

ORDINANCE NO. 07-06
Town of Auburn
Chippewa County, Wisconsin

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Auburn Mobile Homes and Manufactured Homes Chapter of the Town of Auburn Code of Ordinances. The purpose of this ordinance is to create and codify new Town ordinances regarding mobile homes and manufactured homes.

SECTION II - AUTHORITY

The Town Board has the specific authority as set forth under Wis. Stats. § 66.058, and general authority under its village powers to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

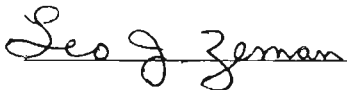
Mobile Homes and Manufactured Homes is hereby adopted and made a part of the Code of Ordinances, Town of Auburn, Chippewa County, Wisconsin.

SECTION IV - EFFECT

This ordinance shall become effective upon its publication as provided for by law.

The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

TOWN OF AUBURN



By:

Town Chairman



Attest:

Town Clerk

Date Adopted: December 11, 2007

Date Published: December 19, 2007

III. CHAPTER 3

MOBILE HOMES AND MANUFACTURED HOMES

Town of Auburn
Chippewa County, Wisconsin

SECTION I - TITLE/PURPOSE

The title of this ordinance is the Town of Auburn Mobile Homes and Manufactured Homes Ordinance. The purpose of this ordinance is to provide for minimum standards for mobile home parks to promote the public health, safety and welfare; regulating the location of mobile homes and recreational mobile homes and fixing penalties for violations.

SECTION II - AUTHORITY

The Town Board of the Town of Auburn has the specific authority under Wis. Stats. § 66.058 and the general authority under its village powers to adopt this ordinance. The provisions of Wis. Stats. § 66.058 are hereby adopted by reference, except as hereinafter amended.

SECTION III - DEFINITIONS

- A. Camper: A mobile living unit designed for recreational living which is either (1) mounted upon and/or conveyed by a motor driven vehicle, or (2) contained within and a part of a motor vehicle.
- B. Camper Parking Site: A site designed for the purpose of allowing owners and/or users of campers the privilege to temporarily park campers.
- C. "Licensee": means any person licensed to operate and maintain a mobile home park under this section.
- D. "Licensing authority": means the Town Board of the Town of Auburn.
- E. "Park": means mobile home park.
- F. "Person": means any natural individual, firm, trust, partnership, association or corporation.
- G. "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. Within mobile home parks, "mobile home" includes a structure which has been certified and labeled as a manufactured home under Wisconsin law.

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

I. "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 Wis. Stats. § 101.90-101.96 and Chapter ILHR 27 of the Wisconsin Administrative Code, and:

1. Is designed to be used as a dwelling;
2. When placed on-site;
3. Is off its wheels;
4. Is properly connected to utilities;
5. Is 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 home; and
6. Has no tow bars or wheels attached to it

In all respects, manufactured homes are subject to the same standards as site built homes.

J. "Mobile home park": means a facility in the town where 2 or more of any combination of mobile homes, manufactured homes, manufactured dwellings, or camping units, are installed or parked on a parcel for dwelling or sleeping purposes regardless if any change is made for the accommodation, unless waived in writing by the Town Board.

K. "Recreational mobile home": is a vehicular unit designed as a temporary living quarters for recreational, camping or travel use which is mounted or drawn by another vehicle. For purpose of the ordinance, a "Park Model" is defined as a recreational mobile home.

SECTION IV - MOBILE HOMES

A. There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town of Auburn a monthly parking fee as determined in accordance with Wis. Stats. § 66.0435(3) which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Town Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and

such regulations as the Town Treasurer may reasonably promulgate.

