

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW No. 92-21

A BYLAW OF THE CORPORATION OF THE CITY OF PENTICTON TO REGULATE THE ESTABLISHMENT, EXTENSION, DESIGN AND SERVICING OF MOBILE HOME PARKS, PURSUANT TO SECTION 734 OF THE "MUNICIPAL ACT"

WHEREAS the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

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1. Interpretation and Administration
2. General Provisions
3. Plans and Specifications
4. Site Development
5. Placement of Mobile Homes, Permissible Additions and Buildings
6. Utilities
7. Supervision and Reporting

INTERPRETATION AND ADMINISTRATION

Title

- 1.01 This Bylaw may be cited as "City of Penticton Mobile Home Parks Bylaw".

Application

- 1.02 This Bylaw shall be applicable to all land contained within the boundaries of the City of Penticton.

Definitions

- 1.03 In this Bylaw, unless the context otherwise requires,
- "Approved" and any other like term relative to a standard of acceptance shall mean approved or other like term by the authority having jurisdiction.
- "Authority Having Jurisdiction" shall mean the Chief Inspector of the Building and Licence Department, being also the Building Inspector, Plumbing Inspector and Licence Inspector of the City of Penticton, and those persons acting on his behalf under his authority.

"Buffer Area" shall mean the buffer area described in Division 4.

"Chief Inspector" shall mean the Inspector in charge of the Inspection Department of the City.

"City" shall mean The Corporation of the City of Penticton as a body corporate, or the area within the geographic boundaries of The Corporation of the City of Penticton, as the context may require.

"Floor Area" shall mean an area of a mobile home that is occupied or intended for occupancy, but does not include exits, attic, crawl or duct spaces.

"Independent Mobile Home" shall mean a mobile home equipped with a water-closet and a bathtub or shower, waste from both of which may be disposed of directly into a sewer. (See also "Mobile Home".)

"Medical Health Officer" shall mean the Medical Health Officer appointed under the "Health Act" for the territorial jurisdiction of the area in which a mobile home park is located.

"Mobile Home" shall mean a detached single family dwelling unit with all of the following characteristics:

- (a) designed for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, having a floor area of not less than 22m² (236.8 sq. ft.);
- (b) designed to be licensed for transport on any highway, having its own built-in framework;
- (c) arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, and connections to utilities;
- (d) consisting of not more than a one-storey structure.

For the purposes of this Bylaw only, on Strata Title mobile home spaces, a factory built relocatable home shall be considered a Mobile Home.

"Mobile Home Area" shall mean that part of a mobile home park used primarily for mobile homes, including permissible additions, and which is not used for buffer area, roadways, owner's residential plot, the procuring and treatment of water, collective sewage treatment, effluent disposal from a collective sewage treatment plant, garbage disposal, or service buildings.

"Mobile Home Pad" shall mean the portion of a mobile home space designated, designed and prepared for the support of a mobile home.

"Mobile Home Park" shall mean any parcel of land on which are located two or more mobile homes recognized as a park by the City.

"Mobile Home Space" shall mean an area of land for the installation of one mobile home with permissible additions and situated within a mobile home park.

"Owner" shall mean an owner, agent, lessor, licensee, or manager of, or any person who operates a mobile home park.

"Potable Water" shall mean water which is approved for drinking purposes by the Minister of Health.

"Roadway" shall mean an allowance within a mobile home park, part or all of which is made suitable for normal vehicular use so vehicles can gain access to abutting spaces.

"Servicing Building" shall mean a building housing any toilet, bathing, or other sanitary facilities, or laundry or clothes-drying facilities or other accessory building required for the operation of the mobile home park in which it is located.

Metric Units

- 1.04 Metric units are used for all measurements in this Bylaw. The approximate equivalent of those units in currently used units of Imperial Measure (feet, gallons, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this Bylaw.

Administration

- 1.05
1. The authority having jurisdiction may enter any building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw.
 2. All mobile home park development and application of all specific provisions shall require prior approval by the authority having jurisdiction.

Violation

- 1.06
1. It shall be unlawful for any person to cause, suffer or permit the establishment, extension, operation of a mobile home park in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw. ... 4

2. It shall be unlawful for any person to prevent or obstruct the authority having jurisdiction from carrying out his duties under this Bylaw.

Responsibility of Owner

- 1.07 1. A responsible person appointed by the owner shall be in charge to keep the mobile home park, its facilities and equipment, in a clean, safe, orderly and sanitary condition, and he shall be answerable with the owner and licensee for any violation of the provisions of this or any other Bylaw.
2. It is the responsibility of the owner to assure the regulations of this Bylaw and all relevant City, Provincial and Federal regulations and legislation are complied with and to immediately take such remedial action as necessary when a violation occurs or exists.

