

Chapter 10

Housing and Economic Development

10-1 Mobile Home Ordinance

TOWN OF DUNN

CHAPTER 10

MOBILE HOME ORDINANCE

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TOWN OF DUNN

CHAPTER 10

MOBILE HOME ORDINANCE

I. DEFINITIONS. Whenever used in this ordinance, the words and phrases which follow shall be construed as indicated unless a different meaning expressly appears from the context:

- (1) Licensee. Any person licensed to operate and maintain a mobile home park under this section.
- (2) Licensing Authority. The Town of Dunn.
- (3) Park. A mobile home park.
- (4) Person. Any individual, firm, trust, partnership, association or corporation.
- (5) (a) Manufactured Home.

A "Manufactured home" is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426, or which has been certified and labeled as a manufactured home under §§ 101.90-101-96, Wis. Stats., and Chapter ILHR 27 of the Wisconsin Administrative Code, and:

- (1) Is designed to be used as a dwelling, and
- (2) When placed on-site:
 - (a) Is set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner, and
 - (b) Is off its wheels, and
 - (c) Is properly connected to utilities, and

(d) Is installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to ensure proper support for the home, and

(3) No manufactured home which bears a label certifying approval under 45 U.S.C. §§ 5401-5426 or 101.90-101.96, Wis. Stats., shall be required to comply with any building, plumbing, heating or electrical code or any construction standards other than those promulgated under those laws. In all other respects, manufactured homes are subject to the same standards as site built homes.

(5) (b) Mobile Home.

A "mobile home" is a vehicle or trailer manufactured or assembled prior to June 15, 1976, designed to be towed as a single unit or in sections on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation.

"Mobile home" includes a structure which has been certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426, or which has been certified and labeled as a manufactured home under §§ 101.90-101.96, Wis. Stats., and Chapter ILHR of the Wisconsin Administrative Code, if the structure:

- (1) Is not set upon an enclosed permanent foundation upon land owned by the mobile home owner, or
- (2) Is on wheels, or
- (3) Is not properly connected to utilities, or
- (4) Has not been installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to insure proper support for the structure.

(6) Unit. A mobile home or manufactured home.

- (7) Mobile Home Park. A plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- (8) Site. A plot of ground designed for the accommodation of one mobile home.
- (9) Dependent Mobile Home. A mobile home which does not have a flush toilet, lavatory, bath and kitchen sink.
- (10) Anchoring Equipment. Straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.
- (11) Anchoring System. A combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed resist overturning and lateral movement of the mobile home from wind force.
- (12) Existing Park. A mobile home park the construction of which was commenced prior to January 20, 1981.
- (13) Ground Anchor. Any device at the mobile home site designed to transfer mobile home anchoring loads to the ground.
- (14) New Park. A mobile home park constructed after January 20, 1981.
- (15) Occupant. A person residing in a mobile home.
- (16) Tie. Strap, cable or securing device used to connect the mobile home to ground anchors.
- (17) Commission. The Town of Dunn Mobile Home Commission.
- (18) Staging Area. A designated safe area used for temporary (not to exceed seven (7) days) parking without hook up of any type in preparation for entrance or exit from a mobile home park.
- (19) Storage Area. A designated area completely enclosed with a six (6) foot chain link fence and gate. This area shall be for the long term storage of recreational vehicles, and other analogous items of the occupants or

Licensee. This area shall be so constructed as to not be readily visible from any park road.

