ix) the portion of the mobile home park not occupied by mobile home foundations, mobile home additions, common use and storage buildings, roadways, walkways, driveways, car parking areas and any other developed facilities shall be seeded or sodded and landscaped with suitable trees and shrubbery;
- (x) the provisions of By-law No. 5863, as amended from time to time, pertaining to mobile homes and /or mobile home parks, shall apply to all owners/occupants of every mobile home park.
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4. MOBILE HOME SPACE

(a) Application Requirements

Every person wishing to place or locate a mobile home on an approved mobile home space shall file with the License Inspector a written application, such application shall show whatever information may be required by the Development Officer, Fire Inspector or License Inspector, including but not limited to the following:

- (i) the name of the applicant;
 - (ii) the name and address of the registered owner of the lands upon which the mobile home is located together with the space number the mobile is to be located on;
 - (iii) a declaration that the mobile home is to be used for residential purposes;
 - (iv) the make, model and serial number of the mobile home;
 - (v) the name of the owner of the mobile home if different from that of the applicant;
 - (vi) a plan or sketch drawn to scale showing the exact size of the mobile home, the exact location of the mobile home on the mobile home space and an accessory building uses or structures, and showing the clearance between the mobile home and the limits of the mobile home space, and any utility right-of-way.
- (b) Any person wishing to add or create an addition to any mobile home or accessory building shall obtain the written permission of the owner and/or operator of the mobile home park and be required to obtain a permit issued by the development officer.

(c) General Requirements

The minimum mobile home space and mobile home requirements shall be as follows:

- (i) the requirements set forth in PART IV, DIVISION I: RULES FOR RESIDENTIAL DISTRICTS of the City's Zoning By-law shall apply herein":
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- (ii) all mobile homes shall be provided with skirting around the base of the unit and additions. The skirting and additions shall be so designed and constructed as to not degrade the appearance of the mobile home.
- (iii) all accessory structures such as patios, porches, additions and skirting shall meet the requirements of the building by-law and shall be so designed and erected as to harmonize with the mobile home;

- (iv) tanks and stands for storage of fuel oil and propane shall be kept in a clean, rust free and well-maintained painted condition satisfactory to the License Inspector.

5. EXISTING MOBILE HOME PARKS

Existing Mobile Home Parks, and persons who have mobile homes located in spaces therein, shall conform to those parts of Section 3 & 4 - as applicable to them, within the following limits:

(A) SECTION THREE - MOBILE HOME PARK

- (i) Clauses 3(a)(i), 3(a)(ii), 3(a)(iii), 3(a)(iv) and 3(b)(vi) within 90 days of passing this by-law
- (ii) Clauses 3(b)(ii) and 3(b)(v) within 180 days of passing this by-law
- (iii) Clauses 3(b)(iii) and 3(b)(ix) within 3 years of passing this by-law

(B) SECTION FOUR - MOBILE HOME SPACES

- (i) Clauses 4(a)(i), 4(a)(ii), 4(a)(iii), 4(a)(iv), 4(a)(v), and 4(a)(vi) within 90 days of passing this by-law
- (ii) Clauses 4(c)(ii) and 4(c)(iv) within 180 days of the passing of this by-law.

6. LICENSES

- (a) The owner of every mobile home placed and located within a mobile home park shall pay a monthly license fee in lieu of residential property taxes whereby said fee shall be based on the age and size of the mobile home, and the existence and size of any accessory buildings on the property, as set out in Schedule "A" to this by-law.
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- (b) Except as provided in Clause 2(e), no owner or occupier of land within the City shall permit the placing of locating of any mobile home on any land unless the required license application has been completed.
- (b.1) (i) The owner of each mobile home shall by September 1st, 2005, certify information to his mobile home park owner/operator inclusive of the address of his mobile home, the model year, the square footage of the heated place and the square footage of any accessory buildings located on the mobile home space in the form set out in Schedule "B" to this by-law. Failure to provide this information shall be considered an offense and be subject to the penalties set out in this by-law.
- (ii) The owner/operator of the mobile home park shall by September 15th, 2005 assemble the information provided by his tenants under subsection 6. (b.1) (1) and ensure all the information given is delivered to the City on all the mobile home spaces in his park. Failure to provide this information shall be considered an offense and be subject to the penalties as set out in this by-law.
- (iii) Additions and/or deletions to the information provided under Section 6. (b.1) (i) shall be reported to the City by the owner/operator of the mobile home park on a monthly basis.

