

**MINI / MOBILE HOME PARK BY-LAW
M-068-94**

Effective Date:
July 1, 2005

PART 1 Title

This By-Law shall be known and may be cited as "Mini/Mobile Home Park By-Law No. M068-94" of the Municipality of the District of Yarmouth.

PART 2 Definitions

In this By-Law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular number shall include the plural and words used in the plural number shall include this singular, unless otherwise indicated. All other words shall carry their customary meaning except those defined hereinafter.

- 2.1 **Accessory Building** means any building or structure which is constructed or otherwise placed on a mini/mobile home space and is used exclusively as a use which is accessory to the use of the mini/mobile home as a dwelling.
- 2.2 **Addition** means any deck, enclosed space, stairway or wheelchair ramp and any similar structure which is attached to the mini/mobile home or otherwise added onto the mini/mobile home space and shall exclude the foundation and skirting of the mini/mobile home.
- 2.3 **Applicant** means the mini/mobile home park owner or designated agent as the case may be.
- 2.4 **Building Inspector** means the Building Inspector of the Municipality of the District of Yarmouth.
- 2.5 **CAO** means the Chief Administrative Officer of the Municipality of the District of Yarmouth.
- 2.6 **Council** means the Council of the Municipality of the District of Yarmouth.
- 2.7 **Dependant Mini/Mobile Homes** means mini/mobile homes without proper lavatory or plumbing facilities in accordance with the Building Code Act, R.S.N.S. 1989".
- 2.8 **Development Officer** means the Development Officer of the Municipality of the District of Yarmouth.
- 2.9 **Enforcement Officer** – for the purpose of this By-Law, the Enforcement Officer shall be the Development Officer of the Municipality of the District of Yarmouth, or any assigned or appointed individual by the CAO.

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- 2.10 **Land Surveyor** means a land surveyor who is a registered member, in good standing of the Association of Nova Scotia Land Surveyors
- 2.11 **Land Use By-Law** means the Land Use By-Law of the Municipality of the District of Yarmouth.
- 2.12 **Landscaping** means the grass, trees, and shrubs in all areas of a mini/mobile home park, with the exception of waterways, roadways, walkways, parking areas, and buildings.
- 2.13 **Mobile Home or Mini Home** means a vehicular portable single detached dwelling built in compliance to the Canadian Standards Association (CSA) Z240 set of standards and for the purpose of this By-Law shall include any mini/mobile home which was not built to the aforementioned standards but shall not include a travel trailer, recreational vehicle, school bus, trailer otherwise designed or a multi-sectional modular home.
- 2.14 **Mini/Mobile Home Owner** means the owner of a mini/mobile home located within a mini/mobile home park.
- 2.15 **Mini/Mobile Home Park** hereinafter may be referred to as MHP means a lot or area of land which contains two (2) or more mini/mobile home spaces and includes any service building and services used as part of the equipment of the mini/mobile home park.
- 2.16 **Mini/Mobile Home Park Development** means the construction of a new mini/mobile home park and any expansion of an existing mini/mobile home park.
- 2.17 **Mini/Mobile Home Park Owner** means the owner of a mini/mobile home park.
- 2.18 **Mini/Mobile Home Park Sanitary Sewer** means a sewer and any appurtenances thereof which are privately owned and maintained by the park owner and which may be connected to municipal sewer.
- 2.19 **Mini/Mobile Home Space** means a parcel of land which is developed to accommodate one (1) mobile home within a mini/mobile home park.
- 2.20 **Municipality** means the Municipality of the District of Yarmouth.
- 2.21 **Municipal Sewer** means a sewer controlled by the Municipality.
- 2.22 **Park Street** means a street situated within a park which is not a public or private herein defined and which street has access directly on to a public road or private road.
- 2.23 **Permitted Uses of a MHP** means that mini/mobile homes, ancillary services i.e. laundry and storage of personal goods, recreation ground, playground, public open space, MHP office, storage of maintenance equipment.