Penalty

- 1.08 1. Any person who violates any provision of this Bylaw is liable on summary conviction, to a penalty not exceeding Two Thousand Dollars (\$2,000.00), and also the cost of the prosecution.
2. Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
3. Upon conviction, the Court may direct that no prosecution under subsection (2) may be made with respect to the continuance of the violation for such period of time as he directs.

Severability

- 1.09 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

GENERAL PROVISIONS

- 2.01 1. No person shall:
 - (a) locate, establish, construct, alter, extend, expand, subdivide, or operate a mobile home park; or
 - (b) cause or allow a mobile home to be parked or to remain in a mobile home park;in contravention of the Bylaw.

2.02

1. No person shall locate, establish, construct, alter, extend, expand, subdivide or operate a mobile home park until written approval of plans and specifications are received from the authority having jurisdiction.
2. Written approval under subsection (1) shall not be given until a sewage disposal system and water supply source/system have been approved.
3. All contiguous parcels of land proposed for the development of a mobile home park shall be consolidated into one registered parcel of land prior to the issuance of any Building Permit.

2.03

No mobile home shall be admitted to any mobile home park which fails to comply with good engineering practice for plumbing, heating, and electrical installation standards prescribed by the relevant regulations pursuant to the "Municipal Act", the "Gas Act", the "Fire Marshall's Act" or the "Electrical Energy Inspection Act".

2.04

Units placed as living accommodation, including factory built housing, not meeting the definition standards for a mobile home contained in these regulations shall not be allowed to be placed in a mobile home park.

2.05

A copy of the plan required in Section 3.02 and a copy of this Bylaw shall be posted prominently and permanently in a protected place in each mobile home park for the reference of the residents.

2.06

1. In mobile homes located in a mobile home park:
 - (a) the installation and maintenance of all oil burners and oil-burning equipment and appliances using flammable liquids and fuel;
 - (b) the storage and disposal of flammable liquids and oils;
 - (c) the installation, maintenance, carriage and use of compressed gas systems;

shall be in accordance with the regulations of the "Fire Marshall's Act".

2.07

1. Subject to subsection 1.05 (2), the provisions of this Bylaw do not apply to a mobile home park or any part of a mobile home park existing prior to the coming into force of this Bylaw.
2. No person shall be compelled to upgrade existing parks to the standards of this Bylaw. Any upgrading or expansion of existing parks shall meet Bylaw provisions.

3. Existing mobile homes that do not meet Canadian Standards Association Standard Z-240 Standards/Specifications, shall be permitted to relocate or move into a mobile home park developed prior to the adoption of this Bylaw only if brought up to Z-240 Standards with respect to gas and electrical services and if the heating system is approved by the Fire Marshall.

2.08 In addition to the definitions contained in this Bylaw, the definitions contained in City of Penticton Zoning Bylaw No. 3300 as amended, shall also apply.

PLANS AND SPECIFICATIONS

3.01 1. Application for approval of plans and specifications shall be made in writing and contain:

- (a) the name and address of the applicant;
- (b) the intended use of the land;
- (c) a popularly understandable description of the location of the land and the legal description of the land on which the proposed mobile home park is to be established, constructed, altered or extended;
- (d) where the water to be provided does not come from a public water distribution system:
 - (i) a map showing the location of the source of the proposed water supply, and the location and extent of the area proposed for sewage disposal, waste water disposal and garbage disposal;
 - (ii) a certificate signed by the Medical Health Officer stating that the water from the source indicated on the map is potable and that the location and extent of the areas proposed for sewage disposal, waste water disposal and garbage disposal indicated on the map meet with his approval.

3.01 1. The applicant shall submit two complete and legible sets of plans to scale showing:

- (a) the area dimensions and legal description of the parcel of land;
- (b) the dimension and location of the buffer areas;
- (c) the owner's mobile home space;

- (d) the dimensions and location of service buildings and other structures;
- (e) the internal layouts of service buildings and other structures, with complete working plans;
- (f) the location and details of the source of water, treatment plants, water distribution lines and fire protection facilities;
- (g) the location and details of on-site garbage and refuse disposal areas;
- (h) a north arrow and notation of the scales used;
- (i) the provisions for landscaping and screen planting of buffer areas and landscaping and shading of all other open space, including the mobile home area;
- (j) the number, location, dimensions and designation of mobile home spaces, walkways, parking areas, laundry drying yards, fences and convenience establishments;
- (k) plans, profiles and cross-sections of roadways, underground utilities and rough and finished grading of the site;
- (l) plans and specifications of the modules to be utilized for permissible additions, and
- (m) such other information required by the authority having jurisdiction.

