

## **CHAPTER 11: MOBILE HOMES AND MOBILE HOME PARKS**

### **11.01. Title/Purpose.**

This chapter is entitled “Mobile Homes and Mobile Home Parks.” The purpose of Chapter 11 is, in order to protect and promote the public health, morals, convenience, safety, and welfare, to conserve taxable values of land and buildings, and to comply with Wis. Stat. § 66.0435, to provide for the licensing, regulation, permits, and fees for the location and operation of mobile homes and mobile home parks within the Town.

### **11.02. Authority.**

The Town Board has the specific statutory authority, powers, and duties, pursuant to the specific statutory sections noted in this chapter, and by its adoption of village powers under Wis. Stat. § 60.10, to regulate, control, license, and permit in the Town the use of mobile homes and the location of mobile home parks pursuant to Wis. Stat. § 66.0435. The terms and provisions of Wis. Stat. § 66.0435, as amended and renumbered from time to time, are hereby adopted by reference.

### **11.03. Definitions.**

For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

A. “Dependent mobile home” means a mobile home which does not have complete bathroom facilities.

B. “Licensee” means any person licensed to operate and maintain a mobile home park under this section.

C. “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.

D. “Nondependent mobile home” means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances, and complete year-round facilities.

E. “Park” means any plot or plots of ground upon which two or more mobile home units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

F. "Person" means any natural individual, firm, trust, partnership, association, corporation, or limited liability company.

G. "Space" means a plot of ground within a park designed for the accommodation of one mobile home unit.

H. "Unit" means a single mobile home unit.

#### **11.04. Location of Mobile Home.**

Except as provided in this chapter, no person shall park or occupy a mobile home on any parcel of land, public or private, or on any street, highway, or alley, public or private, which is situated outside of an improved park.

#### **11.05. Location of Mobile Home Outside of Mobile Home Park.**

A. The Town Clerk, upon approval of the application by the Town Board, shall issue a written permit allowing the location of a mobile home outside of a park. Such permit shall be subject to an annual license fee, as provided in this chapter. The permit shall be granted only upon the written consent of the owner or lessee of the parcel of land where the mobile home is located and upon the written consent of the owner of the mobile home involved. Not more than one mobile home shall be granted a permit to locate on any one parcel of land outside of a park. The issuance of a permit for a mobile home located outside of a park shall be subject to inspection, monthly parking fees, and penalties, as set forth in this chapter.

B. An application for a permit shall be accompanied by an inspection fee of \$5.00, and shall state the name and permanent addresses of the occupants of the mobile home, the owner of the parcel of land where the mobile home is located, and the intended purpose of the stay at the requested location. The application shall further indicate the nature and location of sanitary facilities, which must include a safe water supply and toilet facilities within 200 feet of the proposed location of the mobile home, and a statement of how sanitary waste is to be disposed and a statement of the location of sanitary facilities.

C. The application and fee shall be filed with the Town Clerk. The Town Board shall approve the application within 60 days, unless it determines noncompliance with any provision of this chapter.

D. A mobile home shall not be used as a permanent dwelling or for indefinite periods of time unless said mobile home is a nondependent type connected with adequate water and sanitary sewer. Such mobile home shall be constructed and located in compliance with all requirements of the building, plumbing, health, sanitary, electrical, and zoning ordinances of the Town and of County of Walworth.

E. A mobile home occupied as a place of human habitation shall be equipped with a fire extinguisher conveniently attached inside the unit.

#### **11.06. Recreational Mobile Homes.**

Camping trailers, recreational mobile homes, campers, vans, and truck campers primarily designed and used by the owner as a recreational and not a residential vehicle, no longer than 35 feet in length and eight feet in width, are exempt from this chapter and not subject to any permit fees or parking fees under this chapter.

#### **11.07. Parks.**

No person shall establish, operate, or maintain, or permit to be established, operated, or maintained, upon any parcel of land owned, leased, or controlled by such person, a park situated within the Town without having first secured a license for such park pursuant to this chapter. Such license shall expire on December 31 following the date of issuance, but may be renewed for additional periods of one year beginning on January 1 each year.

#### **11.08. Application for License.**

The application for a license or a renewal thereof shall be made in writing on forms furnished by the Town Clerk. The application shall include:

A. The name and address of the owner in fee of the parcel of land (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him or her to construct or maintain the park and to make the application).

B. A legal description of the parcel of land upon which the park is or will be located as will readily identify and definitely locate the parcel of land.