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- 2.24 **Private Road** means a street situated which is not public shown on a plan of subdivision which:
- (a) extends to and has access to a public road and where not totally located within the area of land being subdivided, the private road shall have an
 - (b) easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for the County of Yarmouth; and
 - (c) includes any private road approved by the Department of Transportation and Public Works and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds.
- 2.25 **Public Road** includes any road owned and maintained by the Municipality of the Province; and a
- (a) municipal public road means any road owned and maintained by the Municipality;
 - (b) provincial public road means any road owned and maintained by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act.
- 2.26 **Public Works Department** means the Public Works Department of the Municipality of the District of Yarmouth.
- 2.27 **Sanitary Sewer** means a sewer receiving and carrying liquid and water carried wastes and to which storm, surface or groundwaters are not intentionally admitted.
- 2.28 **Service Building** means any building or structure which is constructed or otherwise placed within the mini/mobile home park designed to be in association with the operation of the mini/mobile home park and for the purpose of this By-Law shall include a business office associated with a mini/mobile home display.
- 2.29 **Sewer** means a pipe conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, storm drains and combined sewers vested in, or under the control of the municipality but does not include a mini/mobile home park sewer.
- 2.30 **Skirting** means an acceptable material/construction system placed between the bottom of the mini/mobile home and the ground to reduce heat loss and/or air infiltration.
- 2.31 **Supervisor of Public Works** means the Supervisor of Public Works Department of the Municipality of the District of Yarmouth.

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PART 3 Application

- 3.1 This By-Law shall apply to the development and maintenance of all new mini/mobile home parks and all expansions to existing mini/mobile home parks in any area of the Municipality where permitted by the Land Use By-Law.

PART 4 General Requirements

- 4.1 Nothing in this By-Law shall exempt any person from obtaining any license, permission, permit, authority or approval required by any other by-law or regulation of the Municipality or any statute and regulation of the Province of Nova Scotia.
- 4.2 Where the provisions of this By-Law conflict with those of any other Municipal or Provincial regulation, by-law or code, the higher or more stringent requirements shall prevail.
- 4.3 No person shall construct or alter a mini/mobile home park unless he-she holds a permit therefore issued by the Development Officer.
- 4.4 The Development Officer shall not issue a permit to construct or alter a mini/mobile home park unless the application is in accordance with this by-law.

PART 5 Preliminary Plan Requirements

- 5.1 Any person proposing a mini/mobile home park or the expansion of an existing mobile home park shall submit to the Development Officer eight (8) copies of a preliminary plan or sketch showing the following information:
- (a) the approximate dimensions and area of the mini/mobile home park and of each proposed mini/mobile home space.
 - (b) the approximate location, dimensions and name of all existing and proposed park streets and of all abutting public or private roads;
 - (c) the layout of the proposed water distribution and sanitary sewer systems;
 - (d) the approximate location and dimensions of all existing rights-of-way, easements, utility lines and all accesses to existing park streets and public or private roads.
 - (e) the approximate location, dimensions and area of land to be reserved for recreation purposes;
 - (f) the approximate location of any watercourse, swamp, prominent rock formation,

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wooded area, area subject to flooding and any other prominent natural feature which might affect the number of mini/mobile home spaces, the provision or layout of sanitary sewer systems, water distribution systems and park streets.

PART 6 Procedures for Preliminary Plan Evaluation

- 6.1 The Development Officer shall, if applicable, forward a copy of all plans received pursuant to Part 5 to:
- (a) the Public Works Department;
 - (b) the Nova Scotia Department of the Environment and Labour;
 - (c) the Nova Scotia Department of Health;
 - (d) the Nova Scotia Power Inc.;
 - (e) the Nova Scotia Department of Transportation and Infrastructure Renewal;
 - (f) any other department or agency deemed necessary by the Development Officer in order to evaluate the design, environmental, planning and public safety aspects of the proposed mini/mobile home park.
- 6.2 The Development Officer shall advise the applicant, in writing, of all departments and agencies which have not responded within thirty (30) days of the date on which the preliminary plan was forwarded.
- 6.3 The Development Officer shall, within fifteen (15) days of receiving written comments of all applicable agencies pursuant to Section 6.1, provide an evaluation and forward a copy of the evaluation and all comments received to the applicant.

