

**ORDINANCE OF THE TOWN OF ROXBURY  
DANE COUNTY, WISCONSIN  
Town Ordinance No. 2020-02**

**TITLE: TOWN OF ROXBURY MANUFACTURED AND MOBILE HOME  
COMMUNITY LICENSE ORDINANCE.**

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Table of contents is for informational purposes only and does not comprise a part of the town's ordinance.

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THE TOWN BOARD OF THE TOWN OF ROXBURY, DANE COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

## **ARTICLE 1 REPEAL OF TOWN OF ROXBURY ORDINANCE NO. 2019-02**

Town of Roxbury Ordinance No. 2019-02, titled "Town of Roxbury Manufactured and Mobile Home Community License and Campground License Ordinance" is hereby repealed. This repeal shall not serve to prohibit or otherwise limit the ability of the town to proceed under the repealed ordinance, the previously repealed Town of Roxbury Ordinance No. 3, or this ordinance for any enforcement or collection action that accrued under the repealed ordinances.

## **ARTICLE 2 TITLE**

This ordinance is entitled the Town of Roxbury Manufactured and Mobile Home Community License Ordinance.

## **ARTICLE 3 PURPOSE**

The purpose of this ordinance is to regulate by license or permit the installation, maintenance, and parking of mobile homes and manufactured homes in the town, and the construction, installation, operation, and maintenance of manufactured and mobile home communities 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.

## **ARTICLE 4 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.

## **ARTICLE 5 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 and manufactured homes in the town, and the construction, installation, operation, and maintenance of manufactured and mobile home communities in the town.

## **ARTICLE 6 DEFINITIONS**

In this ordinance:

- (1) “Community” means any plot or plots of ground where 3 or more of any combination of mobile homes and manufactured homes are installed or parked on a parcel for dwelling or sleeping purposes regardless of whether any charge is made for the accommodation, and regardless of the seasonal or temporary use of the mobile homes or manufactured homes. Consistent with Wis. Admin. Code § ATCP 79.25, a “Community” includes a campground licensed under Wis. Admin. Code ch. ATCP 79 in which 3 or more units are located.
- (2) “Licensee” means any person licensed to operate and maintain a community under this ordinance.
- (3) Manufactured home.
  - (a) “Manufactured home” means a residential dwelling for one family as is defined in s. 101.91(2), Wis. Stats., that:
    - 1. Is fabricated in an off-site facility for installation or assembly at the building site,
    - 2. bears a federal Department of Housing and Urban Development label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. ss. 5401 to 5425, and
    - 3. was built on or after June 15, 1976.
  - (b) “Manufactured home” includes any additions, attachments, annexes, foundations, and appurtenances.
- (4) Mobile home
  - (a) “Mobile home” means a transportable factory built structure as is defined in s. 101.91(10), Wis. Stats., designed for long-term occupancy by one family and either:
    - 1. Was built prior to June 15, 1976, or
    - 2. Does not comply with the Federal Manufactured Housing Construction and Safety Standards under 42 U.S.C. ss. 5401 to 5425.
  - (b) “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.



- (5) "Person" means a natural individual, partnership, firm, corporation, association, or trust, whether owner, lessee, licensee or their agent, heir or assignee.
- (6) "Unit" means a single mobile or manufactured home.
- (7) "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

## **ARTICLE 7 MANUFACTURED AND MOBILE HOMES OUTSIDE COMMUNITIES**

### **7.1 Town Building Permit Required**

No person on any parcel of land in the town outside of a licensed community may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any unit for more than 30 days in any calendar year without obtaining a Town Building Permit issued pursuant to the Town Building Code Ordinance, No. 2004-1, and compliance with the provisions of the Town Building Code Ordinance, No. 2004-1, any County of Dane or town zoning ordinance, any town comprehensive plan, any other applicable town ordinances, and all applicable Wisconsin statutes and provisions of the Wisconsin Administrative Code. No person may occupy or permit the occupancy of any unit, outside of a licensed community, unless a Town Occupancy Permit issued under the Town Building Code Ordinance, No. 2004-1, is issued for the specific unit.

### **7.2 Exceptions**

This article 7 does not apply to any of the following:

- (1) Any unit 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.