C. The name, address, and age of the applicant.

D. Two copies of the park plan showing the following, either existing or as proposed:

(1) The extent and area used for park purposes.

(2) Roadways and driveways.

(3) The location of each mobile home, including the address and exterior dimensions for each unit.

(4) The location and number of sanitary conveniences, including toilets, washrooms, laundry facilities, and utility rooms, to be used by the occupants of the units.

(5) The location of all sewer and water pipes and connections.

(6) Method and plan of sewage disposal.

(7) Method and plan of garbage removal.

(8) Plan for water supply and fire prevention system.

(9) The location of the well or water supply.

(10) Plan for electrical lighting of units.

(11) The maximum number of units to be accommodated in the park.

E. A nonrefundable initial application investigation and inspection fee of \$100.00. Applications for renewals must include a \$25.00 nonrefundable renewal investigation and inspection fee.

F. Any other plans and specifications, which shall comply with all Town ordinances and provisions of the Wisconsin Department of Commerce and any other governmental agency having jurisdiction over the park.

G. By filing the application, the applicant consents to inspections by the Town and its agents or officials to determine whether the license should be granted, and whether any violation has occurred or is occurring.

H. Upon receipt of an application, the Town Clerk shall notify the Fire Chief of the Joint Fire Department and the Town Building Inspector, or their authorized agents, and these officials shall inspect or cause to be inspected each application, and the parcel of land, to determine whether the applicant and the parcel of land on which units will be located comply with the regulations, ordinances, and laws applicable thereto. These officials shall furnish to the Town Board, in writing, the information derived from such investigation, along with a written statement as to whether the applicant and the parcel of land meet the requirements of the department for whom the officer is certifying. No license shall be issued until all such investigations have been conducted and such statements furnished to the Town Board. For the purpose of making inspections and securing enforcement, such officials, or their authorized agents, may enter upon any parcel of land on which a mobile home is located, or is about to be located, to inspect the same, and the accommodations connected therewith, at any reasonable time.

I. The Town Board will consider the application within 60 days of filing. The Town Board shall approve the application upon a finding that there is no violation of this chapter and upon completion of work according to the plans. Upon Town Board approval of the application, and upon completion of work according to the plans, the Town Clerk shall issue the license.

#### **11.09. Park Requirements.**

A. Spaces shall be clearly defined, and shall consist of a minimum of 1,000 square feet and a width of not less than 30 feet. The park shall be so arranged that all spaces shall face or abut for not less than 16 feet on a driveway not less than 20 feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved, and shall be maintained in good condition, have natural drainage, be well lighted at night, and not be obstructed.

B. Street lights or other lights serving the park must be lit from one-half hour after sunset until sunrise the following morning.

C. Each space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of a minimum of 60 amperes capacity and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof, and no power lines shall be less than 15 feet above ground, unless the power lines run underground.

D. No unit shall be parked within a park outside of a designated space.

E. Each space shall be separated from all other spaces, automobile parking spaces, service buildings, or other structures within the park by open spaces permanently planted to grass, flowers, shrubs, or trees, which shall be not less than 15 feet wide, except that there need be no more than a five-foot setback from an access driveway; provided, however, that such five-foot setback shall apply to the longest mobile home to be accommodated within such park.

F. Each park shall provide a playground, in addition to all other open spaces required by these regulations, which playground shall have an area of not less than 10,000 square feet in any case.

(1) If a park is designed to accommodate more than 10 mobile homes, and such park is not limited to transient visitors only, the area of such playground shall be increased by not less than 2,000 square feet for each mobile home over the first 10 which the park is designated to accommodate, but a playground area greater than 40,000 square feet shall not be required in any case.

(2) If a park is limited to transient visitors only, the playground area shall be increased by not less than 1,000 square feet for each mobile home over the

first 10 which the park is designed to accommodate, and a playground area greater than 25,000 square feet shall not be required in any case.

(3) A playground:

(a) Shall be of a reasonably compact shape so as to be useful and usable in its entirety for playground purposes;

(b) Shall be located on well-drained land not subject to periodic flooding or lengthy periods of wet conditions or muddy soil due to standing water or subsurface moisture;

(c) Shall be free from trees or brush, and planted and permanently maintained in a durable sod equal to that specified by County of Walworth for high school athletic fields; and

(d) Except as provided by Section 11.10, below, shall be within the boundaries of the park, as defined by the yard and plantings required by this chapter.