PART 7 Final Plan Requirements

- 7.1 Any person proposing to acquire a permit to construct, alter, expand, repair, maintain or operate a mini/mobile home park shall submit a written application thereof to the Office of the Building Inspector/Development officer.
- 7.2 The application required by Sub-Section 7.1 shall be accompanied by eight (8) copies of a final plan showing the boundaries of the proposed mobile home park and being certified by a Provincial Land Surveyor and containing the following information:
- (a) the name and address of the applicant, and if the applicant is not the owner of the mini/mobile home park, the name of the owner;
 - (b) a location certificate of the mini/mobile home park boundary showing the

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dimensions and total area of land to be developed as a mobile home park, which shall be certified and stamped by a Nova Scotia Land Surveyor in accordance with the *Nova Scotia Land Surveyors Act* and the regulations made thereunder;

- (c) the location, boundaries, dimensions and total area of each proposed mini/mobile home space, park street and recreation area drawn to a scale sufficient for clarity of all particulars of the mini/mobile home park;
- (d) each mini/mobile home space identified by a number;
- (e) the location and dimensions of existing park streets within and adjacent to the proposed mini/mobile home park and the location of public streets or highways;
- (f) the location and dimensions of all existing rights-of-way, easements, utility lines and accesses to all existing park streets and public or private roads;
- (g) the approximate location of all existing and proposed structures on the land to be developed as a mini/mobile home park;
- (h) the location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of mini/mobile home spaces or the provision or layout of sanitary sewer systems, water distribution systems, park streets and public streets or highways;
- (i) the date on which the plan was drawn;
- (j) the scale to which the plan is drawn;
- (k) the North Point;
- (l) any other information deemed necessary by the Development Officer to determine whether the plan conforms to this By-Law.

7.3 In addition to the requirements of Section 7.1, the applicant shall provide four (4) copies of a drainage plan and engineering drawings of the proposed water distribution and sanitary sewer systems.

7.4 Engineering designs and drawings shall be prepared, certified and stamped by a Professional Engineer.

PART 8 Procedures for Issuing a Mini/Mobile Home Park Permit

8.1 When the Development Officer is satisfied that the mini/mobile home park

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development plan is complete and accompanied by all information required by Part 7, the Development Officer shall forward a copy of the plan and documentation to the Public Works Department for approval of the sanitary sewer system.

- 8.2 The applicant shall obtain from the Nova Scotia Department of Health a certificate approving the design of the water distribution system and from the Department of Environment and Labour a certificate approving the design of the sanitary sewer system and shall forward a copy of each certificate to the Development Officer.
- 8.3 The applicant shall obtain approval from the Nova Scotia Department of Health where a mini/mobile home park is to be served by an on-site sewage disposal system and shall forward a copy of the approval to the Development Officer.
- 8.4 The applicant shall obtain written acceptance of the electrical distribution system, street lighting pattern and method of installation from the Nova Scotia Power Inc. and shall forward a copy of the acceptance to the Development Officer.
- 8.5 Within fifteen (15) days of receiving approvals from all agencies and departments to which the application has been referred, the Development Officer shall:
- (a) issue a Mini/Mobile Home Park Permit; or
 - (b) notify the applicant, in writing, of any objectionable features.
- 8.6 A permit to develop a mini/mobile home park issued under this Part shall expire one (1) year after its date of issue if the development for which the permit has been issued has not been commenced, and may be renewed before expiry for a period of one (1) year only.

