

CODE OF ORDINANCES
Town of Willard, Rusk County, Wisconsin

CHAPTER 11
MANUFACTURED AND MOBILE HOME COMMUNITY ORDINANCE

11.01 STATEMENT OF PURPOSE AND AUTHORITY

- (1) TITLE** This ordinance is entitled the 'Town of Willard Manufactured and Mobile Home Community Ordinance'.
- (2) PURPOSE** The purpose of this ordinance is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes in the Town, the installation, construction, and maintenance of temporary or seasonal dwellings in the Town, and the construction, installation, operation, and maintenance of manufactured and mobile home parks in the Town, to allow the Town to monitor the development of property within the Town, to assure the proper assessment and taxation of and assessment of fees upon property within the Town, and to assure the provision of fire and other emergency services to residents within the Town.
- (3) AUTHORITY** The Town Board has the specific authority under Wisconsin Statutes, and the Town's Village Powers, to adopt and enforce this ordinance.
- (4) ADOPTION OF ORDINANCE** This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present, and voting, and proper notice having been given, provides for the regulation by license or permit, the construction, installation, operation, and maintenance of manufactured and mobile home communities in the Town.
- (5) SEVERABILITY** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.
- (6) EFFECTIVE DATE** This code shall take effect, and be in force after its adoption, passage, publication, posting, filing, and recording in accordance with Wisconsin Statutes. A copy of said code, when printed, is to be kept on file and open for public inspection in the Office of the Town Clerk of the Town of Willard.

11.02 DEFINITIONS

Camping Unit means any portable device, no more than 400 square feet in area, used in the Town as a temporary or seasonal dwelling, including but not limited to, a camping trailer, motor home, bus, van, truck, or tent. Refer to CHAPTER 18 Recreation Facility and Lodging for camping unit regulations.

Campground means any parcel or tract of land in the Town that is owned by a person, the state, or a local government, that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.

Manufactured and Mobile Home Community means a facility in the Town where more than two (2) manufactured homes or mobile homes, or any combination thereof, are installed, or parked on a parcel for dwelling, or sleeping purposes, regardless of whether any charge is made for the accommodation. 'Manufactured home community' does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator, or where the occupants of the manufactured homes work on the farm.

Manufactured home means a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established according to 42 USC 5401 to 5425. A manufactured home may be comprised of one (1) or more sections. 'Manufactured home' does not include any self-propelled recreational vehicle, or camping unit.

Mobile Home means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon 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 the mobile home structure, plumbing, heating, air conditioning, electrical systems, all appliances, and all other equipment carrying a manufacturer's warranty. 'Mobile home' does not include any camping unit.

11.03 GENERAL PROVISIONS

(1) BUILDING PERMIT REQUIRED.

- (a) No person, after the effective date of this ordinance, on any parcel of land in the Town of Willard, may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of a mobile home, or manufactured home, or any section thereof, without obtaining a Town of Willard Building Permit.
- (b) No person may occupy or permit the occupancy of any manufactured home, or mobile home, unless a Town Occupancy Permit is issued.
- (c) Any manufactured home, or mobile home, moved *into or within* the Town of Willard will be considered new construction. A Town of Willard Building Permit shall be obtained before transporting the manufactured home, mobile home, or any section thereof, to a new location within the Town.

(2) LICENSE REQUIRED.

- (a) Per Wisconsin Statutes, if there are more than two (2) manufactured homes or mobile homes, or any combination thereof, on any plot or contiguous plots of ground, then a Manufactured or Mobile Home Community License is required.
- (b) Per Wisconsin Statutes, if there are more than two (2) manufactured homes or mobile homes, or any combination thereof, in the campground, then a Manufactured or Mobile Home Community License is required instead of a Campground License.
- (c) Under certain circumstances, a farm may be exempt from obtaining a Manufactured or Mobile Home Community License.

(3) TEMPORARY STORAGE.

- (a) The Town Board may approve temporary parking, or storing, of any manufactured home, mobile home, or any section thereof, at a location other than the construction site for which the Town Building Permit has been issued.
- (b) The location, and period of time stored must be approved in writing by all of the following:
 - 1. The Town Board
 - 2. The holder of the valid Town Building Permit
 - 3. Representative of buyer's financial institution, if applicable (note: such agreement may not be allowed by the type of financing obtained)
 - 4. The seller (person, partnership, corporation, nor other legal entity), that is licensed by the State of Wisconsin to sell manufactured homes or mobile homes
- (c) Such temporary parking does not constitute delivery, or installation, of the manufactured home or mobile home.
- (d) The Town Board shall require removal of any manufactured home, mobile home, or any section thereof, if the temporary storage: violates the temporary storage agreement, creates a health or safety hazard, violates any Town Ordinance, or the Town Building Permit is revoked.

