

ORDINANCE NUMBER 6.

AN ORDINANCE REGULATING THE PARKING, LOCATION AND OCCUPATION OF MOBILE HOMES, LICENSING AND REGULATING MOBILE HOME PARKS, PROVIDING FOR THE TAXATION OF MOBILE HOMES AND PROVIDING A PENALTY.

The Town Board of the Town of Oakland DO ORDAIN as follows:

Ordinance Number 6 shall be repealed and reenacted to read as follows:

SECTION 1. DEFINITIONS.

As used in this ordinance, the following terms shall have the meaning hereinafter designated:

A. "Complete bathroom facilities" means a flush toilet, lavatory, bath and kitchen sink.

B. "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.

C. "Licensee" means any person, firm or corporation licensed to operate and maintain a mobile home park under this ordinance.

D. "Lot" is a space as defined in subsection M of this Section.

E. "Mobile home" is that which is, or was, as 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.

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

G. "Mobile home stand" means that part of an individual space which has been reserved and improved by the placement of one mobile home unit.

H. "Non-dependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

I. "Occupied area" means that portion of an individual mobile home space which is covered by a mobile home and its accessory structures.

J. "Park" means mobile home park.

K. "Park management" means the person who owns or has charge, care or control of the mobile home park.

L. "Person" means any natural individual, firm, trust, partnership, association or corporation.

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

N. "Unit" means a mobile home unit.

SECTION 2. PARKING OUTSIDE LICENSED MOBILE HOME PARKS RESTRICTED.

No person shall stop, stand or park a mobile home upon any street, alley, or highway within the Town of Oakland in violation of chapters 340 to 348 of the Wisconsin Statutes or the traffic ordinances and regulations of the Town of Oakland except that emergency or temporary stopping or parking is permitted on any street, alley, highway or town road for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or town road.

SECTION 3. LICENSE FOR MOBILE HOME PARK OPERATORS: APPLICATION AND ISSUANCE.

A. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a mobile home park within the limits of the Town of Oakland unless such person shall first obtain from the Town a license therefor pursuant to this ordinance. Initial mobile home park licenses shall expire on June 30 next succeeding the date of issue. All renewals of licenses shall be valid from July 1 until June 30 next succeeding the date of issue. Licenses may be issued after July 1 of any year but no rebate or diminution of the fee shall be allowed therefrom. Such license shall be issued only upon approval by the Town Board upon determination that the standards in this section have been met and upon payment of the required fee.

B. Location and operation of the park shall comply with all zoning and land use ordinances of the State of Wisconsin and county of Jefferson.

Re-created
2/19/04

~~C. The fee for a mobile home park license shall be \$75 for each 50 mobile home spaces or fraction thereof provided, however, that the minimum mobile home park license fee shall be \$100. Licenses may be transferred during a license year for a fee of \$10.~~

D. The application for an original license or a renewal thereof shall be made on forms furnished by the Town Clerk, shall be in writing, and signed by the applicant. Applications for an original mobile home park license shall contain the following:

- (1) The name and address of the applicant.
- (2) The name and address of the owner in fee of the tract.
- (3) If the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and to apply for the license.
- (4) The location and legal description of the mobile home park.
- (5) Two copies of the complete plan of the park.

E. Accompanying, and to be filed with an original application for a mobile home park shall be plans and specifications which shall be in compliance with all applicable town ordinances and provisions of Department of Health and Social Services. Such plans shall show the following, either existing or as proposed:

- (1) The extent and area used for park purposes.
- (2) Roadways and driveways.
- (3) Location of units for mobile homes.
- (4) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units.
- (5) Method and plan of sewage disposal.
- (6) Method and plan of garbage removal.
- (7) Plan for water supply.

(8) Plan for lighting of units and rubbish disposal.

F. The Clerk after approval of the application by the Town Board and upon completion of the work according to the plan shall issue the license. A mobile housing development harboring only non-dependent mobile homes as defined in sub. 1(H) shall not be required to provide a service building.

G. Renewal of License: Upon application by a licensee and after approval by the Town Board, and upon payment of the annual license fee, the Clerk of the Town 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.

H. Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this ordinance including parks in areas hereafter annexed to the Town of Oakland shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this ordinance.

SECTION 4. LICENSE REVOCATION OR SUSPENSION.

A. Any license granted under the provisions of this ordinance 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 20 days of the date of such revocation or suspension appeal therefrom to the Circuit Court of Jefferson County by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town of Oakland, in the sum of \$500 with 2 sureties or a bonding company approved by said Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs judged against him.

B. "Cause" as used in this subsection shall include, but not be limited to:

- (1) Failure or neglect to abide by the requirements of this ordinance or the laws or regulations of the State of Wisconsin and Jefferson County Zoning Ordinance.

nance No. 11 relating to mobile home parks and their operation.

- (2) Conviction of any offense under the laws of the State or ordinances of the Town of Oakland relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
- (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Town of Oakland including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
- (4) Transfer or sale of an ownership interest in any mobile home 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 and municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.

SECTION 5 MONTHLY MOBILE HOME FEE.

