

**TOWN OF NEEPAWA
BY-LAW NO. 3032**

BEING A BY-LAW of the Town of Neepawa to Establish Fees for Mobile Homes, repealing By-law No. 3017.

WHEREAS it is deemed expedient and in the best interest of the corporation to alter the provisions relating to the licensing of mobile homes based on specific characteristics of such homes;

NOW THEREFORE the Council of The Town of Neepawa in regular session assembled enacts as follows:

1. DEFINITIONS

- (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) “Town” means the municipal corporation of The Town of Neepawa.
- (C) “O.M.D.” shall mean the Operation and Maintenance Director of The Town of Neepawa or any person acting in his stead.
- (D) “Development Officer” shall mean an officer appointed by the Board of the Neepawa 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) License shall mean a license issued by the Neepawa and Area Planning District Development Officer to a person, authorizing the placement and location of a mobile home within a mobile home park.
- (G) Building Inspector shall mean the person appointed to such position in the Town of Neepawa or any person acting in his stead.
- (H) “Mobile Home” means a vehicle that:
 - (i) is so constructed as to be capable of being attached to and drawn on highways by, a 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 include;
- (I) “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.
- (J) “Mobile Home Space” shall mean a space in a mobile home park for the placement of a mobile home.
- (K) “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).
- (L) “Zoning By-law” shall mean the Town of Neepawa Zoning By-law No. 2650 and amendments thereto.”

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 Town. 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 Town of Neepawa 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 Town Council shall be placed and located within areas designated or permitted for such uses in the Town'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 Building Inspector within seventy-two (72) hours after it occurs and is approved by said Building 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 Town 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, or alter a mobile home park within the Town shall first obtain approval from the Town 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 Town Council and the Town OMD, 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 in the opinion of the OMD, shall provide the following information:

- (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 Town'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 Town's Zoning By-law shall apply herein;
- (ii) 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 Town OMD;
- (iii) 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;
- (iv) each mobile home shall display lot numbers in accordance with the Town of Neepawa By-Law # 3002.
- (v) 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 Town OMD 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.
- (vi) all new mobile home parks must install all public utilities such as hydro, telephone, sewer and water distribution underground;
- (vii) 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;
- (viii) the provisions of By-law No. 3032 pertaining to mobile homes and /or mobile home parks, shall apply to all owners/occupants of every mobile home park.

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 Development Officer a written application, such application shall show whatever information may be required by the Planning District or Fire 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 RMH Regulation PART XII to XIV of the Town's Zoning By law shall apply herein:
- (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 Building Inspector.

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 in accordance with Schedule "A" to this by-law.
- (b) Except as provided in Clause 2(e), no owner or occupier of land within the Town 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/operator of any mobile home park shall by December 1st, 2005, provide Information to the Town of Neepawa on each mobile home located in said mobile home park in the form set out in Schedule "B" attached to the by-law. Failure to provide this information shall be considered an offence and subject to the penalties set out in this by-law.
 - (ii) additions and/or deletions to the information provided under Section 6. (b.1) (i) shall be reported to the Town of Neepawa by the owner/operator of the mobile home park on a monthly basis.
- (c) (i) the owner or occupant of any mobile home located in a mobile home park in the Town of Neepawa shall pay a monthly license fee on the first day of every month to the owner of the mobile home park in which said mobile home is situated.
- (ii) the owner of any mobile home park in the Town of Neepawa shall pay to the Town by the twentieth day of every month the license fees that have been collected in accordance with (c) (i) aforesaid unless a prior development agreement with the mobile park owner states a different timeframe for the submission of the fees. 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.
- (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 Neepawa 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 Building Inspector;
 - (iii) may be revoked by the Building 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 Town, 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 Town of Neepawa. Applications must be made in writing and be filed with the Town of Neepawa's Chief Administrative Officer 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 Town of Neepawa's Chief Administrative Officer, upon receipt of an appeal submitted pursuant to the provisions of this by-law, shall set a time and place for a hearing by Council provided that in no case shall a hearing be held later than thirty (30) days following the deadline for submission of appeals.

- (ii) the Town of Neepawa's Chief Administrative Officer shall cause not less than three (3) days notice of the hearing to be served by certified mail, registered mail, or personal 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 Council in his absence.
- (h) On the day and at the time set out in the notice of the CAO, the Council 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 Council may decide.
- (i) Upon hearing an appeal, Council 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 Council of the Town of Neepawa with respect to an appeal filed pursuant to this by-law is final and absolute.
- (j) The Town of Neepawa's Chief Administrative Officer, as soon as practical following the adjournment of the hearing, shall provide written notice to the appellant and the Town's Financial Officer as to the decision of the Board.

