

**Town of Townsend Mobile Home Park Ordinance
Ordinance No# 02-2011**

**STATE OF WISCONSIN
Town of Townsend
Oconto County**

SECTION 1 – Title

This ordinance is entitled the Town of Townsend Manufactured and Mobile Home Community License, Campground License, and Temporary or Seasonal Residence Permit Ordinance.

SECTION II – PURPOSE

The purpose of this ordinance is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units 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 and campgrounds in the town to allow the town to monitor the development of property within the town in order 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.

SECTION III – AUTHORITY

The town board has the specific authority under ss. 66.0119, 66.0435, 101.645, and 101.935, Wis. Stats., and the town’s village powers under s. 60.22, Wis. Stats., to adopt and enforce this ordinance.

SECTION IV – 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 of the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units 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 communities and campgrounds in the town.

SECTION – DEFINITIONS

- A. “Campground” means any parcel or tract of land in the town 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.

B. "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.

C. "Closed construction" means any building, building component, assembly, or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage, or destruction.

D. "Manufactured and mobile home community" 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 of whether any charge is made for the accommodation unless waived in writing by the town board.

c. 1. "Manufactured dwelling" means any structure or component of a structure that is intended for use as a dwelling and is any of the following:

a. Of closed construction that is fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or

b. Of open construction that is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

c. 2. "Manufactured dwelling" **would include any the following:**

a. A building of open construction that is not subject to paragraph 1. b.

b. A single-double-width manufactured home or mobile home.

c. A camping unit.

F. 1. "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 under 42 USC 5401 to 5425 and includes any additions, attachments, annexes, foundations, and appurtenances.

2. "Manufactured home" does not include any of the following:

a. A Manufactured dwelling.

b. A camping unit.

G. "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, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment carrying a manufacturer's warranty, and any additions, attachments, annexes, foundations, and appurtenances. "Mobile home" does not include any camping unit.

H. "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characterization and equipment as a mobile home.

- I. "Open construction" means any building, building component, assembly, or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage, or destruction.
- J. "Temporary or seasonal dwelling" means any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreation, camping, hunting, fishing, or travel on a temporary or seasonal basis. "Temporary or seasonal dwelling" does not include any of the following:
1. A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.
 2. A manufactured dwelling, mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.
 3. Any hotel, tourist rooming house, motel, inn, or bed and breakfast establishment as defined in s. 254.61, Wis. Stats.
 4. Any structure or dwelling constructed or installed and in compliance with the one-or 2-family dwelling code adopted under chapter 101 Wis. Stats.
 5. A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community-based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connections to properly service the projected occupants of these facilities, as determined in writing by the town board, and with sufficient and proper minimum sleeping room square footage and total square footage to properly service the projected occupants as determined by the town board or its designee.
 6. Any dwelling unit used for temporary or seasonal habitation less than _____ days in a calendar year.
- K. "Town" means the Town of Townsend in Oconto County, Wisconsin.
- L. "Town board" means the board of supervisors for the Town of Townsend, Oconto County, Wisconsin, and includes designees of the board authorized to act for the board.
- M. "Town clerk" means the clerk of the Town of Townsend, Oconto County, Wisconsin.
- N. "Wis. Stats." Means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into

subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI – TEMPORARY AND MOBILE DWELLINGS OUTSIDE MANUFACTURED AND MOBILE HOME COMMUNITIES

A. No person on any parcel of land in the town outside of a licensed manufactured and mobile home community may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any temporary or seasonal dwelling, manufactured home, or mobile home for more than _____ days in any calendar year without obtaining a Town Building Permit issued pursuant to the Town Building Control Permit Ordinance, any County of Oconto or town zoning ordinance, any town comprehensive plan, any other applicable town ordinances, and all applicable statutes and provisions of the Wisconsin Administrative Code. No person may occupy or permit the occupancy of any temporary or seasonal dwelling, manufactured home, or mobile home, outside of a licensed manufactured or mobile home community, unless a Town Occupancy Permit issued under the Town Building Control Permit Ordinance is issued for specific temporary or seasonal dwelling, manufactured home, or mobile home.

