

TOWN OF AUBURN ORDINANCE NO. 02-1

AN ORDINANCE TO REGULATE SUBDIVISION OF LAND, REQUIRE BUILDING PERMITS, AND PROHIBIT MOBILE HOME PARKS IN THE TOWN OF AUBURN.

The Board of supervisors of the Town of Auburn, Chippewa County, in order to provide for the orderly growth and development of the Town of Auburn, and the enhancement of health, safety, and general welfare of the public, does ordain as follows:

SECTION 1
DEFINITIONS

- a. The following terms, for purposes of this ordinance shall have the meanings stated below:
 1. **MOBILE HOME.** A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designated to be used as a dwelling with or without permanent foundation when connected to the required utilities.
 2. **MOBILE HOME PARK.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users. A mobile home park is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

SECTION 2
GENERAL SUBDIVISION REQUIREMENTS

- a. All subdivisions within the Town of Auburn shall meet the following minimum requirements:

1. Access to each lot shall be provided from a public street or highway by the owner, subdivider, person submitting the subdivision plat, or the seller of the property.
2. All access roads and driveways shall comply with the terms of the town driveway ordinance.
3. All streets and highways in such plats shall be of comparable width to other streets and highways in the general area, but in no event shall streets and highways be less than 4 rods wide. All new roads shall be surfaced with a minimum of 6 inches of gravel and bituminous surfacing.
4. The minimum size for all residential and commercial building lots shall be five acres. An owner of a parcel less than 5 acres in area created before the effective date of this ordinance may be issued a building permit, except that, an owner of contiguous lots subdivided before the effective date of this ordinance, the total area of which is less than 5 acres may be issued a building permit for not more than one principal building for such contiguous lots.

SECTION 3 BUILDING PERMIT REQUIRED

- a. No building or structure above or below the ground shall be erected, placed, converted, or enlarged on any lot or parcel of land within the Town of Auburn without first obtaining a building permit. For purposes of this section, "building or structure" shall not include silos, grain bins or corn cribs, but shall include construction intended for crop storage but suitable for other uses.
- b. No mobile home shall be placed, converted, or enlarged on any lot or parcel of land within the Town of Auburn for residential, commercial or agricultural purposes without first obtaining a building permit.

SECTION 4 PERMITS, APPLICATIONS

- a. Applications for building permits shall be filed with the town clerk together with a fee in the amount of \$20.00 for new construction or \$5.00 for converting or enlarging an existing structure. Such fees shall be in addition to state or county building or inspection fees. Each building or structure shall require a separate application and fee. For purposes of determining the fee, placing a mobile home or other structure on a parcel or lot shall be considered to be new construction.

- b. The town clerk shall direct building permit applications to the building commissioner, who shall grant or deny each application in writing within 30 days after the date of filing.
- c. Applications for building permits shall be filed on forms furnished by the town and shall include the following:
 - 1. The name and address of the applicant; the owner of the real estate; and the builder or contractor or architect or engineer.
 - 2. The legal description of the land on which the proposed structure will be located.
 - 3. The dimensions of the lot or parcel.
 - 4. Existing public highways and other access routes to the lot or parcel.
 - 5. A location sketch drawn to scale and showing the size of the lot or parcel involved, the exact location of the structure, the proposed use to be made of the structure and physical attributes of the lot or parcel.
 - 6. Permits for the adequate and safe private sewage disposal system or plans to connect to a public system, with approximate date of completion.
 - 7. The proposed manner in which an adequate and safe supply of water will be provided to the property and the approximate date of completion.
 - 8. Such additional information as the board of supervisors may, from time to time, require.
- d. The building permit shall expire two years from the date it is issued unless substantial work has been completed.
- e. A permit issued as a result of any false or misleading statement contained in the application for the permit shall be null and void.
- f. Failure to comply with any condition stated on a permit shall be a violation of this ordinance.

SECTION 5 PERMIT REQUIREMENTS

- a. No building permit shall be issued for:
 - 1. The erection or the placement of any structure or mobile home intended for use as a dwelling on any lot or parcel unless the structure or mobile home shall be not less than 720 square feet in size.

2. The erection or placement of any structure or mobile home on any lot or parcel that does not comply with the minimum lot size required by this ordinance.
3. The erection or placement of any structure or mobile home closer than 25 feet from the boundary line of adjoining properties.
4. The erection or placement of any structure or mobile home closer than 80 feet from the center of any public road.
5. The erection or placement of any structure or mobile home unless the entire sewage disposal system for use on the property, including the septic tank and drain field, is at least 25 feet from any boundary of the lot or parcel.
6. The erection or placement of any structure or mobile home if the proposed location of the structure or mobile home shall increase the fire hazard of the area or if the proposed use of the structure or mobile home is a purpose that is hazardous to the area in which the lot or parcel is located.
7. The erection or placement of any structure or mobile home in any area of the town where the board of supervisors shall determine there is significant public health or environmental risk because of potential of ground or surface water contamination from sewage systems, unless the building commissioner is satisfied that the applicant's plans for a sewage treatment system has no discharge to ground or surface water.
8. The placement of any mobile home on any lot or parcel unless the mobile home complies with the requirements of the National Manufactured Home Construction and Safety Standards Act (42 USC 5401 to 5426) and Chapter 101 of the Wisconsin Statutes.

