

CHAPTER XV.

MOBILE HOMES

Section 15.00. Definitions.

15.01. Occupied Mobile Home. A mobile home shall be "occupied" if (a) utilities have not been disconnected, or (b) the mobile home contains furniture, furnishings and personal belongings, or (c) a person is using the mobile home for dwelling purposes.

15.02. Other Terms. All other pertinent terms shall be as defined in Wisconsin Statutes Section 66.058.

SECTION 15.10. Location of Mobile Home outside of Mobile Home Park. No mobile home shall be kept, located and used for dwelling purposes within the Town outside of a mobile home park except: In the event an owner of real estate outside of a mobile home park has destroyed by fire or other casualty a dwelling located thereon or voluntarily removes such a dwelling and said owner desires to rebuild a home on the location of the home so destroyed or removed, said owner may apply to the Town Board for a permit to keep a mobile home on said real estate for occupancy as a dwelling by persons who had occupied the destroyed or removed dwelling. Said permit may be granted by the Town Board for a period not to exceed one hundred eighty (180) days. Said mobile home shall conform to all applicable requirements of the Town Building Code and State Building Code. In the event a new dwelling cannot be completed within the initial permit period, the owner may apply for and the Town Board may grant an extension of up to ninety (90) days.

SECTION 15.11. Occupancy Permit. Except as hereinafter set forth, no mobile home as defined in this Chapter shall be occupied by a person or persons intending to use the mobile home for dwelling purposes within the Town, unless a Mobile Home Occupancy Permit is first obtained by the owner of the mobile home or his agent from the Town Building Inspector.

15.111. No Occupancy Permit shall be required for occupancy and re-occupancy of mobile homes located in the Town on the date of the adoption of this Section unless such a mobile home is moved to a new site, in which event, this exception shall not apply and an Occupancy Permit shall be required.

15.112. Prior to issuance of an Occupancy Permit, the Town Building Inspector shall inspect the mobile home, its foundation and all utility connections to insure that the mobile home is properly situated on the site, is properly connected to all utilities serving the same and is otherwise fit for human habitation, occupancy and use in a manner consistent with the public health, safety and welfare.

15.113. An Occupancy Permit shall be applied for, issued and revoked in accordance with the general provisions of Chapter VII - Building Code of the Town of Wheatland Code of Ordinances.

15.114. There shall be a fee paid to the Town Building Inspector at the time of making the application for a permit. Such fee shall be included in the Building Permit Fee Schedule adopted by resolution of the Town Board, from time to time.

SECTION 15.20. License and Revocation or Suspension thereof.

15.21. It shall be unlawful for any person to maintain or operate within the limits of the Town any mobile home park unless such person shall first obtain from the Town a license therefor.

15.22. Any license granted under the provision of this chapter shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the Town Clerk signed by any law enforcement officer, health officer or building inspector after a public hearing upon such complaint, provided that the holder of such license shall be given 10 days' notice in writing of such hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Town Board may, within twenty (20) days of the date of such revocation or suspension, appeal therefrom to the Circuit Court of Kenosha County by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town of Wheatland in the sum of \$500.00 with two sureties or a bonding company approved by the said Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

SECTION 15.30. License Fee and Monthly Parking Permit Fee.

15.31. Each licensee shall pay an annual fee to the Town Clerk in advance for each calendar year or fraction thereof of \$100.00 for each 50 spaces or fraction thereof within each mobile home park within the Town limits, except where the park is in more than one municipality, the fee shall be in such fraction as the number of spaces in the park within the Town bears to the entire number of spaces in the park.

15.32. Each transferee shall pay a fee of \$10.00 in advance to the Town Clerk for transfer of any license.

15.33. In addition to the license fee provided in Sections 15.31 and 15.32, the Town shall collect from each mobile home occupying space or lots in a mobile home park in the Town a monthly parking permit fee computed as provided in Wisconsin Statutes section 66.058(3)(c).

15.34. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the mobile home remains in the Town. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.

15.35. The mobile home park operator (the licensee) shall be required to collect the monthly parking permit fee from the mobile home owner and shall be primarily liable to the Town for payment thereof. Prior to remitting such fee to the Town as hereinafter provided, the mobile home park operator may deduct for administrative expenses, 2% of the monthly fees collected and paid to the Town.