II. MOBILE HOME COMMISSION.

- (1) Creation and Duties. The Town of Dunn Mobile Home Commission is hereby created to:
 - (a) Administer the provisions of this ordinance and all other ordinances, laws, orders and regulations which relate to the operation and maintenance of mobile homes, mobile home parks, and mobile home sites and investigate reported violations.
 - (b) Examine all applications for mobile home park licenses and permits and all mobile home park plans to determine whether or not they comply with the requirements of this ordinance.
 - (c) Inspect or direct such agent or supervisor as it shall designate to inspect all mobile home parks, mobile home sites, and facilities thereon, together with all records of registration required by this ordinance, and to make written reports of all such inspections to the Town Board. For these purposes the Commission or its designated agent or supervisor shall have the right at all reasonable times to inspect all mobile home parks, mobile home sites, the exterior of units and the facilities on sites.
- (2) The Mobile Home Commission shall be composed of the Town Constable and two (2) residents of the Town appointed by the Town Board. At least one of the appointed members shall be a resident of a mobile home park. The initial term of one appointed member shall expire on January 1, 1982 and the initial term of the other appointed member shall expire on January 1, 1983. Subsequently, the term of appointed members shall be two (2) years.

III. LICENSE REQUIRED FOR MOBILE HOME PARK.

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him or her, a mobile home park within the Town of Dunn without having first secured a license for each such park from the Town Board.

III-A. LICENSE REQUIRED FOR MOBILE HOMES OUTSIDE MOBILE HOME PARKS.

- (1) Except as otherwise expressly authorized by ordinance or statute, it shall be unlawful for any person to maintain a mobile home as a dwelling in the Town of Dunn outside a licensed mobile home park without having first secured a license for such mobile home from the Town Board.
- (2) The Town Board shall issue a license for a mobile home outside a mobile home park only after the applicant (owner of the property where the mobile home is to be located) has filed the following:
 - (a) Annual license fee of \$25.00; or \$20.00 for a six-month temporary permit.
 - (b) Proof that the applicant:
 - (1) Has a building permit for the mobile home and meets all requirements of the building, plumbing, health, sanitary, electrical and zoning codes or ordinances, or that the mobile home is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426, or which has been certified and labeled as a manufactured home under §§ 101.90-101.96, Wis. Stats., and Chapter ILHR of the Wisconsin Administrative Code;
 - (2) Has a hookup to public sanitary sewer or to a permitted private sanitary sewer system;
 - (3) Has availability of drinking water from a well hooked up to the mobile home;
 - (4) If applying for a temporary (six-month) permit, has assured that the mobile home shall serve as a temporary residence during construction of a permanent residence at the same site. For such a temporary permit, the Town Board may relax the requirements in (1), (2) and (3) above, if it is satisfied that the applicant has made alternative arrangements that adequately protect public health and safety.

- (3) The term of a license issued under this section shall be one year (six-months for a temporary permit), which may be renewed upon reapplication and payment of the license fee. The fee for transferring a license shall be \$10.00.
- (4) A license may be revoked under the procedures in Section XVI.
- (5) For mobile homes outside mobile home parks, the owner of the land on which the mobile home is located shall pay a monthly parking permit fee and meet the reporting requirements of Section XIII. The owner of the land may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the Town Clerk all fees owed for the six months ending on the last day of the month preceding the month when the transmission is required.
- (6) The penalties provided in Section XVIII(1) apply to violations of this section. In addition, after providing the owner due notice and an opportunity to be heard, the Town board may remove an offending mobile home and charge the cost of removal to the owner of the land where the mobile home is located. the Town may recover the costs of removal from sale of the mobile home if such costs remain unpaid for a period of sixty days, provided the property interests in the mobile home of any non-offending parties are protected.
- (7) Any person who, at the time of adoption of this amendment, holds a valid license for a mobile home outside a mobile home park, is entitled to renewal of that license upon payment of the property fee without proof of compliance with any new requirements imposed by this amendment.

III-B. BUILDING PERMIT REQUIRED FOR MANUFACTURED HOMES OUTSIDE MOBILE HOME PARKS.

- (1) Except as otherwise expressly authorized by ordinance or statute, it shall be unlawful for any person to place a manufactured home as a dwelling outside a mobile home park in the Town of Dunn without first having secured a building permit for such manufactured home from the Town Board.

