

CHAPTER 18

MOBILE HOMES

18.01 AUTHORITY. The Village Board of the Village of New Auburn has the specific statutory authority, powers, and duties pursuant to Wisconsin Statutes 66.0435 to regulate, control, and license mobile homes and mobile home parks.

18.02 DEFINITIONS. As used in this ordinance, the following terms shall have the meanings hereinafter designated:

(1) **LICENSEE** means any person, firm or corporation licensed to operate and maintain a mobile home park under this ordinance.

(2) **PARK** means mobile home park.

(3) **PERSON** means any natural individual, firm, trust, partnership, association or corporation.

(4) **MOBILE HOME** is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the mobile home.

A mobile home is a vehicle 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, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet.

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

(A) Is not set upon an enclosed permanent foundation upon land owned by the mobile home owner, or

(B) is on wheels, or

(C) is not properly connected to utilities, or

(D) has tow bars, wheels or axles attached to it, or

(E) has not been 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 structure."

A Mobile Home does not include a Manufactured Home as identified in 18.02(5).

(5) **MANUFACTURED HOME**. A "manufactured home" is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. s. 5401-5426, or which has been certified and labeled as a manufactured home under s. 101.91-101.9206, Wis. Stats., and Chapter Comm. of the Wisconsin Administrative Code, and:

(A) Is designed to be used as a dwelling, and

(B) when placed on-site:

(1) is set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner, and

(2) is off its wheels, and

(3) is properly connected to utilities, and

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

(5) has no tow bars, wheels or axles attached to it.

(C) No manufactured home which bears a label certifying approval under 42 U.S.C. s. 5401-5426 or 101.91-101.9206, 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.

(6) **NON-DEPENDENT MOBILE HOME**. means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

(7) **UNIT** means a mobile home unit.

(8) **MOBILE HOME PARK** means any 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. As used in this ordinance, mobile home park is limited to plots on which are located 2 or more non-dependent mobile homes.

(9) **SPACE** means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(10) **MOBILE HOME STAND** means that part of an individual space which has been reserved and improved for the placement of one mobile home unit.

(11) **OCCUPIED AREA** means that portion of an individual mobile home space which is covered by a mobile home and its accessory structures.

(12) **PARK MANAGEMENT** means the person who owns or has charge, care or control of the mobile home park.

(13) **LOT** is a space as defined in subsection (9) of this section.

(14) **COMPLETE BATHROOM FACILITIES** means a flush toilet, lavatory, bath and kitchen sink.

18.03 COVERAGE Every person, subject to Section 66.0435 Wisconsin Statutes and this ordinance who maintains and/or operates within the Village of New Auburn any mobile home park shall seek and obtain a mobile home park license from the Village of New Auburn. The fee for such license shall be \$100.00 for each 50 spaces or fraction thereof. See Section 18.09.

18.04 APPLICATION AND TRANSFER

The application and license shall designate the premises. The Village Board of the Village of New Auburn may approve the transfer of the license and may charge a fee of \$10.00 for each transfer. No license may be transferred without Village Board of the Village of New Auburn approval, to any person or from one person to another. The application shall include:

- (1) the name of the applicant
- (2) the address of the applicant
- (3) the location of the premises
- (4) the business and residential telephone number of the applicant, if any
- (5) the age of the applicant
- (6) the complete construction plans and specifications which shall be in compliance with State laws and regulations and Village of New Auburn ordinances.

No person shall be issued or re-issued a mobile home park license in the Village of New Auburn until the appropriate fee is paid to the Village Clerk of the Village of New Auburn.

18.05 MOBILE HOME MONTHLY PERMIT

(1) Every person pursuant to Section 66.0435 Wisconsin Statutes, and this ordinance who occupies a space or lot in a mobile home park or any other location in the Village of New Auburn and whose mobile home is not exempt under Section 66.0435 Wisconsin Statutes shall pay a monthly parking fee.

(2) These amounts shall be remitted to the Village Treasurer of the Village of New Auburn by the mobile home park licensee if pertaining to mobile homes parked in a mobile home park or by the mobile home owner or occupant if pertaining to a mobile home parked outside a mobile home park.

(3) The mobile home park licensee shall collect all monthly permit fees and remit such amounts to the Village Treasurer of the Village of New Auburn. The amounts due to the Village of New Auburn shall be received by the 10th day following the month the fees are due. The fees shall be calculated pursuant to Section 66.0435(3)c Wisconsin Statutes. See Section 18.12 on monthly parking fees.

18.06 PARKING OUTSIDE LICENSED MOBILE HOME PARKS RESTRICTED

(1) Except as permitted under paragraphs (3) and (4) of this section, no person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of New Auburn except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for purposes of sales display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided no business is carried on therein, or in any accessory private garage, building or rear yard of the owner of such mobile home.

(2) No person shall stop, stand or park a mobile home on any street, alley, or highway within the Village in violation of Chapters 340 to 348 of the Wisconsin Statutes or the Traffic Ordinances and Regulations of the Village of New Auburn.

(3) The Village Board shall have authority on a proper application, to issue an occupancy permit allowing a land owner to park or to permit to be parked on his premises not more than one (1) mobile home; provided

(A) All mobile homes are to be fully skirted with wheels removed and serviced by a legal operating septic system.