## **ARTICLE 8 MANUFACTURED AND MOBILE HOME COMMUNITIES**

### **8.1 Town License Required**

- (1) Except for any community owned or operated by the County of Dane, no person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any community in the town unless the owner of the land occupied by the community or the operator of the community has been issued a Town Manufactured and Mobile Home Community License by the town clerk and has fully paid the annual license fee prescribed under this ordinance, due the town for the calendar year.
- (2) The annual license fee shall be \$100 for each 50 spaces or fraction of 50 spaces within the community.

- (3) The application for a Town Manufactured and Mobile Home Community License, license renewal, or license transfer shall require, at a minimum, the following information:
- (a) The name and address of the applicant.
  - (b) The location and legal description of the community.
  - (c) The complete plan of the community, showing the following, either existing or as proposed:
    - 1. The extent and area used for community purposes;
    - 2. Roadways and driveways;
    - 3. Location of space for units;
    - 4. Location and number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms to be used by occupants of spaces;
    - 5. Method and plan of sewage disposal;
    - 6. Method and plan of garbage removal;
    - 7. Plan for water supply;
    - 8. Plan for lighting of spaces;
    - 9. Designated green space for leisure activities; and
    - 10. All other matters required by this ordinance.
  - (d) The plans shall clearly set forth the location of all sewer and water pipes and connections.
  - (e) A signed statement by the applicant that the community is in full compliance with this ordinance and, if the application is for a renewal or transfer, its license.
- (4) Before issuing or renewing, or approving the transfer of, a Town Manufactured and Mobile Home Community License, the town board, or its designee, may inspect the community for compliance with this ordinance, and the town board shall consider the following:
- (a) Whether the license fee has been paid;

- (b) Whether the application contains all information required in paragraph 3, above;
  - (c) Compliance of the community plan with the provisions of this ordinance, and other applicable federal, state, or local law, rule, regulation, or ordinance;
  - (d) If for a renewal or transfer, compliance of the community operator and owner with the conditions of the community's license and this ordinance;
  - (e) The existence of any circumstance that would be deemed cause to revoke a license pursuant to paragraph 9 of Article 10, below; and
  - (f) Any other relevant information required by the town board.
- (5) For the purposes of making inspections and securing the enforcement of this ordinance, such officials shall have the right to enter any community to inspect the community at any reasonable time.
  - (6) Licenses granted under this section shall be subject to revocation or suspensions by the town board for cause in accordance with s. 66.0435, Wis. Stats.
  - (7) A Town Manufactured and Mobile Home Community License may be transferred. The transfer fee is \$10, and the transfer application must be signed by both parties to the transfer.

## **8.2 Compliance with Laws**

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 community in the town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including chapter SPS 326, Wis. Admin. Code, any County of Dane or town zoning ordinance, any town comprehensive plan, this ordinance, and any other applicable town ordinances.

## **8.3 Monthly Parking Permit Fee Imposed**

- (1) A monthly parking permit fee is imposed as follows:
  - (a) 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 unit in any community in the town without timely payment of the monthly parking permit fee as determined under s. 66.0435 (3) (c), Wis. Stats.



- (b) The community licensee shall collect and timely pay the monthly parking permit fee to the town clerk, pursuant to s. 66.0435 (3) (c), Wis. Stats.
  - (c) Any community licensee who collects monthly parking permit fees may deduct for administrative expenses 2 percent of the monthly fees collected prior to payment to the town clerk.
  - (d) A community licensee may collect fees on an annual basis or a monthly basis, and shall notify the Town Clerk of the licensee's choice at the start of each year. Fees collected on an annual basis must be paid to the town clerk by the 10<sup>th</sup> of December for the current calendar year for which the monthly parking permit fees are due. Fees collected on a monthly basis shall be collected by the licensee no later than the 5<sup>th</sup> of each month and paid to the town clerk by the 10<sup>th</sup> of each month following the month for which the monthly parking permit fee is due.
  - (e) The 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 unit that is any of the following:
- (a) An improvement to real property under s. 70.043 (1), Wis. Stats.
- (3) The town shall retain 10 percent of the monthly parking permit fees collected for each month, without reduction for any amounts deducted under Paragraph 1, to cover the cost of administration. The town shall pay to the school district in which the community is located, within 20 days after the end of each month in which parking fees are paid to the town, such proportion of the remainder of the fees collected in the preceding month 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. If the community is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.