- (iv) The information required under Clause 6. (b.1) (i) shall be verified, re-certified and submitted to the City every four (4) years.

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- (c) (i) The owner/operator of any mobile home park shall be responsible to collect and pay over to the City all license fees herein provided for, whereby the owner/operator shall be entitled to withhold \$1 per unit, per month, to a maximum of \$100.00, as compensation for the administration of the variable license fees, with the exception of the first four months beginning January 1st, 2006, whereby there shall be no maximum amount.
- (ii) Such fees shall be paid to the License Inspector on or before the 20th day of the month for which it is due and if the owner/operator fails to collect or remit the fees, the amount thereof shall be added to the taxes payable in respect to the land and collected in the same manner as other taxes payable in respect to the land.

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- (d) A penalty shall be applied on all outstanding amounts on the first day of each month following the month or months to which the fee applies and such penalty shall be equal to the prevailing tax penalty rate established in the annual Brandon Mill Rate By-law.
- (e) A license issued under this By-law:
 - (i) is not transferable;
 - (ii) does not provide for a change of location while the license is in force except by consent of the License Inspector;
 - (iii) may be revoked by the License Inspector at any time for failure on the part of the licensee to abide by this By-law or any other laws and regulations effective in the City, which pertains to Mobile Home Parks and Mobile Homes.
- (f) The owner/operator of any mobile home park or the owner of any mobile home may file an appeal against any of the information provided under Clause 6. (b.1) (i) to the Mobile Home License Fee Appeal Board. Applications must be made in writing and be filed with the City Clerk's Office prior to September 15th of each year. Reference must be made in the letter of application to:
 - (i) the name and address of the applicant;
 - (ii) the address of the mobile home site, if different from (a);
 - (iii) the grounds on which the application is being made.
- (g) (i) The City Clerk, upon receipt of an appeal submitted pursuant to the provisions of this by-law, shall set a time and place for a hearing by the Board provided that in no case shall a hearing be held later than thirty (30) days following the deadline for submission of appeals.
- (ii) The City Clerk shall cause not less than three (3) days notice of the hearing to be served by certified mail, registered mail, or person service sworn to by an affidavit, on the appellant at his address as shown on the appeal application, and such notice shall inform the appellant that he, or his agent, may appear at the hearing and make such representation as he so desires and that, in the event he or his agent does not appear at the said hearing, a decision may be made by the Board in his absence.

- (h) On the day and at the time set out in the notice of the City Clerk, the Board shall conduct the hearing and receive representation from the appellant, or any person appearing on their behalf. The hearing may be adjourned from time to time and may be resumed at such time and place the Board may decide.
- (i) Upon hearing an appeal, the Board may:
 - (i) confirm the licence fee imposed on the mobile home site; or
 - (ii) change the information regarding the characteristics of the mobile home site and set a revised license fee for the year.

The decision of the Mobile Home License Fee Board with respect to an appeal filed pursuant to this by-law is final and absolute.

- (j) The City Clerk, as soon as practicable following the adjournment of the hearing, shall provide written notice to the appellant and the City Treasurer as to the decision of the Board.

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7. LICENSE INSPECTOR

- (a) The License Inspector of the City shall:
 - (i) inspect as to licenses from time to time mobile home parks;
 - (ii) collect all money payable to the City under this by-law and pay the same to the City Treasurer;
 - (iii) complete and sign all licenses issued by the City and keep a register containing full particulars thereof;
 - (iv) refer to the City Manager, or his designate, any application which appears to require interpretation or direction.
- (b) Any mobile home or mobile home park permitted and licensed under this By-law shall be subject to inspection, during reasonable hours, by the Development Officer or Fire Inspector having authority in the City. No person shall refuse admission to any such inspecting officer nor shall fail to remedy any condition if so requested by any such officer.
- (c)
 - (i) An appeal within thirty (30) days against any decision of the License Inspector may be made in writing, stating the grounds for complaint, firstly to the City Manager and then to the Council, whose decision thereon shall be final and binding on all persons;
 - (ii) An appeal to the City Council shall be heard within 30 days of receipt of such appeal by the Council; and
 - (iii) A decision by resolution shall be issued by the Council within 60 days of the receipt of such an appeal.