SITE DEVELOPMENT

Buffer Area

- 4.01 1. A buffer area shall be provided in every mobile home park immediately within those boundaries abutting public streets, all of which shall be loamed, seeded and planted with grass and at least one row of deciduous and/or evergreen trees spaced not more than 10m (32.80 ft.) apart, and one or more rows of bushy shrubs or hedging capable of attaining a height of at least 1m (3.281 ft.) in three (3) years and eventually a height of 1.5m (4.921 ft.). Planting shall be hardy, appropriate for use and location, and planted so as to thrive with normal maintenance.
- (a) The buffer area of (1) shall be a minimum of 6m (19.69 ft.) in depth.
 - (b) A buffer area a minimum of 3m (9.842 ft.) shall be provided within all other boundaries. ...8

- (c) Where mobile home parks are located immediately adjacent to arterial or district collector roads, as shown on Schedule "C" of the Zoning Bylaw, there shall be required in addition to (1), an approved screening of a height not less than 1.5m (4.921 ft.) nor more than 2m (6.562 ft.), respecting also the fence height control, along the boundary abutting such roads. Screen fencing of a height not less than 1.5m (4.921 ft.) nor more than 2m (6.562 ft.) shall be provided on all interior boundaries where the site is adjacent to residentially zoned property whether a lane intervenes or not, except for the setback distance from the street where there is no fencing provided on the street boundary.

2. Prohibitions

In a buffer area, no:

- (a) recreation, amenity or service areas, except for waterfront recreation or amenity may be located;
- (b) mobile home area nor an owner's residential space may be located;
- (c) building or structure may be erected or placed except signs according to CT provisions;
- (d) garbage disposal areas or any other use that will detract from the amenity may be located.

4.02 The only roads permitted in the buffer area adjacent to streets are those which cross it as close to right angles as practicable and connect directly with the road system contained within the remainder of the mobile home park. No road shall traverse the buffer area and/or give direct access from any public highway to any mobile home space.

4.03 Where a mobile home park is separated from neighbouring property by a body of water, then notwithstanding Section 4.01;

- (a) for the purpose of establishing the buffer area, the mobile home park boundary shall be deemed to be the centre line of that body of water; and
- (b) a building or buildings to house boats or dressing rooms may be located on land adjoining waters that are suitable for small boat navigation at low water, so long as the buildings are not within 3m (9.843 ft.) of any other boundary.

- 4.04
1. The owner of land comprising a mobile home park shall provide from that land a community recreation area as follows:
 - (a) A community recreation area shall be provided in the amount of 900m² (9688 sq. ft.) for every 25 mobile home spaces served. Indoor recreational space shall be counted as double its actual usable floor area;
 - (b) Such area may be distributed in several parcels; however, no spaces allocated for this purpose may be less than 900m² (9688 sq. ft.), and no dimension less than 22m (72.18 ft.);
 - (c) Such area shall be grassed or hard-surfaced, dust free, and shall drain properly.

ROADWAYS, WALKWAYS, PARKING AREAS, SERVICE AREAS

- 4.05
1. The roadway system shall be constructed to a standard at least equivalent to the City residential subdivision requirements, except as herein provided.
 2. Roadways, parking and service areas shall be hard-surfaced with asphalt, be provided with concrete curbs and designed to drain to an approved storm drainage system.
 3. The minimum width of a site for portions intended for general vehicular entrances and exits only shall be 15m (49.21 ft.) and for portions containing mobile home spaces or service buildings open generally to occupants shall be 30m (98.43 ft.).
 4. Pavements shall be of adequate widths with 3m (9.843 ft.) minimum moving lanes for all roads and 2m (6.562 ft.) lanes for parallel guest parking:
 - (a) Entrance roads and other roads with guest parking both sides shall be a minimum width of 10m (32.80 ft.) between curbs.
 - (b) Roads with no parking shall be a minimum width of 6m (19.69 ft.) between curbs.
 - (c) One-way roads with no parking (acceptable only if less than 150m (492.1 ft.) in total length and serving less than twenty-five (25) mobile home spaces), shall be a minimum width of 4m (13.12 ft.) between curbs.

