

ORDINANCE NO. 3

AN ORDINANCE OF THE TOWN OF ROXBURY REGULATING AND LICENSING MOBILE HOMES AND MOBILE HOME PARKS AND PROVIDING FOR MONTHLY PARKING PERMIT FEES.

The Town Board of the Town of Roxbury, Dane County, Wisconsin, pursuant to the authority granted by Section 66.058 of the Wisconsin Statutes, do ordain as follows:

Ordinance No. \_\_\_\_\_, dated \_\_\_\_\_, 1964, the Town of Roxbury entitled "Regulating the parking and location of house trailers, licensing and regulating trailer camps, providing for the taxation of trailers, and providing a penalty," is hereby repealed and recreated as follows:

Section 1. Definitions. Whenever used in this ordinance, unless a different meaning expressly appears from the context:

(a) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.

(b) "Licensing authority" means the Town of Roxbury.

(c) "Park" means mobile home park.

(d) "Person" means any natural individual, firm, trust, partnership, association or corporation.

(e) "Mobile home" is that which is, or was 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, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations, and appurtenances equals or exceeds 50 per cent of the assessable value of the house trailer.

(f) "Unit" means a mobile home unit.

(g) "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(h) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

Section 2. Mobile Home Committee.

(a) A "Mobile home committee" is hereby created in the Town of Roxbury consisting of the Town Board and the Town Clerk.

(b) Such mobile home committee shall enforce all provisions of this ordinance or any amendment thereto. For such purpose any member of the mobile home committee or any duly authorized representative thereof may enter upon any premises upon which a mobile home is located or upon which it is contemplated or intended that a mobile home shall be located and inspect the same,

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including the mobile homes thereon located and all other mobile home accommodations and facilities, at any reasonable time.

### Section 3. Location of Mobile Homes Restricted.

(a) From and after the effective date of this ordinance it shall be unlawful for any person to park or locate any mobile home at any place in the Town of Roxbury except as provided herein.

(b) Emergency or temporary stopping or parking of mobile homes shall be permitted on any public highway for not longer than one hour, subject to any other laws, regulations or ordinances limiting the parking or stopping on any such public highway.

(c) The parking of any unoccupied mobile home in an accessory private garage building, or in a rear yard of any district is permitted provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored.

(d) To the end and purpose that the health and cleanliness of mobile home occupants and of the public generally may be preserved and not endangered, and further in the interest of the public welfare generally, the Town Board of the Town of Roxbury do hereby direct and provide that no mobile home shall be used, located or maintained for the purpose of human occupancy unless it is located in a licensed mobile home park or unless a license for use, location or maintenance for such purposes outside of a licensed mobile home park has been obtained as hereinafter provided.

### Section 4. Location Outside Licensed Mobile Home Parks Regulated- License

(a) No mobile home shall be moved into, located or relocated for the purpose of human occupancy outside of a licensed mobile home park, except that, not to exceed one mobile home may be occupied on any operating farm that has a full complement of farm buildings, when the occupant, or head of the occupant household, of such mobile home is employed in connection with the farm operation. No such mobile home shall be located closer to any highway than the farm residence.

(b) The occupant of any mobile home located outside a licensed mobile home park, on the effective date of this ordinance, and any person desiring to locate or relocate a mobile home outside a licensed mobile home park shall file a license application with the Town Clerk. The occupant of any mobile home located outside of a licensed mobile home park on the effective date of this ordinance shall file said application within 30 days from the effective date hereof. Any person desiring to locate or relocate a mobile home outside a licensed mobile home park after the effective date of this ordinance shall file said application and obtain said license prior to locating or relocating said mobile home outside a licensed mobile home park.

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(c) The application shall state the applicant's name, place of last residence, reason for wishing to locate or relocate the mobile home in the Town of Roxbury, place and nature of employment of the applicant and of any other proposed occupant of the mobile home, names of all intended occupants, size and age of the mobile home, the size of the site where the mobile home is located or is to be located or relocated (which must be least 5,000 square feet of space unoccupied by any other mobile home or dwelling unit), a brief statement as to the cooking, sleeping, heating and sanitary facilities provided by or furnished to the mobile home. The applicant shall also submit with his application sufficient evidence that there is available at the site where the mobile home is located or is to be located an adequate and safe water supply and a written consent of the owner of the site, if other than the applicant, to location of the mobile home thereon.