8. TOURIST CAMPS

Tourist Camps as defined herein shall be exempt from licensing under this By-law.

9. PENALTY

- (a) Any person who violates, contravenes, or fails to observe and carry out any provision of this by-law shall, upon summary conviction, be liable to a fine of not more than One Thousand Dollars (\$1,000.00) and costs, or to imprisonment for a term not exceeding thirty (30) days, or to both such fine and imprisonment, except that any person who fails to obtain a license for their mobile home space shall be subject to a fine not exceeding twenty-five dollars (\$25.00) and costs .
- (b) Where the contravention, refusal, neglect, omission or failure, including failure to comply with a notice, order or direction given continues for more than one day, the person is guilty of a separate offence for each day that it continues.

10. COMMENCEMENT

This by-law shall come into force on the 1st day of October A.D. 1984.

11. REPEAL

By-law No. 4284, 4285 and 4400 are hereby repealed effective the 1st day of October A.D. 1984.

DONE AND PASSED in Council duly assemble this 10th day of September A.D. 1984.

"K. J. Burgess"

MAYOR

"I. L. Thomson"

CITY CLERK

Read a first time this 7th day of August A.D. 1984.

Read a second time this 20th day of August A.D. 1984.

Read a third time this 10th day of September A.D. 1984.

I, Conrad Robert Arvisais, City Clerk of the Municipality of the City of Brandon, DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 5252/21/84, as amended by By-law No. 5787/62/90 and 6797.

C.R. Arvisais, City Clerk

**SCHEDULE "A" to
BY-LAW NO. 5252**

LICENSE FEE SCHEDULE

License Fee Payable Per Month

	Size of Mobile Home (as determined by square footage of heated living space)								
	Less Than 1000 Sq. Ft.			1000 to 1300 Sq. Ft.			Greater Than 1300 Sq. Ft.		
	< 6 years	6 – 16 years	> 16 years	< 6 years	6 – 16 years	> 16 years	< 6 years	6 – 16 years	> 16 years
2011	\$78.73	62.97	44.08	94.47	73.48	52.48	113.36	92.37	66.12
2012	\$79.35	63.47	44.43	95.22	74.06	52.90	114.26	93.10	66.64
2013 +	For each year subsequent to 2012, the fees to be charged shall be increased by a percentage as determined by the Consumer Price Index (CPI) Winnipeg.								

NOTE: The age and size of a mobile home is determined as of January 1st of each year.

	Accessory Buildings (based on total square footage)		
	Space less than 200 square feet	Space less than 385 square feet	Space greater than or equal to 385 square feet
2011	No levy	\$13.64	\$26.25
2012	No levy	\$13.75	\$26.46
2013 +	No levy	For each year subsequent to 2012, the fees to be charged shall be increased by a percentage as determined by the Consumer Price Index (CPI) Winnipeg.	

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**SCHEDULE "B" to
BY-LAW NO. 5252**

NAME AND LOCATION OF MOBILE HOME PARK: _____

OWNER/OPERATOR OF PARK: _____

ADDRESS OF MOBILE HOME SITE: _____

OWNER OF MOBILE HOME: _____

SQUARE FOOTAGE AREA OF HEATED SPACE: _____

MODEL YEAR OF MOBILE HOME: _____

ACCESSORY BUILDING(S): ____ YES ____ NO

IF YES, SQUARE FOOTAGE AREA OF ACCESSORY BUILDING(S): _____

CERTIFICATION

I, the undersigned, as owner of the above noted mobile home, do hereby certify the information above to be true and correct, with the understanding that knowingly providing false information is an offense under City of Brandon Mobile Home By-law No. 5252 and subject to penalties as set out in said by-law.

SIGNATURE: _____

Mobile Home Owner:

DATE: _____

SIGNATURE: _____

(Mobile Home Park Owner)

DATE: _____

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