15.36 The net monthly parking permit fee for each mobile home occupying space or lots in the mobile home park shall be paid by the mobile home park operator (the licensee) to the Town on or before the 10th of the month following the month for which such parking permit fee is due. Such payments may be made in advance and shall be paid in person, or by mail addressed to the Town Treasurer, Town of Wheatland, Town Hall, P.O. Box 856, New Munster, Wisconsin 53152. In the event any such payment is not made when due, the park operator shall be liable to the Town for and shall pay a late payment fee of \$5.00 per mobile home for each mobile home parking permit fee not paid when due. Failure to make payments required of the licensee hereunder shall also be sufficient grounds for nonrenewal or revocation of the Mobile Home Park License granted hereunder.

15.37. Notwithstanding the foregoing, any mobile home owner shall have the right to prepay the parking permit fee on an annual basis (or for the balance of the year for any owner whose mobile home moves into the Town during the year) directly to the Town Treasurer, rather than to the mobile home park operator as required in 15.35 above. In the event of prepayment, the mobile home owner shall be entitled to a 5% discount of the total parking permit fee prepaid.

15.38. The fee for a mobile home located outside of a licensed park shall be paid by the owner of the mobile home, the occupant thereof, or the owner of land on which it stands, the same as in the manner provided for mobile homes located in a mobile home park, and the owner of such land shall be required to comply with the reporting requirements set forth above; provided that the fee shall be paid directly to the Town Treasurer on or before the 10th day of the month following the month for which such parking permit fee is due. Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under chapters 70 and 74 of the Revised Statutes of the State of Wisconsin.

15.39. In the event of nonpayment to the Town of any parking permit fee when due, the person or entity primarily responsible for payment thereof under the provisions of this Code shall pay all costs of collection incurred by the Town, including but without limitation, court costs and actual attorneys fees.

SECTION 15.40. Application for Original License; Plans and Specifications; Application Fee.

15.41. Original applications for mobile home park licenses shall be filed with the Town Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the mobile home park.
- (c) The complete plan of the park.

The application shall be accompanied by a fee of \$500.00 to defray the cost of publication, investigation and public hearing.

15.42. Accompanying and to be filed with the original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable regulations; ordinances and laws of the State of Wisconsin, County of Kenosha and Town.

15.43. Upon receipt of an original application, the Town Board shall personally inspect the premises for which a license is requested and shall set a date for public hearing upon such application, which date shall be not more than thirty (30) days after the receipt of said application by the Town Board. A public hearing shall be held by the Town Board at its regular meeting place and a notice of said meeting shall be published in a newspaper of general circulation in the Town at least ten (10) days before the date of said public hearing or in lieu thereof, notice of said hearing shall be posted in not less than three (3) public places within said Town at least five (5) days before the date of said hearing. At such public hearing, the Board shall hear all persons interested in the granting or denying of said permit and may, if it sees fit, take testimony relative to the application.

15.44. Within ninety (90) days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the Town and as to whether the mobile housing development would cause the school costs to increase above the state average, and if adequate and proper sewage disposal can be provided. Such determination shall be made on the basis of the information contained in the application together with the information presented at the public hearing and any other information assembled by the Town Board. The license shall be issued by the Town Clerk upon direction of the Town Board.

15.45. Application by a licensee of a park for additional spaces in excess of those authorized by the then existing license, shall be subject to all of the terms, conditions and provisions of this entire section.

SECTION 15.50. Renewal of License. Upon application by any licensee and after approval by the Town Board and upon payment of the annual license fee, the Town Clerk shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing and signed by the applicant on forms furnished by the Town.

SECTION 15.60. Limitations, Restrictions and Regulations.

15.61. Not more than one license for a mobile home park may be issued under this ordinance in each common school district within the Town, and no mobile home park shall contain spaces for more than fifty (50) mobile homes, except that the Town Board may permit additional mobile home parks or additional spaces within a park upon the following conditions:

(1) If such additional parks or spaces will not cause the school costs to increase above the state average, and if adequate and proper sewage disposal can be provided.

(2) If the mobile home park has been in operation for at least one (1) year prior to the request for additional spaces.

(3) If the mobile home park complies with the requirements of this and any other applicable ordinances.