5. A convenient walkway system
 - shall be provided;
 - shall be physically defined;
 - shall be a minimum of 1m (3.281 ft.) in width;
 - shall be durable and convenient to maintain to a standard at least equivalent of the City for similar purposes.
6. Car parking spaces shall be provided at the rate of at least one (1) space for each mobile home space, plus an additional space for each home space to provide for guest parking, two-car tenants and for delivery and service vehicles. Grouped parking bays shall be located within 45m (147.6 ft.) of the mobile home spaces served.
7. Insofar as practicable, one car space shall be located on each mobile home space and the remainder located in adjacent bays.
8. Service areas such as outdoor drying yards shall be conveniently located in respect to service buildings and/or the mobile home spaces served and shall be screened where considered necessary by a 1.5m (4.921 ft.) louvered fence.

PLACEMENT OF MOBILE HOMES, PERMISSIBLE ADDITIONS AND BUILDINGS

- 5.01 Within a mobile home area no part of any mobile home, permissible addition or building, shall be on land that is not level and kept free from drainage from adjacent land.
- 5.02
1. Mobile homes or any permissible addition thereto shall provide yard spaces as follows:
 - (a) A minimum yard of 3.5m (11.48 ft.) shall be provided from any mobile home or addition thereto, to the boundary of the mobile home space that abuts any roadway, service building, service area or recreation area.
 - (b) In no case shall a yard be less than 1.5m (4.921 ft.); however, there shall be a minimum yard of 3m (9.843 ft.) on one side and 1.5m (4.921 ft.) on the opposite side of a mobile home.
 - (c) Projections into required yard spaces shall not be greater than 60cm (1.969 ft.) and are limited to such items as steps, eaves and other similar type projections.
- 5.03
1. No additions to mobile homes are permitted, except:
 - (a) skirtings, but only if an easily removable access panel of a minimum width of 120 cm (3.937 ft.) provides access to the area enclosed by the skirting;

- (b) carports;
- (c) shelters against sun or rain (ramadas);
- (d) vestibules of a maximum size of 4m² (43.05 sq. ft.);
- (e) rooms (cabanas) added to a mobile home; provided that any such added room shall have an exit or access to exit other than through the mobile home, and further, that any such additional room is not used as an exit or access to exit from any mobile home;

provided in all cases, that the means of egress from the mobile home or additional room is not restricted or diminished by any part of the addition.

- 2. No mobile home, including additions and accessory buildings shall occupy more than forty-five per cent (45%) of the area of a mobile home space.

5.04 All foundations for the support of mobile home or additions shall be designed and installed in accordance with the City of Penticton Building Bylaw. No permanent foundations above ground level shall be permitted.

5.05 1. Additions to a mobile home shall:

- (a) not exceed in floor area, the plan area of the mobile home to which they are attached;
- (b) be constructed and finished in durable, weather-resistant materials similar in quality to those used in the construction and finishing of the principal unit to which they are attached. Materials that are subject to rapid surface deterioration, discolouration, warpage, distortion, cracking, crazing, poor adhesiveness, or other similar defects, shall not be allowed. The module design and material specifications of all permissible additions shall be prepared by the applicant in compliance with the City Building Bylaw, and approved;
- (c) not be commenced until the tenant first obtains a letter of permission from the park owner and obtains a City Building Permit, prior to construction or placement of additions, including separate buildings or structures on a mobile home space.

Accessory Building

- 5.06 1. On each mobile home space one (1) only detached storage shed or accessory building may be installed, subject to the following regulations:
- (a) that such storage shed or accessory building be constructed and finished in the construction of the principal unit, of a height not exceeding 2.5m (8 feet) and not exceeding 10m² (118.4 sq. ft.) in area;
 - (b) that such storage shed or accessory building be located in the rear half of the lot and that it be placed not closer to the lot line than 1.5m (4.921 ft.) and not closer to a mobile home than 1.2m (3.937 ft.).

Mobile Home Spaces

- 5.07 1. Each mobile home space shall:
- (a) have a minimum area of 280m² (3014 sq. ft.);
 - (b) have a minimum mean width of 11m (36.09 ft.) and an actual frontage of not less than 6m (19.69 ft.);
 - (c) have a solid iron corner pin located at all corners of each mobile home space with said pin being a minimum of 15mm (0.593 in.) in diameter and not less than 450 mm (17.72 in.) in length placed at grade;
 - (d) be prominently numbered.
2. The location of corner pins or markers shall not be changed without first submitting plans of the proposed changes to the Building Department and obtaining approval.
- 5.08 Each mobile home pad shall have a compacted gravel, asphalt, or concrete base with a maximum five per cent (5%) longitudinal and/or cross or crown gradient.
- 5.09 The plumbing and building in any mobile home park including additions and alterations to mobile homes shall comply with the Bylaws and regulations of the City.
- 5.10 All mobile homes, while installed in a mobile home park, shall be restrained from moving.