- (2) The Town Board shall issue a building permit for a manufactured home outside a mobile home park only after the owner of the property where the manufactured home is to be located has filed proof that:
 - (a) The manufactured home is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426, or which has been certified and labeled as a manufactured home under §§ 101.90-101.96, Wis. Stats., and Chapter ILHR of the Wisconsin Administrative Code;
 - (b) Installation of the manufactured home will comply with all zoning ordinances;
 - (c) The manufactured home will be set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner;
 - (d) The manufactured home will be installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to ensure proper support for the home;
 - (e) The manufactured home will be served by a public sanitary sewer or a permitted private sanitary sewer system;
 - (f) The manufactured home will be served by a permitted well or public water system.

IV. PROCEDURE TO OBTAIN LICENSE.

- (1) Application. Any person desiring a mobile home park license shall file an application with the Town Clerk. The application shall be in writing, signed by the applicant and shall contain the following:
 - (a) The name and address of the applicant.
 - (b) The location and legal description of the mobile home park.
 - (c) A complete site plan of the park.
- (2) Plans and Specifications to be Filed. The following items shall be filed with an original application for a mobile home park license:

- (a) Site drawings showing:
1. The area and extent of the proposed mobile home park;
 2. The location of all proposed mobile home sites;
 3. The location of all service buildings required by section XI of this Ordinance;
 4. The location of all sites having anchoring systems as required by section XII of this Ordinance; and
 5. The location of all sewer and water pipes and connections if the park is to serve non-dependent mobile home units.

- (b) Plans and specifications for:
1. All service buildings required by section XI of this Ordinance;
 2. All roadways and driveways;
 3. The water supply system; and
 4. The electrical system.

- (c) A written explanation of:
1. The manner in which sewage will be disposed of; and
 2. The manner in which garbage will be collected and disposed of.

(3) Review By Commission. The Town Clerk shall forward the application and plans to the Mobile Home Commission which shall examine them for conformity with the requirements of this Ordinance and with the requirements of any other ordinances, statutes or administrative rules and regulations which may be applicable to mobile home or trailer parks.

(4) Action of the Commission. The Mobile Home Commission shall recommend approval or conditional approval of the application to the

Town Board or shall reject the application. If approval or conditional approval is recommended, the application shall be referred to the Town Board for consideration. The Town Board shall then approve, conditionally approve, or reject the application. One copy of the plan shall be returned to the applicant with the date and action endorsed thereon and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto.

V. CLERK TO ISSUE LICENSE.

When the application has been approved by the Town Board or when the conditions for approval have been satisfied; and when construction has been completed according to the plans and specifications submitted with the application, the Town Clerk shall issue a license to the applicant.

VI. TERM OF LICENSE.

A mobile home park license shall expire one year after its issuance unless sooner revoked.

VII. RENEWAL OF LICENSE.

Upon application by any licensee and after approval by the Town Board and upon payment of the annual license fee, the Town Clerk shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant and on forms furnished by the Town. If an existing park is being or has been remodeled or expanded, the application for renewal shall be accompanied by the plans and specifications required by section IV(2).

VIII. TRANSFER OF LICENSE.

Upon application for a transfer of license and after approval of the application by the Town Board, the Town Clerk shall issue a transfer upon payment of the required fee.

IX. LICENSE FEES.

- (1) The fee for a mobile home park license shall be \$100 per year for each 50 spaces or fraction thereof.

(2) The fee for transferring any license shall be \$10.

X. SURETY BOND.

No license shall be issued until the applicant has posted a surety bond in the sum of twenty dollars per site to guarantee the collection and payment of the monthly parking permit fees required by section XIII, by the licensee.

XI. SERVICE BUILDINGS.

Every mobile home park occupied wholly or in part by dependent mobile homes shall provide a service building or buildings with toilets, lavatories, showers, service sinks and laundry facilities.