G. Except as provided by Section 11.10, below, the park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than 25 feet wide. Within such yard there shall be established, within six months after issue of the permit for the location of such park, the following plantings:

(1) A temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, such as Lombardy Poplar; and

(2) A permanent evergreen planting, such as White or Norway Pine, the individual trees to be of such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

H. The licensee shall furnish an adequate supply of pure drinking water, which shall be furnished to each unit through a pipe distribution system connected directly with a common well provided by the licensee. Such system shall be sufficient to provide at least 20 pounds pressure per square inch, and capable of furnishing a minimum of 125 gallons per day per unit. In the event the water supply becomes inadequate or not fit for drinking, temporary water shall be furnished by the licensee in the amount of one gallon per day per person, but not less than two gallons per day per unit.

I. The licensee shall provide a common sewer system or septic system for the discharge of liquid wastes, water, and sewage from each unit, and each unit shall be connected with such sewer system.

J. Each unit shall be provided with a fly-tight, watertight garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the licensee at least once weekly. The licensee shall comply with the recycling responsibilities of owners of multi-family dwellings enumerated in Chapter 17 of the Municipal Code.

K. The licensee shall post, in the office of the attendant or person in charge of the park, a copy of the park's current license. In addition, the park shall maintain, in the office of the attendant or person in charge of said park, a current list of all charges, service fees, and parking fees for each unit, and the park's mobile home register. The register shall be open at all times for inspection by federal, state, county, and Town officials, and shall include:

- (1) The names and addresses of all persons occupying each unit in the park.
- (2) The dates of entrance and departure.
- (3) The license number of the unit, and the license number of each towing or other automobile, and the state of issuance.
- (4) The unit's proposed length of stay in the park.
- (5) The unit's last place of location and length of stay.

#### **11.10. Variances.**

A. **Variances Limited.** No variances or exceptions to the standards and requirements of this ordinance shall be granted or allowed, except as explicitly provided herein.

(1) **Playgrounds.** Variances to subsection 11.09.F.(3)(d), above, may be granted if all of the following conditions apply:

- (a) The proposed playground is contiguous with a boundary of the park it is to serve;
- (b) All residents of the park have unimpeded access to the proposed playground without crossing another resident's space;

(c) All residents of the park have unimpeded access to the proposed playground without crossing a third parcel of land, which is neither the playground nor the park it is to serve;

(d) The Town Board is satisfied that the location of the proposed playground is better suited for a playground than any comparably sized area within the park, taking into account drainage, grade, natural ground cover, other vegetation, traffic patterns, accessibility, child safety, and such other siting considerations as the Town Board deems material; and

(e) The licensee agrees to prepare, have properly executed, and recorded with the Walworth County Register of Deeds, all at the licensee's expense, an easement, for which the park shall be the dominant estate, sufficient to preserve the proposed playground for use by park residents for as long as the park shall remain occupied and subject to licensing by the Town.

(2) **Screening.**

(a) Variances to subsection 11.09.G., above, may be granted if all of the following conditions apply:

(i) All parcels contiguous to the proposed unscreened section of park boundary are used for no residential purpose, and are either "forest land" as defined in Wis. Stat. § 26.30(3)(d), or "agricultural land" as defined in Wis. Stat. § 70.32(2)(c)1g.; and

(ii) The Town Board is satisfied that such variance does not violate any purpose of this chapter.

(b) The Town Board may rescind a screening variance upon 30 days notice to the affected licensee.

(3) **Construction, Repairs, and Maintenance.**

(a) Variances to the requirements of Section 11.09, above, may be granted during periods of construction, repairs or maintenance within the park's boundaries if all of the following conditions apply:

(i) The Town Board is satisfied that such construction, repairs or maintenance would be impractical without the variance; and

(ii) The Town Board is satisfied that the licensee of the affected park, together with such licensee's employees, agents, officers, directors, contractors and subcontractors have acted in good faith regarding all matters relevant to the variance.

(b) A construction, repair, or maintenance variance expires 14 days after the completion of the construction, repairs, or maintenance for which such variance was granted.

(c) The Town Board may rescind a construction, repair, or maintenance variance upon 30 days notice to the affected licensee.

**B. Petitions for Variance.**

(1) A petition for a variance to any requirements of Section 11.09, above, must be made in writing, subscribed by the licensee, and filed with the Town Clerk at least 15 days before the Town Board meeting at which the petition will first be considered.