B. This section does not apply to any of the following:

1. Any mobile home or manufactured home parked temporarily at a place approved in writing by the town board and licensed by the State of Wisconsin to sell manufactured homes or mobile homes.
2. Any camping unit parked or installed in a property licensed campground.
3. Any camping unit occupied for temporary or seasonal habitation outside of a licensed campground if parked or otherwise located on private property in a safe location with the approval of the owner of the property where parked or located for less than _____ days in a calendar year.
4. Any unoccupied camping unit parked or otherwise located outside of a licensed campground if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.
5. Any unoccupied camping unit parked or installed temporarily at a place approved in writing by the town and licensed by the State of Wisconsin to sell camping units in the town.
6. Any temporary or seasonal dwelling residential unit occupied for habitation in the town that is less than 100 square feet or any temporary or seasonal dwelling residential unit parked, installed, and maintained less than _____ days in any calendar year if parked or located on private property in a safe location with the approval or the owner of the property where parked or located.

SECTION VII – MANUFACTURED AND MOBILE HOME COMMUNITIES

A. Except for any manufactured and mobile home community owned or operated by the County of Oconto, 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 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 under s. 66.0435 (3) (a), Wis. Stats., due the town for the calendar year.

B. 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 that are adopted as part of this ordinance by reference, any County of Oconto or town zoning ordinance, any town comprehensive plan, this ordinance, and any other applicable town ordinance.

C. 1. Except as provided in paragraph 2, 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, or camping unit in any manufactured and mobile home community in the town without timely payment of the monthly parking fee as determined under s. 66.0435 (3) (c), Wis. Stats. The manufactured and mobile home community licensee shall collect and timely pay the fee to the town clerk, pursuant to s. 66.0435 (3) (c), Wis. stats. Any manufactured and mobile home community operator or owner who collects monthly permit fees may deduct for administrative expenses 2 percent of the monthly fees collected prior payment to the town clerk. Fees shall be collected by the licensee by the _____ of each month and paid to the town clerk by the _____ 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 ch. 799, Wis. Stats., to collect the fee from the owner and occupant of the unit.

2. Paragraph 1 does not apply to any manufactured home, manufactured dwelling, mobile home, or camping unit that is any of the following:

- a. An improvement to real property under s. 70.043 (1), Wis. Stats.
- b. A recreational mobile home as defined in s. 66.0435 (1) (hm), Wis. stats.
- c. A camping trailer as defined in s. 340.01 (6m).

D. Any licensed manufactured and mobile home community operator or owner of 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 5 days after written request from the town clerk. The information requested shall be on a form provided by the town clerk.

E. 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, any 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.

F. 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 following minimum construction, installation, and maintenance standards for community and for every mobile home, manufactured home, manufactured dwelling, or camping unit to be installed or maintained in the mobile home park: *(list specific standards)*

G. No manufactured and mobile home community, after the effective date of this ordinance, may be occupied at any one time by more than _____ mobile homes, manufactured homes, or camping units, 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.

H. 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 to the mobile home park.

SECTION VIII – CAMPGROUNDS

No person, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under s. 254.47, Wis. stats.

SECTION IX – GENERAL LICENSE AND PERMIT PROVISIONS

A. No person may conduct or cause any activity or use enumerated in this ordinance without a license or permit required in this ordinance.

B. 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.

C. 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.

D. 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 reasons to believe that the applicant is not a fit person to be granted the license or permit, that the 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 in 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.

E. All annual licenses or permits issued under this ordinance shall expire on the succeeding June 30.

F. 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.

G. 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.

H. All licenses or permits issued under this ordinance are personal and are not transferable except by written approval of the town board.

I. 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, Wis. stats., 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. The determination of the town board shall be in writing, shall state the reasons for the Board's action, and is final.

SECTION X – PENALTY PROVISIONS

Any persons, partnership, cooperation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$ _____ nor more than \$ _____, 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.

SECTION XI – 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.

SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 9th day of August, 2011.

Susan C. Rapp, Chairperson
Town of Townsend

Joseph LeMay Jr., Supervisor
Town of Townsend

Bruce Karow, Supervisor
Town of Townsend

Attest: Pamela J. Bursek, Clerk
Town of Townsend