15.62. Each mobile home park shall provide the following:

(1) Sewage disposal facilities installed in compliance with the Town plumbing and sewerage codes. Each mobile home shall be equipped with its own lavatory, toilet and bath or shower facilities.

(2) An electrical system permitting connection with each mobile home installed in compliance with the Town electrical code.

15.63. Each mobile home park shall be subject to the following requirements:

(1) Drainage. Every mobile home park shall be located on a well-drained site and shall be so graded and adequately drained as to eliminate collection of surface waters at any point in the mobile home park and drainage easements obtained when necessary.

(2) Sewage. Adequate provisions shall be made for the disposal of all sewage from the mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage oxidation system approved by the Town and the State of Wisconsin.

(3) Water. Where a public water supply is not available within the mobile home park, an adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons which can be accommodated in such mobile home park and shall be installed in compliance with the Town plumbing and well codes, and shall be approved by the State Board of Health.

(4) Refuse. Every mobile home in the park shall have two (2) containers with close fitting covers for garbage and provision shall be made for the handling and removal of all garbage, trash, or refuse from the park no less than twice each week.

(5) Lighting. All entrances, exits, lanes and driveways between rows of trailers used or occupied in any mobile home park shall be lighted by electric lighting approved by the Town Board.

(6) Fire Extinguishers. Adequate fire fighting equipment shall be provided, including water and chemical-type fire extinguishers. The number and types of fire extinguishers to be provided shall be at the discretion of the Town Board and specified in any permit issued herein.

15.64. Each mobile home park shall have the following lots, parking area, driveway and sidewalk requirements:

(1) Each mobile home shall be located on a lot of not less than 6,000 square feet with a minimum width of 50 feet, less 430 square feet for off-street parking within a reasonable distance of the mobile home lot. Each double mobile home shall be located on a lot of not less than 9,000 square feet with a minimum width of 75 feet, less 600 square feet for off-street parking within a reasonable distance of the mobile home lot.

(2) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated, which parking space shall be paved with concrete or bituminous material. Each parking space shall not be less than ten (10) feet wide nor of less length than the length of the trailer to be parked therein, plus five (5) feet.

(3) There shall be additional parking spaces for automotive vehicles within such park, paved with concrete or bituminous material, equal to not less than four hundred (400) square feet for each trailer space. Each automobile parking space shall not be less than nine (9) feet wide and one hundred sixty (160) square feet in area, exclusive of maneuvering and access space.

(4) There shall be a system of driveways, with a minimum of thirty-six (36) feet widths paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.

(5) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall not be less than fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest mobile home to be accommodated within such park.

(6) Each mobile home 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 fifteen (15) feet wide.

(7) Each mobile home park shall contain an open area for recreation and park purposes which shall be appropriately landscaped and planted to grass and trees. Said open area shall not be less than one (1) acre for every twenty-five (25) mobile home spaces in the mobile home park unless the Town Board shall otherwise specify in the license granted hereunder.

15.65. Rules and regulations shall be prescribed and enforced by the licensee of any mobile home park so as to insure:

(1) That the park shall be kept and maintained in a neat, sightly and orderly manner.

(2) That no public or private nuisance may be kept or maintained in the park.

(3) That no mobile home shall be used for illegal or immoral purposes.

(4) That no mobile home shall be used for other than residential purposes or by more than one (1) person, whether child or adult, for each one hundred seventy-five (175) square feet of floor area thereof.

(5) That no more than one (1) family unit shall occupy any one (1) mobile home.

15.66. Each mobile home park licensee shall maintain a register for the registration of all occupants, which register shall contain information as follows:

(1) Name and address of each occupant.

(2) Mobile home license number and manufacturer's name.

(3) Automobile license number and name and make of automobile.

(4) Number of site to which assigned.

(5) Last place of location.

(6) Date of arrival.

(7) Date of departure.

The mobile home park licensee shall notify the Town Clerk and the Kenosha County Assessor in writing of each change of ownership or occupancy which may affect the payment of the monthly parking permit fee, or the payor thereof, within ten (10) days of each such change.

#### SECTION 15.70. Penalties.

15.71. Any person, firm or corporation violating any provisions of this chapter or State of Wisconsin Statutes relating to reporting the addition of occupied mobile homes shall, upon conviction thereof, forfeit not more than \$25.00 together with costs of prosecution. Every day of noncompliance shall be deemed a separate and distinct offense.