PART 9 Responsibilities of the Mini/Mobile Home Park Owner

- 9.1 The mini/mobile home park owner shall comply with the applicable permit requirements of Part 12.
- 9.2 The mini/mobile home park owner shall maintain the mini/mobile home park, including all related facilities and services, in good repair and in a clean and sanitary condition.
- 9.3 The mini/mobile home park owner shall arrange to have all garbage and refuse removed from the mini/mobile home park at least once each week.
- 9.4 The mini/mobile home park owner shall cap all sewer and water connections when not in use, such connections and disconnections must be approved and inspected by the Municipality of the District of Yarmouth or other relevant jurisdiction.
- 9.5 The mini/mobile home park owner shall:

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- (a) provide a continuous supply of potable water to all mini/mobile homes in the mini/mobile home park; and
 - (b) notify all mini/mobile home owners at least twenty-four (24) hours in advance if any interruption in water service is anticipated.
- 9.6 The mini/mobile home park owner shall maintain all park streets in good condition and shall plow all park streets within twenty-four (24) hours of the cessation of a snowfall.
- 9.7 The mini/mobile home park owner shall erect and maintain street signs in the mini/mobile home park according to Section 11.4.
- 9.8 The Mini/Mobile Home Park owner shall ensure that landscaping is in place and properly maintained within the park.
- 9.9 **License to Operate a Mini/Mobile Home Park** an owner of a mini/mobile home park shall hold a license from the Municipality to operate the park, which may be suspended or revoked if the license holder does not comply with the municipality's by-laws.

PART 10 Responsibilities of the Mini/Mobile Home Owner

- 10.1 The mini/mobile home owner shall comply with the applicable permit requirements of Part 12.
- 10.2 When the Municipality has established a street numbering system within a mini/mobile home park, the mini/mobile home owner shall clearly display the appropriate number on the mini/mobile home space or affixed to the mini/mobile home. Any changes to the street numbering system shall be approved by the Development Officer.

PART 11 Mini/Mobile Home Park: Standards and Requirements

11.1 Water Distribution and Sanitary Sewer Systems

- (a) In any proposed mini/mobile home park development that connects to the municipal sewer, the Supervisor of Public Works shall inspect the connection of the sanitary sewer system before backfilling commences.
- (b) Following construction of the mini/mobile home park's water distribution and sanitary sewer systems, the applicant shall provide the Development Officer with a declaration, by a Professional Engineer, certifying that these systems comply with the provisions of the certificates issued by the Department of Health and the Department of Environment and Labour
- (c) Dependant mini/mobile homes are not permitted in Mini/Mobile Home Parks within the Municipality of Yarmouth

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11.2 Design of Park Streets

All park streets shall be designed in accordance with the following:

- (a) park streets shall be laid out where reasonably possible in prolongations of other existing park streets;
- (b) park streets shall have a minimum width of forty (40) feet and where the park street terminates in a cul-de-sac, the radius of the cul-de-sac shall be at least forty-eight (48) feet;
- (c) the traveled surface shall be centered within the park street and shall have a minimum width of twenty-four (24) feet and where the park street terminates in a cul-de-sac, the turning circle of the traveled surface shall have a radius of at least forty (40) feet;
- (d) the grade of a park street shall not exceed eight (8) percent except as otherwise approved by the Engineer;
- (e) lands lying between the travel surface and the boundary of the park street shall be contoured to provide for proper drainage;
- (f) culverts of adequate size shall be installed under driveways to all mobile home, service building and display spaces;
- (g) lands lying between the travel surface and the park street boundary shall be kept free from fences, walls, trellis hedges, shrubs or other obstructions;
- (h) any intersecting park streets shall intersect at an angle of seventy-five degrees (75) to ninety degrees (90) for a minimum distance of one hundred (100) feet from the intersection measured from the respective centre lines; and
- (i) no more than four (4) park streets shall converge at any one point.

11.3 Construction of Park Streets

Park Streets shall be constructed in accordance with the following:

- (a) Sub-grade (or earth grade) shall be well drained, uniformly graded with reference to the condition of the grade and compacted to ninety-five (95) per cent proctor density. A course of granular material shall be laid on the sub-grade. The thickness of this granular course shall be based on sub-grade conditions.
- (b) Streets which have neither flexible nor rigid pavement shall consist of gravel,

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crushed stone or other materials of equal function and durability. Surfacing material which tends to produce dust or loose particles shall be suitably treated to eliminate these characteristics.