#### **8.4 Duties of Community Licensees**

The attendant or person in charge of a community and the community licensee shall have the following duties:

- (1) Timely notify the town clerk of information requested in writing by the town clerk, including the records required by this section, and the number of all



units installed, parked, or removed at any specific time periods in the community. This information shall be provided by the community licensee within 5 days after written request from the town clerk. The information requested shall be on a form provided by the town clerk, if such form is provided with the request.

- (2) Furnish the town and town assessor with information on units added to the community within five days after their arrival on forms prescribed by the Department of Revenue.
- (3) Maintain a register of all community owners, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
  - (a) Names, addresses, and state of legal residence of all owners of each unit;
  - (b) Dates of entrance and departure of each unit; and
  - (c) Make, model, year and serial number of each unit.
- (4) Notify occupants of the provisions of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this ordinance or any other violations of law that may come to their attention.
- (5) Ensure that the placement of each unit on its stand or foundation complies with all applicable codes and is installed by a licensed installer, when required.
- (6) Maintain community grounds, buildings, and structures free of insect and rodent harborage and infestation and accumulations of debris that may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- (7) Maintain the community free from growth of noxious weeds.
- (8) Maintain the community free of litter, rubbish, and other flammable materials.
- (9) Provide portable fire extinguishers of a type approved by the chief of the fire department serving the town, in all locations designated by the chief, and maintain such extinguishers in operating condition.
- (10) Cause every area within the community designated as a fire lane by the chief of the fire department serving the town to be kept free and clear of obstructions.

- (11) Check to ensure that every unit has furnished, and in operation, a substantial, flytight, watertight, rodent-proof container for the deposit of garbage and refuse.
- (12) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly, and in accordance with the last of the State of Wisconsin and ordinances and regulations of the town.
- (13) Allow inspections of the premises and facilities at reasonable times by municipal officials or their agents or employees.

#### **8.5 Duties of Occupants and Owners of Units in a Community**

- (1) Occupants and owners of units shall comply with all applicable requirements of this ordinance and shall maintain their space, its facilities and equipment, in good repair and in a clean and sanitary condition.
- (2) Occupants and owners of units shall be responsible for proper installation of their units as required by state law and administrative regulation.
- (3) Each owner or occupant of a nonexempt unit in a community shall remit to the licensee or authorized community management monthly parking permit fee required under this ordinance.
- (4) It shall be the duty of every occupant and owner of a unit to give the community licensee or management, or his or her agent or employee, access to any part of the community or unit at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or any law or ordinance of the State or Town or lawful regulation or order adopted thereunder.
- (5) Units shall be parked only in the space provided and shall be installed in accordance with all requirements of laws.
- (6) No owner or occupant shall conduct in any unit or in any community any business or engage in any other activity that would not be permitted in single-family residential areas in the town.
- (7) No person shall discharge any wastewater on the surface of the ground within any community.
- (8) No person shall erect or place upon any space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any unit except as specifically authorized by this ordinance.

## **8.6 Nuisances Prohibited**

No person may in any community 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 community.

## **8.7 Standards for Communities**

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 community unless the community meets the following minimum construction, installation, and maintenance standards for the community and for every unit to be installed or maintained in the community:

- (1) All applicable requirements for manufactured home communities specified in ch. SPS 326, Wis. Admin. Code;
- (2) All applicable requirements for the installation of manufactured homes specified in sec. SPS 321.40, Wis. Admin. Code;
- (3) All applicable requirements for manufactured home communities specified in ch. 10 of the Dane County Code of Ordinances;

## **8.8 Limits on Communities**

No community may have a density greater than 6 units per acre. No community shall be comprised of less than 10 units. No other buildings or structures are to be constructed, installed, or used in the community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the town board.

## **8.9 Imposition of Special Charges and Special Assessments**

The town reserves the right to place special charges or special assessments on the land where the community is located to defray the costs to the town of services and materials furnished to the community.