XII. ANCHORING SYSTEMS.

- (1) New Parks. In all new parks, the licensee shall provide each site with a ground anchoring system meeting the standards specified in section XII(3). The occupant shall provide the remainder of the anchoring system meeting the standards specified in section XII(3).
- (2) Existing Parks. In existing parks, each occupant shall, by January 1, 1982, provide his or her site with an anchoring system meeting the standards specified in section XII(3).
- (3) Standards. All anchoring systems shall comply with the standards of The American National Standards Institute, ANSI 119.3, Parts 2 and 4, a copy of which shall be kept on file at the office of the Town Clerk and shall be made available to the public for inspection and copying upon request. Anchoring systems shall be safe for winds up to at least 80 miles per hour.

XIII. MONTHLY PARKING PERMIT FEE.

- (1) In addition to the license fee, the Town of Dunn shall collect from each occupied mobile home occupying space or lots in a mobile home park within the Town of Dunn a monthly parking permit fee computed as follows: The town assessor shall determine the total fair market value of each occupied mobile home which is subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of

assessment on other real and personal property in the Town of Dunn. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding January 1 assessment of general property. The parking permit fee shall be reduced by the credit allowed under section 79.10, Wis. Stats. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the Town of Dunn any time during the year.

- (2) It shall be the full and complete responsibility of each licensee of a mobile home park to collect the proper fee from the owner or occupant of each occupied mobile home within the mobile home park. the licensee shall pay such parking permit fees to the Town Treasurer on or before the 10th of the month following the month for which such fees are due.
- (3) The licensee of a mobile home park shall notify the Town Clerk and the Town Assessor of each increase or decrease in the number of occupied mobile homes situated in his park within five days of any change. The additional occupied units shall be reported on forms prescribed by the Wisconsin Department of Revenue. As soon as the assessor receives the notice of such addition he shall determine its fair market value and notify the Town Clerk of his determination. The Town Clerk shall equalize the fair market value established by the Town Assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the mobile home park licensee of the monthly fee to be collected from the unit.
- (4) A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Wisconsin Statutes.
- (5) The Town shall retain 10% of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district in which the mobile home park or mobile home is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the Town of Dunn.

- (6) Failure to pay the monthly parking permit fee in timely fashion shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Wisconsin Statutes.

XIV. EXEMPTION FROM MONTHLY PARKING FEE.

- (1) The operator of a mobile home park shall not be required to collect the monthly parking fee for any space occupied by a mobile home accompanied by an automobile for an accumulating period of not more than 60 days in any twelve months if the occupants of the mobile home are tourists or vacationers. Exemption certificates in duplicate shall be accepted by the Mobile Home Commission or the treasurer from the qualified tourists or vacationers in lieu of parking permit fees.
- (2) The monthly parking permit fee shall not apply where a mobile home park is owned and operated by the county or state under the provisions of Sections 59.07(13) or 70.11(1) of the Wisconsin Statutes.

XV. MANAGEMENT OF THE PARK AND UPKEEP OF SITES.

- (1) Each mobile home park shall have an office for the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office.
- (2) The operator of any mobile home park shall:
 - (a) Keep a register of all occupants, open at all times to inspection by federal, state, and local officers, which shall show for all occupants:
 1. Names and addresses;
 2. Number of adults and children of school age;
 3. State of legal residence;
 4. Dates of entrance and departure;

5. License numbers of all mobile homes and of all towing or other vehicles;
 6. States issuing such licenses; and
 7. Number of dogs.
- (b) Maintain the park in a clean, orderly and sanitary condition at all times.
 - (c) Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violation of this ordinance or any other violations of law which may come to his or her attention.
 - (d) Report all cases of persons or animals affected or suspected of being affected with any communicable disease to the health officer.
 - (e) Collect the monthly parking permit fee provided for in this ordinance and keep a true and accurate record showing the names of the persons paying said fee and the amount paid.
 - (f) Transmit the monthly parking fees to the Town Treasurer on or before the 10th day of the month following the month for which such fees are due.
 - (g) Maintain in good order a staging and storage area within or in close proximity to the mobile home park. An existing park shall provide a staging and storage area by January 1, 1982.
- (3) The occupants of any mobile home park site shall:
- (a) Maintain the site in a clean, orderly, and sanitary condition at all times.
 - (b) Make timely payments of the monthly parking permit fee to the operator.