(d) After the application has been submitted, the mobile home committee shall inspect the mobile home and site and determine:

(1) Whether the site is properly drained and is of the required size;

(2) Whether the water supply is safe;

(3) Whether the mobile home is sufficiently large and equipped to provide adequate living space, facilities and sleeping quarters for the occupants;

(4) Whether adequate toilet, bathing and other necessary sanitary facilities are provided for the mobile home;

(5) Whether the requirements of all applicable rules and regulations of the State Board of Health regarding mobile home sites as set forth in the Wisconsin Administrative Code Chapter H 77, incorporated herein by reference, have been fully and specifically complied with;

(6) Whether all other applicable ordinances, rules and regulations are complied with.

If the answers to all of the above questions are determined in the affirmative by the mobile home committee, then the committee may authorize and direct that a mobile home license for the proposed mobile home and site be issued to the applicant by the Town Clerk who shall thereupon issue the license. If answers to any of the above questions are determined in the negative, the application shall be denied.

(e) In no event shall more than one mobile home license be issued under subsection (d) for any premises or site which is in the possession or control or ownership of the same person or persons and outside of a licensed mobile home park.

(f) All licenses issued for any mobile home located outside of a licensed mobile home park shall expire on the 31st day of December of each year. Such licenses may be renewed for one year periods upon application and under the same conditions and terms as initial license may be granted and issued under this ordinance.

(g) All applications for an initial mobile home license or any renewal thereof shall be accompanied by an inspection fee in the amount of \$8.00 for each mobile home proposed to be located outside of a licensed mobile home park may not be transferred to another location in the Town of Roxbury.

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(h) The possession or occupancy of any licensed mobile home outside of a licensed mobile home park shall not be transferred or changed unless and until a mobilehome license has been issued hereunder to the proposed new occupant.

Section 5. Mobile home Parks.

(a) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the Town of Roxbury unless such person shall first obtain a license therefor from the Town Clerk. Such license shall expire on the 31st day of December of each year but may be renewed pursuant to this ordinance for additional one year periods.

(b) The application for a mobile home park license shall be filed together with the license fee by the applicant with the Town Clerk. The application shall set forth all information required by Section 66.058 (4) of the Wisconsin Statutes and any other applicable statute and in addition shall set forth sufficient information and material so as to show that the proposed mobile home park plan and facilities in all respects comply with the requirements and provisions of the Wisconsin Administrative Code, Chapter H 77 setting forth rules of the Wisconsin State Board of Health for mobile home parks and the requirements and provisions of the Dane County Zoning Ordinance. The applicant shall also submit with his application a verified statement of the owner of the site, if other than the applicant is authorized by the owner to construct and maintain a mobile home park thereon. A legal description and complete plan showing all mobile home spaces, utilities, laundry and toilet facilities shall also accompany the application.

(c) License renewal applications shall be filed with the Town Clerk and shall be accompanied by plans and specifications of any proposed alterations and construction in the mobile home park.

(d) Applications for original licenses and for renewals shall be accompanied by a license fee of \$25.00 for each fifty spaces or fraction thereof within the mobile home park. Licenses may be transferred after approval of the application by the mobile home committee and upon payment of a fee of \$10.00.

(e) Original licenses and renewals of licenses shall be issued by the Town Clerk after inspection and approval by the mobile home committee. The application shall not be approved by the mobile home committee until it has determined that all provisions of Section 66.058 of the Wisconsin Statutes, Chapter H 77 of the Wisconsin Administrative Code, the Dane County Zoning Ordinance and all provisions of this ordinance and of any other applicable law or ordinance have been fully complied with.

(f) The person operating or maintaining a mobile home park which was in existence prior to the effective date of this ordinance shall, within 90 days from the effective date of this ordinance, obtain a mobile home park license, and in all other respects comply fully with the requirements of Section 66.058 of the Wisconsin Statutes and the provisions of this ordinance.