(2) A separate petition must be filed for each variance to the requirements of Section 11.09, above, sought.

(3) Each petition for a variance to the requirements of Section 11.09, above, must include or be accompanied by all information, documents, and agreements necessary to evaluate that request for a variance, as set forth in subsection 11.10.A., above.

(4) Each petition for a variance to the requirements of Section 11.09, above, must be accompanied by a nonrefundable investigation and inspection fee of \$100.00.

**C. Town Board Action.**

(1) The Town Board may act upon petition for a variance to the requirements of Section 11.09, above, by:

(a) Granting the petition; or

(b) Denying the petition for lack of necessary information, in which case it shall specify what information is lacking and reconsider the petition only if the licensee submits such required information; or

(c) Denying the petition based upon the information presented by the licensee, in which case the petition will be deemed dismissed and may not be acted upon again.

(2) The Town Board may grant petitions for a variance to the requirements of Section 11.09, above, under subsection 11.10.B., above, subject to conditions precedent, conditions subsequent, time limits, or expiration dates.

### **11.11. License Fee.**

The annual license fee to be paid by the licensee shall be \$100.00 for each 50 spaces or fractions thereof within the park. The license fee shall be due and payable not later than February 1 of each calendar year. Each license fee application or renewal shall be accompanied by payment of the license fee and, in addition, the licensee shall provide a surety bond in the sum of \$5,000.00, guaranteeing the collection by the licensee of the fees provided in this chapter.

### **11.12. Conditional Renewal.**

Renewals of licenses may be made conditional by the Town Board.

### **11.13. Parking Permit Fee.**

A. In addition to the license fee, there shall be a monthly parking permit fee imposed on each nonexempt mobile home located in the Town, as determined by the Town Assessor in accordance with Wis. Stat. § 66.0435, as amended or renumbered from time to time.

B. For each unit in the park, the licensee shall comply with the reporting requirements of Wis. Stat. § 66.0435(3)(c), as amended or renumbered from time to time, to assist the Town in parking permit fee computation. Said fees shall be collected by the licensee and paid to the Town Treasurer on or before the tenth day of the month following the month for which such fees are due. The licensee shall be entitled to deduct, for administrative expenses, two percent of the monthly fees collected.

C. For each unit located outside the park, the owner of the parcel of land where the unit is located shall comply with the reporting requirements of Wis. Stat. § 66.0435(3)(c), as amended or renumbered from time to time, to assist the Town in parking fee computation. The owner of the parcel of land may collect the fee from the owner of the mobile home and, on or before January 10 and/or before July 10, shall transmit to the Town Treasurer all fees owed for the six months ending on the last day of the month preceding the month when the transmission is required.

D. No license shall be renewed or transferred unless all parking fees from all preceding months have been fully paid as required by this chapter.

### **11.14. License Transfer.**

No license may be transferred except by approval of the Town Board. License transfers must be requested, in writing, from the Town Clerk, and must be accompanied by a \$10.00 transfer fee.

### **11.15. Penalties.**

A. A person who fails to comply with any provision of this chapter shall, upon conviction thereof, forfeit not less than \$10.00, nor more than \$100.00, together with the costs of prosecution for each violation, and in default of payment thereof shall be imprisoned in the county jail of Walworth County, Wisconsin, until payment of such forfeiture and costs, but not exceeding 30 days. Such noncompliance shall constitute a separate offense or violation, subject to a separate forfeiture, for each day that such noncompliance exists or continues.

B. In addition to the penalties set forth herein, the Town Board may revoke or suspend, as set forth in Wis. Stat. sec. 66.0435(2)(d), as amended or renumbered from time to time, any license or permit issued pursuant to this chapter.

C. Notwithstanding the foregoing, any licensee who fails to comply with the reporting requirements shall be subject to forfeiture of not more than \$25.00, plus costs of prosecution, for each failure to report.

### **11.16. Exceptions.**

This chapter shall not apply to mobile homes used for purposes other than dwelling or sleeping purposes by:

A. The Town, County of Walworth, State of Wisconsin, United States of America, and all political subdivisions thereof.

B. Public utilities and contractors in connection with excavation, construction, alteration, or demolition work.

### **11.17. Severability.**

In the event any section, clause, paragraph, or phrase of this chapter is deemed to be wholly or partially unenforceable by a court of law in a competent jurisdiction, the remaining sections of the chapter shall remain in full force and effect.