11.04 MANUFACTURED AND MOBILE HOME COMMUNITIES

- (1)** No person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community in the Town, unless the owner of the land occupied by the manufactured and mobile home community, or the operator of the manufactured and mobile home community, has been issued a Town Manufactured and Mobile Home Community License by the Town Clerk and has fully paid the annual license fee due the Town for the calendar year.
- (2)** No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a manufactured and mobile home community in the Town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code, Town of Willard Zoning Ordinance, this ordinance, and any other applicable Town ordinances.
- (3)** No person, after the effective date of this ordinance, may install, operate, park, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured home, manufactured dwelling, mobile home, in any manufactured and mobile home community in the Town without timely payment of the monthly parking permit fee as determined under Wisconsin Statutes. The manufactured and mobile home community licensee shall collect and timely pay the fee to the Town Clerk. Any manufactured and mobile home community operator or owner who collects monthly parking permit fees may deduct administrative expenses of two percent (2%) of the monthly fees collected before payment to the Town Clerk. Fees shall be collected by the licensee by the 1st of each month and paid to the Town Treasurer by the 15th of each month. The manufactured and mobile home community licensee is liable for the monthly municipal permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under Chapter 799, Wisconsin Statutes, to collect the fee from the owner and occupant of the unit.
- (4)** Any licensed manufactured and mobile home community operator or owner of the land on which a manufactured and mobile home community is located shall timely notify the Town Clerk of information requested in writing by the Town Clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the manufactured and mobile home community within five (5) days after a written request from the Town Clerk. The information requested shall be on a form provided by the Town Clerk
- (5)** No person may in any manufactured and mobile home community in the Town create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the mobile home park.
- (6)** No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community unless the manufactured and mobile home community meets the minimum construction, installation, and maintenance standards for the community and for every mobile home, manufactured home, manufactured dwelling, to be installed or maintained in the mobile home park.

- (7) No manufactured and mobile home community, after the effective date of this ordinance, may be occupied at any one time by more than 40 mobile homes, manufactured homes, or a combination thereof, installed, maintained, or parked in the manufactured and mobile home community. Manufactured dwellings shall be permitted for installation in a manufactured and mobile home community only upon written approval of the Town Board. No other buildings or structures are to be constructed, installed, or used in the manufactured and mobile home community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the Town Board.
- (8) The Town reserves the right to place special charges or special assessments on the land where the manufactured and mobile home community is located to defray the costs to the Town of services and materials furnished to the mobile home park.

11.05 GENERAL LICENSE AND PERMIT PROVISIONS

- (1) No person may conduct or cause any activity or use enumerated in this ordinance without a license or permit required in this ordinance.
- (2) Application for a license or permit under this ordinance shall be made to the Town Clerk on a form furnished by the Town. The application shall contain such information as may be required by the Town Board.
- (3) All license or permit fees imposed under this ordinance shall be collected by the Town Clerk and paid into the Town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant.
- (4) A license or permit under this ordinance may be issued by the Town Clerk, with the approval of the Town Board. If the Town Clerk has reason to believe that the applicant’s conduct, use, or activity is not in compliance with federal or state law or regulations or any county, extraterritorial, or Town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the Town Clerk shall refer the license or permit to the Town Board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the Town Clerk, with the approval of the Town Board, denies the license or permit, an appeal may be made by the applicant in writing to the Town Clerk within 5 days after the date of the denial. Upon receipt of a written appeal, the Town Clerk shall set a public hearing before the Town Board not less than 10 days after receipt of the written appeal and provide written notice of the hearing to the appellant. At the hearing, the appellant is entitled to be represented by counsel. After hearing the evidence the Town Board may confirm or reverse the denial. The determination of the Town Board is final.
- (5) All annual licenses or permits issued under this ordinance shall expire on the succeeding June 30.
- (6) All licenses or permits issued under this ordinance shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the Town upon request.
- (7) It is a condition of holding a license or permit under this ordinance that the licensee or permittee fully comply with all federal and state law or regulations and all county, extraterritorial, and Town ordinances. Failure to do so is cause for revocation of the license or permit.
- (8) All licenses or permits issued under this ordinance are personal and are not transferable except by written approval of the Town Board.
- (9) Any license or permit issued under this ordinance may be revoked for cause by the Town Board. Any licensee or permittee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the Town Board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under s. 985.07, Wisconsin Statutes, prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the Town Clerk prior to publication. After hearing the evidence, the Town Board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension.
- (10) The determination of the Town Board shall be in writing, shall state the reasons for the Board's action, and is final.

11.06 FEES are listed in Appendix A.

11.07 PENALTY PROVISIONS Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Chapter 11 Manufactured and Mobile Home Community Ordinance
 Adopted this 14th day of March, 2022

Robert Nelson	Yea	<u> X </u>	Nay	_____
Mark Taft	Yea	<u> X </u>	Nay	_____
Linda Bentley	Yea	<u> X </u>	Nay	_____

Attest: Mary Jane Nelson, Town Clerk