A. In addition to the license fees provided above, and pursuant to sec. 66.058(3)(c), Wis. Stats. and any amendments thereto, the Town of Oakland shall collect from each mobile home occupying space or lots in a park in the Town of Oakland, except for mobile homes that constitute improvements to real property under sec. 70.043(1), Wis. Stats., and for recreational mobile homes and camping trailers as defined in sec. 70.111(19), Wis. Stats., a monthly parking permit fee computed as follows:

On January 1, the assessor shall determine the total fair market value of each mobile home in the taxation district subject to the monthly parking permit fee. The fair market value, 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. The value of each mobile home thus determined shall be multiplied by the general property gross tax rate less any credit rate under s. 79.10, Wis. Stats., established on the preceding year's assessment of general property. 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 mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the assessor on mobile homes added to the park within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the assessor receives the notice of an addition of a mobile home to a park, the assessor shall determine its fair market value and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual parking permit fee thus determined by 12 and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. The mobile home park operator shall be required to collect the monthly parking fee from the mobile home owner. 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 tax district. A new fee 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 ch. 70, Wis. Stats. If the board of review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments. The monthly parking permit fee shall be paid by the mobile home park operator to the Town of Oakland on or before the 10th of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile for an accumulating period not to exceed 60 days in any 12 months if the occupants of the mobile home are tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the Town of Oakland from qualified tourists or vacationists in lieu of monthly mobile home parking permit fees.

B. 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.

C. The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying a space therein as well as the owner and occupant thereof.

D. This section shall not apply where a mobile home park is owned and operated by a county under the provisions of sections 59.07(13)(b), Wis. Stats.

E. If a mobile home is located outside of a licensed park at the time this ordinance is passed, 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 owner of such land shall be required to comply with the reporting requirements of subsection 5(A), above.

F. 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 Wisconsin Statutes.

G. Any person failing to comply with the reporting requirements of subsections (A) and (E), above, shall upon conviction thereof forfeit up to \$25. Each failure to report shall be regarded as a separate offense.

H. A park operator who is required to collect the monthly parking permit fee from the mobile home owner may deduct, for administrative expenses, 2% of the monthly fees collected.

SECTION 6 TRANSFER OF LICENSE: FEE

Upon application for a transfer of license the Clerk after approval of application by the Town Board, shall issue a transfer upon payment of the required \$10 fee.

SECTION 7 DISTRIBUTION OF FEES

The Town may retain 10% of the monthly parking permit fees collected in each month to cover the costs of administration, without reduction for the amounts deducted under subsection 5(H). The municipality shall pay to the school district in which the park is located, within 20 days after the end of each month such proportion of the remainder of the fees collected in the preceeding 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 municipality. If the park 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.

SECTION 8 OPERATION OF MOBILE HOME PARKS: RESPONSIBILITIES OF PARK MANAGEMENT

A. In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office.

B. The attendant or person in charge and the park licensee shall operate the park in compliance with this ordinance and regulations and ordinances of the Town and state and their agents or officers and shall have the following duties:

- (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - (a) Names and addresses of all owners and occupants of each mobile home.
 - (b) Number of children of school age.
 - (c) State of legal residence.
 - (d) Dates of entrance and departure of each mobile home.
 - (e) Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country issuing such licenses.
 - (f) Place of employment of each occupant, if any.
- (2) Notify park 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 which may come to their attention.
- (3) Notify the health officer immediately of any suspected communicable or contagious disease of either animals or persons within the park.
- (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
- (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) Maintain the park free from growth of noxious weeds.
- (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the fire chief in all locations designated by the chief and maintain such extinguishers in good operating condition and cause every area within the park desig-

nated as a fire lane by the fire chief to be kept free and clear of obstructions and prohibit the lighting of open fires on the premises.

- (8) Provide every mobile home unit with a substantial, flytight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the ordinances of the Town of Oakland and the regulations of the County of Jefferson. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the state of Wisconsin and the ordinances and regulations of the Town of Oakland (including regulations promulgated by the Jefferson County health officer and the fire chief.)
- (10) Collect the monthly parking permit fee and cash deposits for each mobile home space occupied by a nonexempt mobile home within the park and remit such fees and deposits to the municipal treasurer as required by section 5 of this ordinance.
- (11) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees.

SECTION 9 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS.

A. Park occupants shall comply with all applicable requirements of this ordinance and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.

B. Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

C. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

D. Each owner or occupant of a nonexempt mobile home within a mobile park shall remit to the licensee or authorized

park management the cash deposit and monthly parking permit fee as required by section 5 of this ordinance.

E. It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employe, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this ordinance or any law or ordinance of the state or Town of Oakland or lawful regulation or order adopted thereunder.

F. Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this ordinance.

G. No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential districts in the Township.

H. No person shall discharge any waste water on the surface of the ground within any mobile home park.

I. No person shall erect or place upon any mobile home space, any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this ordinance.

SECTION 10 SERVICE BUILDING.

A. In the event a proprietor desires to provide a service building for community use of permanent residents or temporary tourist residents, design and facilities of such building are regulated as herein provided.

B. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

C. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture proof materials which may be painted woodwork and shall permit repeated cleaning and washing and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service building shall be of water impervious materials. Washing and drying machines may be installed according to needs of the park.

D. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free

of any condition that will menace the health of any occupant or the public or constitute a nuisance.

E. Service buildings in existence and operating under a valid mobile home park license upon the effective date of this ordinance including buildings in areas hereafter annexed to the Town of Oakland shall be exempt from the requirements hereof relating to design and facilities provided such design and facilities comply with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a service building non-conforming use permit and comply with all other provisions of this ordinance within 6 months after the effective date herein.

SECTION 11 CONVERTED VEHICLES.

No converted vehicles such as, but not limited to, vans, semitrailers, school buses, or trolley cars are to be considered mobile home units within the scope of this ordinance. The parking of such vehicles within the Town of Oakland is strictly prohibited.

SECTION 12 FIRE PROTECTION.

Service buildings shall be equipped with fire extinguishers. No open fires shall be started without permission from the fire department. No fires shall be left unattended at any time.

SECTION 13 ANIMALS AND PETS.

No mobile home owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance.

SECTION 14 SUPERVISION.

The licensee or permittee or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the licensee or permittee for the violation of any provision of this ordinance to which the licensee or permittee is subject.

SECTION 15 POSTING OF LICENSE AND PERMIT.

The license certificate or special permit shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

SECTION 16 PARKING OF TOURING OR RECREATIONAL TYPE MOBILE HOMES.

A. Sites for parking touring or recreational mobile homes in licensed parks may be provided in areas set aside for such service. Such areas shall have improved surface for placement of such units and surrounding area shall be landscaped to be a credit to the area. Service of utilities shall be consistent with needs of type of such units parked and shall meet all requirements of State Board of Health, local plumbing and electrical codes and the building inspector.

B. Residents desiring to park a guest's touring housing unit on their premises in excess of five (5) days shall obtain such permission from the Town Board. The Board, after consideration of sanitation facilities, may at its discretion, issue a special permit not to exceed thirty (30) days. Although street parking may allow motor vehicles parking, a touring unit shall not be parked on such streets in excess of five (5) hours.

C. The parking of any unoccupied touring unit in any accessory private garage or building, or in a rear yard is permitted, provided no living quarters shall be maintained or any business conducted in such unit while so parked or stored.

SECTION 17 TAXATION OF TOURING OR RECREATIONAL TYPE MOBILE HOMES.

Touring or recreational type mobile homes shall be registered with the Department of Transportation in similar manner as prescribed for motor vehicles according to fees established in sec. 341.25(1)(i) of the Motor Vehicles Code. Touring or recreational type mobile homes shall be exempt from assessment if such housing unit is used primarily for tourist or vacationing purposes. In an event a touring or recreational type mobile home is used for primary housing, while the occupant is gainfully employed in the area, such housing unit shall be subject to assessment in the same manner as prescribed for primary housing type mobile homes.

SECTION 18 SEPARABILITY AND CONFLICT.

A. If any section, sub-section, paragraph, subparagraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

B. All ordinances or parts of ordinances, including the county zoning ordinances under Section 59.97, Wis. Stats., which are inconsistent with or contrary hereto shall apply with

respect to the establishment and operation of any trailer camp only if such ordinance is more restrictive than this ordinance.

SECTION 19 PENALTIES FOR VIOLATIONS OF ORDINANCE.

Amended 5/18/10
~~In addition to any penalties imposed by section 5(G), any person violating any provision of this ordinance or failing to perform any duty imposed hereunder or committing any act prohibited hereby 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 is made, but not exceeding 30 days for violation, provided that the forfeiture for violation of sec. 5(G) shall not exceed \$25. Each day of violation of any provision of this ordinance shall be deemed to constitute a separate offense.~~

SECTION 20 EFFECTIVE DATE. This ordinance shall take effect from and after its passage and publication or posting as provided by law.

Dated this 17th day of May, 1987.

TOWN OF OAKLAND,
TOWN BOARD, by:

Raymond C. Kervel
Town Chairman

Attest:

George W. Lawrence
Town Clerk

Passed: 57/151

Vote:

Ayes: 3

Noes: 0

~~NOTED~~
Published: May 26th, 1987.

**AN ORDINANCE TO AMEND ORDINANCE NO. 6, SECTION 3.C.
SETTING LICENSE FEES FOR MOBILE HOME PARK OPERATORS**

The Town Board of the Town of Oakland, Jefferson County, do hereby ordain as follows:

Section 3.C. of Town of Oakland Ordinance No. 6 shall be amended to read as follows:

Section 3.C. The annual fee for a mobile home park license shall be \$100 for each 50 mobile home spaces or fraction thereof, provided, however, that the minimum annual mobile home park license fee shall be \$100. Licenses may be transferred during a license year for a fee of \$10.

This ordinance shall take effect from and after its passage and publication or posting as provided by law.

Dated this 19 day of February, 2004.

Town of Oakland,
Town Board, by:

Vernon D. Davis
Town Chairman

Attest:

Linda H. Duckhoff
Town Clerk

Passed: February 19, 2004

Vote:

Ayes: 5 Noes: 0

Published: February 26, 2004.