11.4 Street Signs Park streets shall:

- (a) be named by way of street signs to be placed at the main entrance and at each intersection and any changes to street names shall be approved by the Development Officer;
- (b) have regulation "Stop" signs located at the intersection with all other park streets and public and private roads.

11.5 Mini/Mobile Homes Spaces Each mobile home space shall:

- (a) have a minimum area of six thousand (6,000) square feet and be clearly defined by permanent markers; and
- (b) have a minimum frontage of fifty (50) feet; and
- (c) be provided with at least one (1) off-street parking space having a minimum area of one hundred sixty (160) square feet and measuring eight (8) feet by twenty (20) feet; and
- (d) be free and clear from all refuse; and
- (e) be equipped with building sewer and water service pipe connections in accordance with the latest edition of the **Canadian Plumbing Code**.

11.6 Recreation Space

Recreation space shall be developed at the ratio of at least two hundred (200 sq. ft.) square feet per mini/mobile home space. This recreation space shall be placed in locations convenient to all park residents, free from traffic hazard, shall not be included in areas designated as buffer strips, and shall be clearly defined.

Where these requirements exceed ten thousand (10,000 sq. ft.) square feet, more than one recreation area shall be provided.

PART 12 Permit Required

12.1 A Development Permit for a mini/mobile home park shall be obtained by the mini/mobile home park owner in accordance with the provisions of the Land Use By-Law.

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- 12.2 A Development Permit and a Building Permit shall be obtained by the mini/mobile home park owner for:
- (a) the location or relocation of a mini/mobile home on a mini/mobile home space; and
 - (b) the location or construction of a service building within a mini/mobile home park.
- 12.3 A Development Permit and a Building Permit shall be obtained by the mini/mobile home owner for:
- (a) the location, construction, repair, placement or replacement of additions and accessory building on a mini/mobile home space; and
 - (b) a home occupation, professional or business use within a mini/mobile home or in an accessory building thereof.
- 12.4 A license to operate a Mini/Mobile Home Park shall be obtained by the owner/operator of the park.

12.5 MINI/MOBILE HOME LICENSE

An application for a Mini/Mobile Home License shall be made in writing on a form provided by the municipality and signed by the applicant. The Enforcement Officer may issue a Mini/Mobile Home License on receipt of the following:

- A properly completed application form containing:
 - the full name and address of applicant;
 - a description of the mini/mobile home including name of maker and the length of the mini/mobile home in feet;
 - the name and address of the owner of the property where the mini/mobile home is or is to be located;
 - the date it is intended that the mini/mobile be located on the said property or the date the mini/mobile home was located on the said property and an estimate of the length of time it will remain there.
 - satisfactory evidence that the applicant has suitable sewage disposal for the mini/mobile home sought to be licensed herein;
 - the required license fee;
 - a plot plan of the Park or lot showing the location of the mini/mobile home or homes and the location of any sewage or water supply.
 - permits are received pertaining to all other regulations that are applicable;
- The fee for a Mini/Mobile Home License shall be Thirty dollars (\$30.00).
- A Mini/Mobile Home License shall be required effective September 23, 2009 and valid until the date of expiry as shown on such License, unless sooner revoked or

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suspended by the Enforcement Officer for violation under relevant Federal, Provincial and Municipal Acts or Regulations.

- A replacement for a lost Mini/Mobile Home License shall be issued upon payment of a fee of ten dollars (\$10.00).

12.6 Every mini/mobile home owner shall hold a valid Mini/Mobile Home license. No person shall locate a mini/mobile home within the Municipality of the District of Yarmouth unless a valid Mini/Mobile Home License has been obtained for such mini/mobile home. No person shall locate a mini/mobile home on a mini/mobile home space or on a lot approved by the Development Officer for the Municipality of the District of Yarmouth. Exceptions: This shall not apply to:

- a mini/mobile home parked in the yard of any residential premises for a period not exceeding 30 days;
- a mini/mobile home parked in the yard of the residential premises of the owner thereof in either case it is not while so parked, used for living or eating purposes or for the carrying on of any business.
- This by law shall also not apply to mini/mobile homes which are on display, not occupied and are being offered for sale while located on a property which can be legally used for commercial activity – so long as they are not being used for any other commercial purpose.