(g) The Town Board may limit the number of mobile homes that may be parked or kept in any one mobile home park, and may limit the number of licenses for mobile home parks in any common school district, if the mobile housing development would cause the school costs to increase above the state average.

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(h) Management of Mobile Home Parks.

1. In every mobile home park there shall be located the office of the person in charge of the park and a copy of this ordinance shall at all times remain posted in such offices.

2. A park register shall be kept in the mobile home park office and shall show the names of all mobile home occupants, number of children of school age, date of entrance and departure, state of legal residence of each occupant, license numbers of all mobile homes and towing vehicles and states of issuance, purposes of stay, place of last location, length of stay thereat and place of employment of each occupant.

(i) No mobile home shall be permitted to locate or remain in any licensed mobile home park unless such mobile home in all respects complies with the provisions of the State of Wisconsin Electrical, Plumbing and Building Codes which codes are adopted and incorporated herein by reference and made a part hereof as if set forth in full herein and any and all plumbing, electrical, building and other work or improvements on or at any mobile home park licensed or on any mobile home located in a licensed mobile home park shall be done in accordance with all requirements of the State Plumbing, Electrical and Building Codes and regulations of the State Board of Health. The licensee of any licensed mobile home park shall have the specific duty and obligation to see to it that the provisions of this subsection (i) are fully and at all times complied with.

Section 6. Monthly Parking Permit Fee.

(a) In addition to the license fee, the Town of Roxbury shall collect from each occupied mobile home occupying space or lots in a mobile home park in the Town of Roxbury, a monthly parking permit fee computed as follows: Beginning January 1, 1970, the town assessor shall determine the total fair market value of each occupied mobile home in the Town of Roxbury subject to the monthly parking permit fee. The fair market value minus the tax exempt household furnishing thus established, shall be equalized to the general level of assessment on other real and personal property in the Town of Roxbury. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The parking permit fee shall first be reduced by the credit allowed under Section 77.63 of the Wisconsin Statutes. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the Town of Roxbury any time during the year.

(b) It shall be the full and complete responsibility of each licensee of a mobile home park to collect the proper fee from the owner or occupant of each occupied mobile home occupying space in a mobile home park. Said licensees shall pay to the town treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the town treasurer may reasonably promulgate.

(c) The licensee of a mobile home park shall furnish information to the town clerk and the town assessor on occupied mobile homes added to his park within five days after their arrival, on forms prescribed by the Wisconsin Department of Revenue. As soon as the assessor receives this notice of an addition of an occupied home to a park, he shall determine its fair market value and notify

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the town clerk of his determination. The town clerk shall equalize the fair market value established by the town assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the mobile home park licensee of the monthly fee to be collected.

(d) For mobile homes permitted to be located outside of a licensed mobile home park, the monthly parking permit fee shall be paid by the owner of the mobile home, the occupant thereof or the owner of the land on which it stands, the same as and in the manner provided for mobile homes located in mobile home parks and the owners of such land are required to comply with the reporting requirements of subsection (c) of Section 6.

(e) A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Wisconsin Statutes.

(f) The Town of Roxbury shall retain 10% of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district in which the mobile home park or mobile home is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month and the credit allowed under Section 77.63 of the Wisconsin Statutes as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the Town of Roxbury.

(g) Failure to timely pay the monthly parking permit fee 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 Wisconsin Statutes.

#### Section 7. Exemption from Monthly Parking Permit Fee.

No parking permit fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any 12 months or if the occupants of the mobile home are nonresident tourists or vacationists. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Exemption certificates in duplicate shall be accepted by the Town Treasurer from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees.

#### Section 8. Penalties for Violation of Ordinance.

Any person violating any provision of this ordinance shall upon conviction thereof forfeit not less than \$10 nor more than \$100 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation, provided that the forfeiture for violation of the reporting requirements of Section 6 (c) shall not exceed \$25. Each day of violation shall constitute a separate offense.