(B) The Village Board may by resolution or By-Law, or express written agreement with the applicant, impose additional requirements or modify the requirements set forth in this ordinance whenever it shall determine that such modification or addition will achieve the purposes of this section and will not conflict with State law.

(4) The Village Board shall have authority to issue a temporary permit allowing a mobile home to be occupied for a period of not to exceed one year by the

owner of the land on which it is located while a dwelling house is being constructed on the premises. A permit for this purpose shall not be issued until the applicant has received a building permit for the dwelling house and established to the satisfaction of the Board that he will promptly proceed with construction.

(5) The Village Board may discontinue issuing permits under paragraphs 3 and 4 whenever it determines that further permits will endanger the tax structure of the Village.

18.07 RESERVED FOR FUTURE USE

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18.09 MOBILE HOME PARK OPERATOR'S LICENSE

(1) No person shall operate, administer or maintain a mobile home park within the Village of New Auburn without a valid, unexpired mobile home park license issued by the Village Clerk and approved by the Village Board.

(2) Mobile home park licenses shall be issued for a year and shall expire on June 30 next succeeding date of issue. Licenses may be issued after July 1 of any year, but no rebate or diminution of the fee shall be allowed therefor.

(3) Licenses granted under this section shall be subject to revocation or suspension by the governing body for cause in accordance with s. 66.0435(2)(d), Wis. Stats. "Cause" as used in this subsection shall include, but not be limited to:

(A) Failure or neglect to abide by the requirements of this ordinance or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.

(B) Conviction of any offense under the laws of the State or ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.

(C) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Village of New Auburn; including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals, or nuisances.

(D) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the State and Municipal

subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.

(4) Except as provided in subsection 6 of this Section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:

(A) Possession of a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Chapter H177, Wis. Admin. Code applicable thereto.

(B) Mobile home parks shall be used only for the parking and occupancy of single-family non-dependent mobile homes and accessory structures and appurtenances and uses authorized and approved under this ordinance.

(C) Applicant shall file with the approving officer, evidence that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed, or installed in the park as required by State law and are in required operating condition at the time of said application.

(D) Location and operation of the park shall comply with all zoning and land use ordinances of the State and Village and no permit shall be issued until the proposed use complies with such ordinances.

18.10 OPERATION OF MOBILE HOME PARKS: RESPONSIBILITIES OF PARK MANAGEMENT

(1) In every mobile home park there shall be located an office of 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 attendant or person in charge and the park licensee shall operate the park in compliance with this ordinance and regulations and ordinance of the Village and State and their agents or officers and shall have the following duties:

(A) Maintain a register of all park occupants, to be open at all times to inspection by State, Federal and Village officers, which shall show:

(1) Names and addresses of all owners and occupants of each mobile home.

(2) Number of children of school age.

(3) Dates of entrance and departure of each mobile home.

(4) Make, model, year and serial number or license number of each mobile home.

(B) Notify park occupants of the provisions of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of law which may come to their attention.

(C) Notify the Village Board immediately of any suspected communicable or contagious disease within the park.

(D) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tie downs.

(E) Maintain park grounds, buildings and structures free of insect and rodent harborage or breeding places for flies, mosquitoes and other pests.

(F) Maintain the park free from growth of noxious weeds.

(G) Collect the monthly parking permit fee and cash deposits for each occupied nonexempt mobile home within the park and remit such fees and deposits to the Village Clerk as required by Section 18.05 of this ordinance.

(H) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by these ordinances.

18.11 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS

(1) Park occupants shall comply with all applicable requirements of this ordinance and regulations issued hereunder and shall maintain their mobile home space, its facilities, and equipment in good repair and in a clean and sanitary condition.

(2) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(3) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

(4) Each owner or occupant of a nonexempt mobile home within a mobile park shall remit to the licensee or authorized park management the monthly parking permit fee as required by Section 18.12 of this ordinance.

(5) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as

are necessary to effect compliance with this ordinance or any law or ordinance of the State or municipality or lawful regulation or order adopted thereunder.

(6) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this ordinance.

(7) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.

(8) No person shall discharge any waste water on the surface of the ground within any mobile home park.

18.12 MONTHLY PARKING FEE

(1) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village, a monthly parking permit fee determined in accordance with s. 66.0435(3) Wisconsin Statutes. It shall be the full and complete responsibility of the mobile home park licensee to collect the proper amount from each mobile home park owner or occupant. Licensees and owners and occupants of mobile homes permitted to be located on land outside a mobile home park (which are not assessed as real property) shall pay to the Village Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this ordinance, and such reasonable regulations as the Treasurer may promulgate. Park operators may deduct the 2% administrative expense authorized by Section 66.0435(3m).

(2) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk and assessor on such homes added to their park or lands within 5 days after arrival of such homes on forms furnished by the Clerk in accordance with Section 66.0435(3)(c)(2) of the Wisconsin Statutes.

18.13 PENALTIES

In addition to the penalties imposed by Section 1.05 any person violating any provisions of this ordinance or failing to perform any duty imposed hereunder or committing any act prohibited hereby shall upon conviction thereof forfeit not more than \$200.00 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment is made, but not exceeding 30 days for each violation, provided that, to the extent required by Section 66.0435(3)(h) Wis. Stats. for reporting requirements, the forfeiture for violation of Section 18.12(1)(2) shall not exceed \$25.00. Each day of violation of any provision of this ordinance shall be deemed to constitute a separate offense.

18.14 SEVERABILITY. If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional.