

CHAPTER V

MOBILE HOME PARKS AND MOBILE HOMES

SECTION 5.00. Definitions. For the purpose of this Chapter:

- a. "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
- b. "Licensing authority" means Town of Lyons, Walworth County, Wisconsin, wherein a mobile home park is located.
- 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 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, 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 percent of the assessable value of the house trailer.
- f. "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.
- g. "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating appliances and complete year-round facilities.
- h. "Unit" means a mobile home unit.
- i. "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 accommodation.
- j. "Space" means a plot of ground within a mobile home park designed for the accomodation of one mobile home unit.

SECTION 5.10. Location of mobile homes outside of mobile home parks.

5.11. No mobile home shall be kept and used for dwelling purposes within the Town outside of a mobile home park except as provided in Section 5.12 hereinafter.

5.12. In the event an owner of real estate outside of a mobile home park has destroyed by fire or other casualty a dwelling located thereon or voluntarily removes such a dwelling and said owner desires to rebuild a home on the location of the home so destroyed or removed, said owner may apply to the Town Board for a permit to keep a mobile home on said real estate for occupancy as a dwelling by persons who had occupied the destroyed or removed dwelling. Said permit may be granted by the Town Board for a period not to exceed one year. Said mobile home shall conform to all applicable requirements of the Town Building Code. In the event a new dwelling cannot be completed within the initial permit period, the owner may apply for and the Town Board may grant an extension of up to ninety (90) days.

SECTION 5.20. License and Revocation or Suspension Thereof.

5.21. It shall be unlawful for any person to maintain or operate within the limits of the Town any mobile home park unless such person shall first obtain from the Town a license therefor.

5.22. 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 Clerk of such Town 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 Walworth County by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town in the sum of \$1,000.00 with two sureties or a bonding company approved by the said Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

SECTION 5.30. License and Monthly Mobile Home Fee:

5.31. Each licensee shall pay an annual fee to the Town Clerk in advance for each year, from July 1 to June 30, or fraction thereof of \$100.00 for each 50 spaces or fraction thereof within each mobile home park within the Town limits except where the park is in more than one municipality, the fee shall be in such fraction as the number of spaces in the park within the Town bears to the entire number of spaces in the park.

5.32. Each transferee shall pay a fee of \$100.00 in advance to the Town Clerk for transfer of any license.

5.33. In addition to the license fee provided in Sections 5.31 and 5.32, the Town of Lyons shall collect from each occupied mobile home occupying space or lots in a mobile home park in the town, a monthly parking permit fee computed in the manner provided in Section 66.058 in the Revised Statutes of the State of Wisconsin. The fee shall be applicable to occupied mobile homes moving into the Town of Lyons any time during the year. The park operator 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 State of Wisconsin Department of Revenue. As soon as the Town Assessor receives the notice of an addition of an occupied home to a park, he shall determine its fair market value, and notify the Town Clerk of his determination. The Town Clerk shall equalize the fair market value established by the Town Assessor and shall apply the general property gross tax rate for that year, divide the annual parking permit fee thus determined by 12, and notify the mobile homeowner of the monthly fee to be collected from the mobile homeowner. 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 occupied mobile home remains in the Town of Lyons. 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 ch. 70 of the Revised Statutes of the State of Wisconsin. If the Board of Review reduces a valuation on which previous monthly payments have been made, the Town of Lyons shall refund past excess fee payments. The monthly parking permit fee for mobile homeowners within a mobile home park, shall be paid by the mobile homeowner, to the licensee (mobile home park operator) 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, if the mobile home and the automobile bear license plates issued by any other than the State of Wisconsin, 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. Exemption certificates in duplicate shall be accepted by the Town Treasurer of the licensing authority from qualified nonresident tourist or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in the State of Wisconsin, there shall be no exemption from the monthly parking permit fee.

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

5.34. The monthly parking permit fee shall be collected by the licensee (mobile home park operator) from each mobile homeowner in the mobile home park of the licensee, required to pay such permit hereunder

and shall remit said fees to the Town Treasurer of the Town of Lyons forthwith.

5.35. The fee for a mobile home located outside of a licensed park shall be paid by the owner of the mobile home, the occupant thereof, or the owner of land on which it stands, the same, as in the manner provided for, mobile homes located in a mobile home park and the owner of such land shall be required to comply with the reporting requirements of Section 5.33 above; provided that the fee shall be paid directly to the Town Treasurer on or before the 10th day of the month following the month for which such parking permit fee is due.

5.36. 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 chs. 70 and 74 of the Revised Statutes of the State of Wisconsin.

SECTION 5.40. Application for License: Original application for mobile home park license shall be filed with the Town Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following:

- a. The name and address of the applicant.
- b. The location and legal description of the proposed mobile home park.
- c. The complete plan of the park.

SECTION 5.50. Plans, Specifications and Applications, and Application Fee.

5.51. Accompanying and to be filed with the original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable regulations, ordinances and laws of the State of Wisconsin, County of Wlaworth and the Town of Lyons. The application shall be accompanied by a fee of \$500.00 to defray the cost of publication, investigation and public hearing.

5.52. Upon receipt of an application submitted in compliance with Sections 5.40 and 5.50 of this Chapter, the Town Board shall personally inspect the premises for which a license is requested and shall set a date for public hearing upon such application, which date shall be not more than 30 days after the receipt of said application by the Town Board. A public hearing shall be held by the Town Board at its regular meeting place and a notice of said meeting shall be published in a newspaper or general circulation in the Town at least 10 days before the date of said public hearing or in lieu thereof, notice of said hearing shall be posted in not less than three public places within said Town at least five days before the date of said hearing. At such public hearing, the board shall hear all persons interested in the

granting or denying of said permit and may, if it sees fit, take testimony relative to the application.

5.53. Within 90 days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the Town of Lyons and as to whether the mobile housing development would cause the school costs to increase above the state average, and if adequate and proper sewage disposal can be provided. Such determination shall be made on the basis of the information contained in the application together with the information presented at the public hearing and any other information assembled by the Town Board. Upon such determination, the Town Board shall either grant or deny the application.

SECTION 5.60. Renewal of License: Upon application by any licensee and 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. Each license shall expire on June 30 of each year.

SECTION 5.70. Limitations, Restrictions and Regulations:

5.71. Not more than one license for a mobile home park may be issued under this ordinance in each common school district within the Town of Lyons, and no mobile home park shall contain spaces for more than fifty (50) mobile homes, except that the Town Board may permit additional mobile home parks or additional spaces within a park upon the following conditions:

- a. If such additional parks or spaces will not cause the school costs to increase above the state average, and if adequate and proper sewage disposal can be provided.
- b. If the mobile home park has been in operation for at least one year prior to the request for additional spaces.
- c. If the mobile home park complies with the requirements of this and any other applicable ordinances.

5.72. Each mobile home park shall be subject to the following requirements:

- a. Drainage. Every mobile home park shall be located on a well-drained site and shall be so graded and adequately drained so as to eliminate collection of surface waters at any point in the mobile home park and drainage easements obtained when necessary.

- b. Sewage. Adequate provisions shall be made for the disposal of all sewage from the mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage oxidation system approved by the State of Wisconsin.
- c. Water. Where a public water supply is not available within the mobile home park, an adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons which can be accommodated in such mobile home park and shall be installed in compliance with the town plumbing and well codes, and shall be approved by the State of Wisconsin.
- d. Refuse. Every mobile home in the park shall have two (2) containers with close-fitting covers for garbage and provisions shall be made for the handling and removal of all garbage, trash or refuse from the park no less than twice each week.
- e. Lighting. All entrances, exits, lanes and driveways between rows of mobile homes used or occupied in any mobile home park shall be lighted by electric lighting approved by the Town Board.

5.73. Each mobile home park shall have the following lots, parking area, driveway and sidewalk requirements:

- a. Each mobile home shall be located on a lot of not less than 6,000 square feet with a minimum width of 50 feet, less 400 square feet for off street parking within a reasonable distance of the mobile home lot. Each double mobile home shall be located on a lot of not less than 9,000 square feet with a minimum width of 75 feet, less 600 square feet for off street parking within a reasonable distance of the mobile home lot.
- b. Each mobile home lot shall contain a parking space upon which the mobile home shall be situated, which parking space shall be paved with concrete or bituminous material. Each parking space shall not be less than ten (10) feet wide nor of less length than the length of the mobile home to be parked thereon, plus five (5) feet.
- c. There shall be additional parking spaces for automotive vehicles within such park, paved with concrete or bituminous material, equal to not less than 400 square feet for each mobile home space. Each automobile parking space shall not be less than nine (9) feet wide and one hundred

sixty (160) square feet in area, exclusive of maneuvering and access space.

- d. There shall be a system of driveways, with a minimum of 66-foot widths, of which 28 feet shall be paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.
- e. If recreation buildings, laundry facilities, or any other service areas are provided for the convenience of the mobile home park residents, there shall be sidewalks, with a minimum of thirty- (30) inch widths, paved with concrete or bituminous material, from every mobile home space within the mobile home park to said building, facility or area.
- f. Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall not be less than 15 feet wide, except that there need not be more than a 10-foot setback from an access driveway; provided, however, that such 10-foot setback shall apply to the longest mobile home to be accommodated within such park.
- g. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than 15 feet wide.
- h. Each mobile home park shall contain an open area for recreation and park purposes which shall be appropriately landscaped and planted to grass and trees. Said open area shall not be less than two (2) acres for every twenty-five (25) mobile home spaces in the mobile home park.

5.74. Such rules and regulations shall be prescribed and enforced by licensee of mobile home park so as to insure:

- a. That the park shall be kept and maintained in a neat, sightly and orderly manner.
- b. That no public or private nuisance may be kept or maintained in the park.
- c. That no mobile home shall be used for illegal or immoral purposes.

- d. That no mobile home shall be used for other than residential purposes or by more than one person, whether child or adult, for each 125 square feet of floor area thereof.
- e. That no more than one family unit shall occupy any one mobile home.

5.75. Each mobile home park shall maintain a register for the registration of all occupants, which register shall contain information as follows:

- a. Name and address of each occupant.
- b. Mobile home license number and manufacturer's name.
- c. Automobile license number and name and make of automobile.
- d. Number of site to which assigned.
- e. Last place of location.
- f. Date of arrival.
- g. Date of departure.

SECTION 5.80. Application of County Ordinance. The provisions of this Chapter or of the County Zoning Ordinance or any County Mobile Home Ordinance, whichever is more restrictive, shall apply.

SECTION 5.90. Penalty:

5.91. Any person, firm or corporation violating any provisions of Section 5.33 and 5.35 of this Chapter relating to reporting the addition of occupied mobile homes shall, upon conviction thereof, forfeit not more than \$25.00 together with costs of prosecution, and each failure to report shall be regarded as a separate offense.

5.92. Any person, firm or corporation violating any provisions of this Chapter other than those specified in Section 5.91 of this section, shall upon conviction thereof, forfeit not less than \$200.00 and not more than \$500.00 together with costs of prosecution. Every day of noncompliance shall be deemed a separate and distinct offense.

5.93. Nothing set forth herein shall effect the application for or the granting of a restraining order or injunction prohibiting the location of a mobile home within the Town of Lyons or requiring the removal of a mobile home from any location within the Town.