

## CHAPTER 13

### MOBILE HOME REGULATION

- 13.01 Regulatory Authorities Adopted
  - 13.02 Mobile Home Park Regulations
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13.01 REGULATORY AUTHORITIES ADOPTED. Except as otherwise provided in this ordinance, Sec. 66.0435, Stats., all provisions of Chapter 101.91 et. seq. of the Wisconsin Statutes, and all provisions of Comm 26 of the Wisconsin Administrative Code describing and defining regulations relative to Manufactured Homes or Mobile Homes that the Town may adopt as ordinances, and the provisions of Sec. 14.900 of the Oconto County Code of Ordinances are hereby adopted and by reference made part of this Chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes and regulations incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of Manufactured Homes or Mobile Homes in the Town.

#### 13.02 MOBILE HOME PARK REGULATION

- (1) License Required. No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, or controlled by said owner a mobile home park within the Town without first securing a license therefore from the Town Board pursuant to this chapter. Such license shall expire on midnight, June 30 of the year of issue but may be renewed under the provisions of this chapter for additional maximum two-year periods.
- (2) Location Restricted. An application for the construction of a mobile home park shall be considered only when its proposed location is within a district zoned to permit such use.
- (3) Application. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the mobile home park and make the application, and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised mobile home park shall be accompanied by five copies of the park plan showing the following, either existing or as proposed:
  - (a) The area to be used for park purposes.
  - (b) Roadways and driveways.
  - (c) The location and designation of dependent and independent mobile home spaces.

- (d) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms, to be used by occupants of the mobile home park.
  - (e) A complete layout of storm, sanitary, and water systems for the service building and spaces.
  - (f) The method and plan of garbage removal.
  - (g) A plan for electrical lighting of spaces.
- (4) Issuance of License.
- (a) **Approval.** The application for a mobile home park license shall be subject to review and consideration by the Town Board. The Town Board may approve the license application subject to such conditions and requirements, in addition to those made and provided in this Chapter as the Town Board shall determine necessary for purposes of public health, safety and welfare.
  - (b) **Fee Required.** After a license hereunder has been approved, but before that license is issued by the Town Clerk, the applicant shall pay an annual fee in accordance with Comm 26. Said license shall expire on June 30 annually. A penalty fee of \$25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.
  - (c) **Annual Renewal.** All mobile home park licenses issued under this Chapter shall be subject to annual renewal. Upon application by any licensee, 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, signed by the applicant on forms furnished by the Town.
  - (c) **License Transfer.** Upon application for a transfer of license the Town Clerk shall, after approval of the application by the Town Board, issue a transfer upon payment of the required \$10 fee.
- (5) Revocation and Suspension. A license may be suspended or revoked after a hearing held pursuant to §66.0435 Wis. Stats. Any hearing for the suspension, revocation, or non-renewal of a license shall be conducted before the Town Board. At the conclusion of the hearing, the Town Board shall determine whether the license be suspended, revoked, or non-renewed if it finds that the licensee committed a violation. Appeal from a decision of the Town Board shall be to the Circuit Court for Oconto County.
- (6) Monthly Permit Fee.
- (a) **Monthly Permit Fee Required.** In addition to the annual license fee provided in sub. (4) above, the Town shall collect from each unit occupying space or lots in a community in the Town in the manner made and determined under sub. (6)(b) herein below, except for the following:
    1. From recreational mobile homes.
    2. From manufactured and mobile homes that constitute improvements to real property under s. 70.043 (1),
    3. From recreational vehicles as defined in s. 340.01 (48r), and
    4. From camping trailers as defined in s. 340.01 (6m),
  - (b) **Computation of Monthly Permit Fee.** A monthly mobile home permit fee shall be computed as follows:

1. On January 1, the assessor shall determine the total fair market value of each unit in the taxation district subject to the monthly municipal permit fee.
  2. The fair market value, determined under sub. (b) 1., minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district.
  3. The value of each unit, determined under sub.(b) 2 shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.
  4. The total annual permit fee, computed under sub. (b)3 shall be divided by 12 and shall represent the monthly permit fee.
- (c) **Partial Year.** The monthly permit fee is applicable to units moving into the tax district any time during the year. The community operator shall furnish information to the tax district clerk and the assessor on units added to the community within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the Town Assessor receives the notice of an addition of a unit to a community, the Assessor shall determine its fair market value and notify the Town Clerk of that determination. The Town Clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual permit fee thus determined by 12 and notify the unit owner of the monthly fee to be collected from the unit owner. Liability for payment of the monthly permit fee begins on the first day of the next succeeding month and continues for the months in which the unit remains in the tax district.
- (d) **Annual Recalculation.** A new monthly permit fee and a new valuation shall be established each January and shall continue for that calendar year.
- (e) **Valuation Review.** The valuation established is subject to review as are other values established under Chapter 70, Stats. If the Town Board of Review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments.
- (f) **Payment of Fee.** The monthly permit fee shall be paid by the unit owner to the local taxing authority on or before the 10th of the month following the month for which the monthly permit fee is due.
- (g) **Park Licensee Liability.** The licensee of a community is liable for the monthly 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 Town has failed, in an action under Chapter 799, Stats., to collect the fee from the owner and occupant of the unit. The Town may by ordinance, may require the community operator or licensee to collect the monthly municipal permit fee from the unit owner.
- (h) **Credit.** The credit under Sec. 79.10 (9) (bm), Stats., as it applies to the principal dwelling on a parcel of taxable property, applies to the estimated

fair market value of a unit that is the principal dwelling of the owner. The owner of the unit shall file a claim for the credit with the Town Treasurer. To obtain the credit under s. 79.10 (9) (bm), Stats., the owner shall attest on the claim that the unit is the owner's principal dwelling. The Town Treasurer shall reduce the owner's monthly permit fee by the amount of any allowable credit. The Town Treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under Sec. 79.10 (1m), Stats.

- (i) Financial Institution Exemption. No monthly permit fee may be imposed on a financial institution, as defined in s. 69.30 (1) (b), Stats., that relates to a vacant unit that has been repossessed by the financial institution.
- (j) Distribution of Monthly Fees Collected. The monthly permit fees collected by the Town shall be subject to allocation in the manner made and provided under Sec. 66.0435(8), Stats.