XVI. REVOCAION OF LICENSE.

- (1) Complaint. Upon the filing of a verified complaint by any police, health, or fire officer or by any resident with the Town Clerk alleging that any person licensed under this Ordinance has violated any provision of this Ordinance the Town Board shall issue a summons commanding the licensee to appear before them on a day and at a place in such summons named, not less than 5 nor more than 10 days from its date, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 5 days before the date set for the appearance and may be served either personally or upon the person in charge of the mobile home park. Said complaint shall set forth each alleged offense, the date, time and place of each offense alleged and the facts constituting each offense alleged. The Clerk shall give the complainant written notice of the time and date set for the hearing.
- (2) Failure to Appear for Hearing. If the licensee does not appear as required by the summons, the allegations set forth in the complaint shall be deemed to be true and the Town Board may dismiss the complaint or revoke the license. Notice of the Board's action shall be given to the licensee.
- (3) Hearing Procedure. If the licensee appears at the hearing and denies the allegations set forth in the complaint, each party may present testimony and evidence. The complainant shall be the first to proceed and the licensee, who may be represented by counsel, shall then have the opportunity to be heard in person and to present witnesses and testimony on its behalf. Both the complainant and the licensee shall have the right to cross-examine adverse witnesses and to compel the attendance of witnesses by subpoena which shall be issued by the Town Chairman upon request.
- (4) Prerogative of the Board. If the Town Board determines the allegations of the complaint to be true, it may suspend or revoke the license. If the Board determines that the allegations are untrue or if true are not grounds for revocation it shall dismiss the complaint. If the town Board determines that the allegations of the complaint were malicious and without probable cause the cost shall be paid by the complainant. The Town Board may require security for costs to be posted by the complainant before issuing the summons. If the complaint pertains to

a specific site or sites, and if the Town Board determines that the allegations are true but are not grounds for revocation of the entire license, it may revoke the license as to a specific site or sites.

XVII. REVIEW OF MOBILE HOME COMMISSION ACTIONS.

- (1) A decision of the Mobile Home Commission to reject an application for a mobile home park license or license renewal may be appealed to the Town Board.
- (2) A written Notice of Appeal must be filed with the Town Clerk within 14 days of the date when notice of the action of the Mobile Home Commission which is being appealed is mailed to the petitioner.
- (3) The Notice of Appeal shall state the action of the Mobile Home Commission appealed from, shall specify the reasons stated by the Commission for taking such action, and shall specify the reasons why the petitioner believes that action was inappropriate.
- (4) The Town Clerk shall file the Notice of Appeal with the Town Board and shall schedule the appeal for consideration by the Town Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk shall send notice of the time scheduled for consideration of the appeal to the petitioner at least ten (10) days prior to the hearing of the appeal.
- (5) Within thirty (30) days of the appeal hearing, the Town Board shall affirm, modify, or reverse the action of the Mobile Home Commission or shall refer the matter back to the Commission for further consideration. Notice of the decision of the Town Board shall be sent to the petitioner and the Commission.
- (6) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this Ordinance.

XVIII. PENALTIES FOR VIOLATION.

- (1) Any person violating any provision of this ordinance, other than the reporting requirements set forth in section XIII(3), shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 and the costs

of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not to exceed thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

- (2) Any person who fails to comply with the reporting requirements of section XIII(3) shall, upon conviction thereof, forfeit \$25 and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not to exceed thirty days (30) for each violation. Each failure to report shall constitute a separate offense.

XIX. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason is held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.