7. BUILDING INSPECTOR

- (a) The Building Inspector of the Town shall:
 - (i) inspect the licenses of mobile home parks from time to time;
 - (ii) complete and sign all licenses issued by the Town of Neepawa and keep a register containing full particulars thereof;
 - (iv) refer to the Chief Administrative Officer, 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 a designated officer of the Town of Neepawa. 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 Building Inspector may be made in writing, stating the grounds for complaint, firstly to the Chief Administrative Officer and then to the Council, whose decision thereon shall be final and binding on all persons;
 - (ii) an appeal to the Town 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 of two hundred and fifty dollars (\$250.00) 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 and take effect February 1, 2007 and on January 1st of each subsequent year.

11. REPEAL

By-law No. 3017 is hereby repealed effective upon the passing of this By-law.

DONE AND PASSED in Council duly assembled this day of A.D. 2007.

MAYOR

CAO

Read a first time this	14th	day of December	A.D. 2006
Read a second time this	4th	day of January	A.D. 2007
Read a third time this	4th	day of January	A.D. 2007

**SCHEDULE "A" to
BY-LAW NO. 3032**

LICENSE FEE SCHEDULE

License Fee Payable Per Month

Size of Mobile Home						
Less Than or Equal to 1100 Sq. Ft.				Greater than 1100 Sq. Ft.		
	Pre 2000		2000 & newer	Pre 2000		2000 & newer
2006	\$40.00		\$55.00	\$43.00		\$59.00
<p>For each year subsequent to 2006, the annual license fee to be charged shall be changed by the percentage increase or decrease of the municipal and school tax budgeted revenue. The calculation for the increase/decrease shall be based upon the percentage of increase/decrease of revenue from the budgets of the previous two years. For illustration purposes, in 2007, the calculation to be used is the percentage difference of the 2005 and 2006 budgeted revenue. The 2005 budgeted revenue was \$ 4 046 442.67, the 2006 budgeted revenue was \$ 4 140 713.94 for an increase of 2.3%.</p>						

NOTE: The age and size of a mobile home is determined by the manufacturer sticker on the home.

Accessory Buildings (based on total square footage) Individual buildings			
	Space less than 200 square feet	Space less than 320 square feet	Space greater than or equal to 320 square feet
2006	No levy	\$10	\$18
	No levy	<p>For each year subsequent to 2006, the annual license fee to be charged shall be changed by the percentage increase or decrease of the municipal and school tax budgeted revenue. The calculation for the increase/decrease shall be based upon the percentage of increase/decrease of revenue from the budgets of the previous two years. For illustration purposes, in 2007, the calculation to be used is the percentage difference of the 2005 and 2006 budgeted revenue. The 2005 budgeted revenue was \$ 4 046 442.67, the 2006 budgeted revenue was \$ 4 140 713.94 for an increase of 2.3%.</p>	

Original Schedule A - NO LONGER CURRENT

**SCHEDULE "B" to
BY-LAW NO. 3032**

NAME AND LOCATION OF MOBILE HOME PARK: _____

OWNER/OPERATOR OF PARK: _____

ADDRESS OF MOBILE HOME SITE: _____

OWNER OF MOBILE HOME: _____

DIMENSIONS OF THE TRAILER: _____
(Manufacturers Dimensions of the home)

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 offence under Town of Neepawa Mobile Home By-law No. 3032 and subject to penalties as set out in said by-law.

SIGNATURE: _____ DATE: _____
Mobile Home Owner:

I, the undersigned, as owner of the above noted mobile home park, do hereby certify the above mobile home is located on the site.

SIGNATURE: _____ DATE: _____
(Mobile Home Park Owner)

**SCHEDULE "A" to
BY-LAW NO. 3032**

LICENSE FEE SCHEDULE

License Fee Payable Per Month for the year 2009

	Size of Mobile Home					
	Less Than or Equal to 1100 Sq. Ft.			Greater than 1100 Sq. Ft.		
	Pre 2000		2000 & newer	Pre 2000		2000 & newer
2006	\$40.00		\$55.00	\$43.00		\$59.00
2008	39.41		54.18	42.36		58.12
2009	40.59		55.81	43.63		59.86
	<p align="center">For each year subsequent to 2006, the annual license fee to be charged shall be changed by the percentage increase or decrease of the municipal and school tax budgeted revenue. The calculation for the increase/decrease shall be based upon the percentage of increase/decrease of revenue from the budgets of the previous two years.</p>					

NOTE: The age and size of a mobile home is determined by the manufacturer sticker on the home.

	Accessory Buildings (based on total square footage) Individual buildings		
	Space less than 200 square feet	Space less than 320 square feet	Space greater than or equal to 320 square feet
2006	No levy	\$10	\$18
2008		9.85	17.73
2009		10.15	18.26
	No levy	<p align="center">For each year subsequent to 2006, the annual license fee to be charged shall be changed by the percentage increase or decrease of the municipal and school tax budgeted revenue. The calculation for the increase/decrease shall be based upon the percentage of increase/decrease of revenue from the budgets of the previous two years.</p>	

Adopted by Council December 16, 2008