12.7 No person shall locate a mini/mobile home within the Municipality of the District of Yarmouth without a valid mini/mobile home license for that mini/mobile home; except:

- (a) a mini/mobile home parked in the yard of any residential premises for a period not exceeding 30 days.
- (b) a mini/mobile home parked in the yard of the residential premises of the owner of the mini/mobile home;

In either case, while so parked it shall not be used for any residential or commercial purpose;

- (c) a mini/mobile home on display and being offered for sale, while on land allowed to be used for commercial activity, not being used for any other commercial purpose or as a residence.

PART 13 Mini/Mobile Home, Accessory and Service Building Requirements

13.1 A mini/mobile home being located shall have a minimum separation distance of at least:

- (a) fifteen (15) feet from any park street and twenty-five (25) feet from the boundary of any public street or highway; and

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- (b) fifteen (15) feet from the boundary of the mini/mobile home park; and
- (c) eight (8) feet from any adjacent mini/mobile home space.

13.2 Accessory buildings shall be constructed in accordance with the provisions of the National Building Code and shall not be:

- (a) greater than fifteen (15) feet in height; and
- (b) located closer to any park street or public or private road than the minimum distance required for the mini/mobile home; or
- (c) located within:
 - (i) two (2) feet of any side or rear boundary of a mini/mobile home space and 25 feet from front boundary;
 - (ii) four (4) feet of the boundary of the mini/mobile home park, provided it is not the front yard of the park, which will require a 25 foot set back.

13.3 Service buildings shall not be located within:

- (a) fifteen (15) feet of any adjacent mini/mobile home space;
- (b) fifteen (15) feet of the boundary line of a mini/mobile home park road;
- (c) twenty-five (25) feet of the boundary line of a public or private road.

PART 14 Mini/Mobile Home Display Requirements

14.1 Mini/Mobile home display units shall be permitted at a ratio of one (1) unit for every five (5) mini/mobile home rental spaces to a maximum of three (3) display units per mini/mobile home park provided:

- (a) the mini/mobile home space to be occupied by a display unit forms part of the mini/mobile home space rental area; and
- (b) the display unit is located on a mini/mobile home space in accordance with the minimum separation distance requirements of Section 13.1.

PART 15 Aggrieved Person

15.1 Any person aggrieved by a decision of the Enforcement Officer made under this By-Law may appeal the decision to the Council, by written notice given to the CAO within fourteen (14) days from the date of the written decision of the Enforcement Officer.

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- 15.2 The Council, in hearing an appeal pursuant to 15.1 may confirm the decision of the Enforcement Officer or make such other decision within the Enforcement Officer's power under this By-Law.

PART 16 Penalties

- 16.1 Any person who violates any provision or requirement of this By-Law is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars and in default of payment of such fine to a term of imprisonment not exceeding sixty (60) days.

Any person who has contravened this by-law and where notice so provides may pay a penalty in the amount of \$50.00 dollars (first offence, \$100.00 dollars for a second offence, and \$150.00 dollars for subsequent offences) to the office of the Municipality of Yarmouth provided that said payment is made within a period of fourteen (14) days from the date of the notice and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties incurred by the person for said violation in accordance with the Payment In Lieu of Prosecution Policy, P-082-02.

PART 17 Repeal of Previous By-Law

- 17.1 By-Law #20 - Mini/Mobile Home, and amendments thereof, of the By-Laws of the Municipality of the District of Yarmouth are hereby repealed.

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CAO's Annotation For Official By-Law Book

Date of first reading: August 13, 2009

Date of advertisement of Notice of Intent to Consider: September 8, 2009

Date of second reading: September 23, 2009

*Date of advertisement of Passage of By-Law: October 6, 2009

Date of mailing to Minister a certified copy of By-Law: October 6, 2009

I certify that this by-law was adopted by Council and published as indicated above.



CAO

October 6, 2009
Date

Date last reviewed: September 23, 2009

Date of last amendment: September 23, 2009