## **8.10 Existing Communities**

- (1) Except as provided under this Section 8.10, a community existing as of the effective date of this ordinance shall comply with this ordinance as of the effective date. In addition, within 30 days of the effective date of this ordinance, the owner of an existing community shall:
  - (a) If the existing community does not hold a valid and unexpired Town Manufactured and Mobile Home Community License issued by the



Town, apply for a Town Manufactured and Mobile Home Community License;

- (b) Provide to the town clerk in writing the number of all units installed or parked in the Community;
  - (c) Provide to the town clerk a copy of the register required under section 8.4(3); and
  - (d) Furnish to the town and town assessor information on all units installed or parked in the Community on forms prescribed by the Department of Revenue.
- (2) A community existing as of the effective date of this ordinance that is licensed under a valid and unexpired license is not required to comply with any new standards imposed pursuant to sections 8.7 or 8.8, unless state or federal law or regulation requires compliance with the standard. Any such nonconforming community shall continue to comply with the standards imposed by its license and the community ordinance in effect at the time of original issuance of the license.
- (3) The following are additional exceptions to paragraph 2:
- (a) Any alteration or expansion of the community after the effective date of this ordinance shall fully comply with this ordinance.
  - (b) A community that seeks a new license after the non-renewal or termination of its existing license shall comply with all the provisions of this ordinance prior to a new license being granted.
  - (c) If the town board determines that non-compliance with a standard imposed under sections 8.7 or 8.8 endangers the health or safety of community occupants, the town board may direct a community to comply with that standard.

## **ARTICLE 9 RESERVED**

## **ARTICLE 10 GENERAL APPLICATION, LICENSE, AND PERMIT PROVISIONS**

- (1) No person may conduct or cause any activity or use enumerated in this ordinance without a license or permit required in this ordinance.
- (2) Application for a license or permit under this ordinance shall be in writing, signed by the applicant, and made to the town clerk on a form furnished by the town. The application shall contain such information as may be required by this ordinance or the town board.

- (3) All license or permit fees imposed under this ordinance shall be collected by the town clerk and paid into the town treasury. No application for a license or permit required by this ordinance shall be deemed complete unless the license or permit fee has been paid. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant.
- (4) Applications shall be reviewed by the town clerk for completeness and forwarded to the town board for action. The town board may approve, conditionally approve, or deny any application.
  - (a) Upon approval of the application by the town board, the town clerk shall issue a license or permit under this ordinance.
  - (b) An appeal may be made by the applicant in writing to the town clerk within 5 days after the date of the decision to approve, conditionally approve, or deny. 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.
- (5) All annual licenses or permits issued under this ordinance or under the prior ordinance shall expire on the succeeding June 30.
- (6) 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.
- (7) 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.
- (8) All licenses or permits issued under this ordinance are personal and are not transferable except as provided in this ordinance or by written approval of the town board.
- (9) Revocation.
  - (a) Any license or permit issued under this ordinance may be revoked for cause by the town board.
  - (b) "Cause" includes but is not limited to:

1. Failure or neglect to abide by the requirements of this ordinance or applicable federal, state, or local law, rule, regulation, or ordinance relating to mobile and manufactured home communities and their operation.
  2. Conviction of any offense under the laws of the State or ordinances of the town relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of units or the leasing or rental of unit spaces, or sale, lease or operation of community facilities.
  3. Operation or maintenance of the community in a manner inimical to the health, safety, or welfare of community occupants or the inhabitants of the town including, but not limited to, repeated violations of laws or ordinances related to health, sanitation, refuse disposal, fire hazards, or morals.
  4. Transfer or sale of an ownership interest in any space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the State or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
  5. Loss of the licensee's state license, whether through lapse, suspension, termination, or any other means.
- (c) 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.

## **ARTICLE 11 ENFORCEMENT AND PENALTY PROVISIONS**

### **11.1 Enforcement**

The town clerk or law enforcement officers of the town may issue citations for violations of this ordinance in accordance with s. 66.0113, Wis. Stats. Following investigation by a town official or a complaint or possible violation of this ordinance, the town official shall forward a report to the town board for determination if a citation should be issued. In addition,



mobile and manufactured home community licenses may be revoked or suspended as provided in s. 66.0435, Wis. Stats.

## 11.2 Penalty

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$150, 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.

## ARTICLE 12 SEVERABILITY

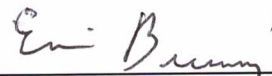
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

## ARTICLE 13 EFFECTIVE DATE


This ordinance is effective the day after publication or posting, whichever occurs first.

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

Adopted and approved this 19<sup>th</sup> day of October 2020, by a vote of 3 in favor and 0 opposed.

  
\_\_\_\_\_  
Ervin Breunig, Town Chair

ATTEST:

  
\_\_\_\_\_  
Lisa Meinholz, Town Clerk

Date adopted:

Date notice posted:

Effective date:

October 19, 2020

11-12-2020

11-12-2020