UTILITIES

- 6.01 All utilities, including electrical power and telephone lines, shall be installed underground and according to relevant controls of Federal, Provincial and Municipal requirements.

Water Supply

- 6.02
1. The owner of a mobile home park shall provide a water supply system to furnish a constant supply of potable water that is under a minimum pressure of 140 KPa (20.32 lbs per sq. in.) at all outlets. Such a water system shall be designed in accordance with the plumbing regulations in force in the City.
 2. The water service lateral to each mobile home space
 - shall be a minimum of 19mm (0.748 in.);
 - shall terminate a minimum of 300mm (0.984 ft.) above grade and a minimum of 150mm (0.492 ft.) vertically above the riser of the sewer service lateral;
 - shall be provided with an approved backflow preventer;
 - shall be adequately protected from frost by a 200mm (0.656 ft.) minimum insulated metal casing or equivalent.
 3. Fire hydrants meeting the requirements of the City shall be installed and connected to the internal water supply of a mobile home park so that no mobile home space is beyond five hundred feet (500 ft.) from a fire hydrant, as measured along the internal and/or external road system.

Sanitary Sewer

- 6.03
1. The sanitary sewer collection system of a mobile home park shall be connected to the City sanitary sewer system in accordance with prevailing City policy.
 2. The sewer service lateral to each mobile home space
 - shall be a minimum of 75mm (0.246 ft.);
 - shall terminate a minimum of 150mm (0.492 ft.) above grade and a minimum of 150mm (0.492 ft.) vertically below the outlet of the water sewer riser;
 - shall be an approved gas-tight fitting with threaded and quick-change adapter couplings, or solid fitting provided with a clean-out;
 - shall be protected by a metal casing or shall be encased in a concrete pad not less than 75mm (0.246 ft.) in thickness and 90mm² (0.969 sq. ft.).

3. Clean-outs
 - shall be installed in sewer service laterals every 15m (49.21 ft.) or whenever a sewer line changes direction more than forty-five (45) degrees;
 - shall be extended to grade level;
 - shall be protected as for a sewer service outlet where there is danger of damage, and identified as to location.
4. Each mobile home space shall be considered as having a hydraulic load of ten (10) fixture units.

Street Lighting

- 6.04 1. Approved lighting shall be provided to adequately illuminate roadways and walkways.
2. Street lighting of roadways shall be provided at the following locations:
 - (a) the intersections of access roads and public highways;
 - (b) all internal intersections;
 - (c) the turning circle of cul-de-sacs;
 - (d) any point at which an internal roadway changes direction thirty (30) degrees or more.

Storm Drainage

- 6.05 The storm drainage system shall be connected to the City storm main, except where such is not reasonably available an approved private storm drainage system may be considered.

Garbage Disposal

- 6.06 1. A garbage disposal area shall be provided for metal containers with covers, in sufficient number.
2. The above area shall be located not more than 45m (147.6 ft.) from the space(s) it serves.
3. Containers to be located in a fenced or effectively screened area and to be secured to prevent overturning.

SUPERVISION AND REPORTING

- 7.01 The owner shall maintain all park equipment in or on the mobile home park in a clean, safe, orderly and sanitary condition.
- 7.02 Every mobile home park shall be kept free of flammable debris and rubbish at all times.
- 7.03 Fires shall be made only in stoves, incinerators or other structures designed for that purpose.
- 7.04 The owner shall report the installation of each mobile home, and shall ensure that construction or placement of additions, including separate buildings or structures on a mobile home space or within a mobile home park, is being done in accordance with relevant regulations and is covered by City Permits.
- 8.01 Bylaw No. 3635 and amendments thereto are hereby repealed.

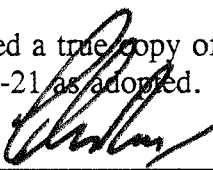
READ A FIRST time this 20th day of January, 1992.
READ A SECOND time this 20th day of January, 1992.
READ A THIRD time this 20th day of January, 1992.
RECONSIDERED and FINALLY PASSED and ADOPTED
this 3rd day of February, 1992.



Mayor

Clerk

Certified a true copy of Bylaw
No. 92-21 as adopted.



City Clerk

(byl-92.01)