1. Licensee of Mobile Home Parks shall furnish information to the Town's Clerk on mobile homes added to their park within five days after arrival of such home, on forms prescribed by the Department of Revenue in accordance with Wis. Stats. § 66.0435 (3)(c).
 2. Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the Town Treasurer as provided in Subsection (a).
 3. If a non-exempt mobile home is located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands and the owner of the land shall comply with the reporting requirements of Wis. Stats. § 66.0435(3)(c). Fees shall be transmitted to the Town Treasurer on or before January 10 and July 10 of each year, as provided by Wis. Stats. § 66.0435(3)(e).
 4. A park operator who is required by this Ordinance to collect the monthly parking permit fee from the mobile home owner may deduct, for administrative expenses, 2% of the monthly fees collected.
- B. It shall be unlawful for any person to park any mobile home in the Town of Auburn at any site other than a licensed mobile home park, except as specifically authorized in the Town ordinance. A recreational vehicle shall not be considered a mobile home for the purpose of this Section.
- C. The Town Board may, in its discretion, and by a uniform rule, limit the number of occupants in any mobile or manufactured home occupying a space in a licensed mobile home park, for reasons of health and public welfare.
- D. The minimum size for all lots on which a mobile or manufactured home is located shall comply with existing subdivision ordinances. An owner of a parcel of less than five acres created before the effective date of this ordinance may be issued a permit, but not for more than one principle building for each such contiguous lot.

SECTION V - MOBILE HOME PARKS

Mobile Home Parks are not permitted without continuing compliance with all applicable state laws and town ordinances including the following:

- A. No mobile home park shall be established or enlarged in to Town of Auburn unless a permit shall be first obtained from the board of supervisors.
- B. No permit shall be issued if the establishment or operation of a particular mobile home park shall be determined by ~~OTB~~ Board of Supervisors to adversely affect the public health, safety or general welfare of the Town.
- C. An application for a permit to establish or enlarge a mobile home park or court shall contain the information required for a building permit, together with such additional information as the board of supervisors may from time to time require.
- D. 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.
- E. 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 applications. Any application not acted on by the Town in a timely manner shall be deemed denied.
- F. Applications for mobile home park permits shall be accompanied by a fee of \$1,000.00, plus regular building permit fees for each proposed building or structure within the proposed mobile home park. Each park shall also pay an annual inspection fee of \$100.00.
- G. All mobile home parks, modifications of, or additions or extensions to existing parks shall comply with all applicable provisions of the Wisconsin Administrative Code 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 ordinance of this Town which is more restrictive.
- H. 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.
- I. 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.

- J. Mobile home parks shall have safe and convenient vehicular access from abutting public streets and highways to each mobile home space. Entrances to park shall be designed to minimize congestion and traffic hazards and to allow free movement of traffic on adjacent streets and highways.
- K. Mobile home park owners shall be subject to the fees and provisions of § 66.0435 as amended from time to time.
- L. Mobile home parks are subject to the same acreage restrictions per unit as other dwellings located within the Town.
- M. Any licensed mobile home park operator or owner of land on which a mobile home park 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 mobile home park within 5 days after written request from the Town Clerk. The information requested shall be on a form provided by the Town Clerk.
- N. No person may, in any mobile home park 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.

SECTION VI - EXEMPTIONS

Mobile homes in the Town of Auburn parked at any site other than a licensed mobile home park prior to the adoption of this ordinance are exempt from the provisions of Section IV.B. of this ordinance; all other provisions of this ordinance apply. A recreational mobile home shall not be considered a mobile home for the purpose of this Section.

SECTION VII - PENALTY PROVISION

Any person who violates any portion of this ordinance, or any permittee who allows violation of this ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeitures and costs are paid, but not exceeding thirty (30) days. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XIII - SPECIAL ASSESSMENT

Should any mobile home or manufactured home or mobile home park be found to be in violation hereof and the owner of the parcel refuses or neglects to correct the same within thirty (30) days of notice being sent to the record owner, then, in that event, the Town may enter on the premises without further notice and correct any violations found. The costs of said corrections shall be chargeable against the owner and may be assessed against and collected from the affected real estate as a special assessment or special tax. This remedy is in addition to all other available under this ordinance or otherwise provided for by law.

SECTION IX - SEVERABILITY

Each of the provisions of the ordinance is severable and, if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.