SECTION 6 MOBILE HOME REQUIREMENTS

- a. Except as provided herein, all mobile homes shall be permanently affixed to the real estate so as to be an integral part thereof, using one of the following methods:
 1. Footings: Concrete footings not less than 12 inches in diameter shall be placed not more than 10 feet apart and installed to a depth of not less than 48 inches below the surface of the ground. A support pier that is either cylindrical in shape or 8 inches by 16 inches in size shall be placed upon each footing, but not less than 10 feet apart and the mobile home shall be held fast to the piers by anchors at its four corners.

2. Slab: A concrete slab not less than 4 inches thick, and the width and length of the mobile home shall be placed on the surface of the ground and the mobile home shall be held fast to the slab by anchors at its four corners
- b. Except as provided herein, no mobile home shall be transported to or placed or stored on any lot or parcel or on any street or highway within the town or used or occupied by any person unless footings, a well and a sanitary sewage system shall be first installed, inspected and found to be in compliance with the provisions of this ordinance.
- c. Skirting made of metal, wood, fiberglass, or other suitable material that is compatible in appearance with the mobile home exterior shall be installed and maintained so as to cover the space between the bottom of the mobile home and the surface of the ground or slab and extend around the mobile home to its complete length and width.
- d. The mobile home site shall be inspected to verify proper installation of the footings, if that method is used, to determine that the foundation, the septic and the well have been properly installed. A final inspection shall be performed to determine that the mobile home has been properly anchored. The inspector shall be approved by the town and the cost of inspection paid by the owner of the lot or parcel.
- e. Footings shall not be installed until the excavation for the footings has been inspected. The owner of the lot or parcel on which a mobile home is intended to be placed shall notify the inspector not less than 24 hours before the installation of the concrete footings.
- f. A mobile home may be placed on a lot or parcel for which a building permit has been issued and may be occupied by the owner of such lot or parcel for a period of time not to exceed two years from the date of the permit without complying with the requirements of paragraph a. of this section.

SECTION 7
MOBILE HOME PARKS

- a. No mobile home park shall be constructed or established in the Town of Auburn. In the event that this provision shall be found to be void by court decision, the following shall take effect:
 1. No mobile home park shall be established or enlarged in the Town of Auburn unless a permit shall be first obtained from the board of supervisors.
 2. No permit shall be issued if the establishment of a particular mobile home court shall be determined by the board of supervisors to adversely affect the public health, safety, or general welfare of the town.

3. An application for a permit to establish or enlarge a mobile home park or court shall contain the information required by this ordinance for a building permit, together with such additional information as the board of supervisors may from time to time require.
4. Applications for mobile home park permits shall be filed with the town clerk with copies for the town chairman and an inspector designated by the town, together with a detailed emergency plan which will specify measures to be taken to protect the safety of people in the mobile home park during a weather emergency.
5. The town chairman and the inspector shall investigate and determine whether the applicant, the land on which the mobile home park will be located, the proposed design and specifications thereof and all buildings proposed to be constructed thereon comply with the applicable regulations, ordinances, laws of the state and town and report their findings in writing to the governing body not more than sixty days after the filing of the application.
6. Applications for mobile home park permits shall be accompanied by a fee of \$100.00, plus regular building permit fees for each proposed building or within the proposed mobile home park.
7. All mobile home parks, modifications of, or additions or extensions to existing parks shall comply with Wisconsin Administrative Code, chapter Comm 95, which is hereby made part of this ordinance and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement to this ordinance or any other applicable law ordinance of this town which is more restrictive.
8. All mobile home parks shall construct an underground storm shelter of adequate size and construction to protect all residents of the mobile home park during severe weather.
9. The board of supervisors shall not issue a permit for a mobile home park unless it is satisfied that an adequate plan exists for the management of the trailer court to protect the safety of its residents during severe weather.
10. Mobile home parks shall have safe and convenient vehicular access from abutting public streets and highways to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and to allow free movement of traffic on adjacent streets and highways.

SECTION 8
BUILDING COMMISSIONER

- a. There is hereby created the office of building commissioner. The building commissioner shall be appointed by the board of supervisors and shall be paid such salary as the board of supervisors shall determine.

SECTION 9 APPEALS

- a. Appeals from the decisions of the building commissioner shall be taken to the board of supervisors, who shall hear such appeal not later than 30 days after the application for appeal is filed with the town clerk. Reasons for the appeal shall be stated in the application.
- b. No variance to the provisions of this ordinance shall be granted by the board of supervisors unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
1. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of this ordinance.
 2. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, parcel, or structure that do not apply generally to other properties in the town and the granting of the variance would not be of so general or recurrent nature as to suggest that the ordinance would be changed.
 3. Economic Hardship and Self-Imposed Hardship Not Ground for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 4. Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 5. Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance of the public interest.

SECTION 10 PENALTY

- a. Any person who shall violate any provision of this ordinance 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, the person so convicted shall be imprisoned in the county jail of Chippewa County, Wisconsin, until said forfeiture and costs are paid, but not exceeding thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

SECTION 11
INVALID PROVISIONS SEVERABLE

- a. In the event any provision of this ordinance shall be declared to be invalid by a court of competent jurisdiction, the invalid provision shall be severed from the remainder of the ordinance and such remainder shall remain in full force and effect.

SECTION 12
EFFECTIVE DATE

- a. This ordinance shall be in force and effect from and after passage and publication as provided by law.

Adopted by the board of supervisors of Auburn this 13th day of May, 2002.

Chairman:

Leo J Zeman

Supervisor:

Mervin Rudyj

Supervisor:

James Longel

Clerk:

Annie Boese