

TOWN OF LIBERTY
MANITOWOC COUNTY, WISCONSIN

ORD. # 103

AN ORDINANCE ESTABLISHING A MONTHLY PARKING
PERMIT FEE FOR MOBILE HOMES AND ESTABLISHING A
LICENSE FOR MOBILE HOME PARKS

THE TOWN BOARD OF THE TOWN OF LIBERTY, PURSUANT TO SECTIONS 66.058 and 60.29 OF THE WISCONSIN STATUTES, IN ORDER TO PROTECT AND PROMOTE THE PUBLIC WELFARE AND TO EQUITABLY DEFRAY THE COST OF MUNICIPAL AND EDUCATIONAL SERVICES REQUIRED BY PERSONS AND FAMILIES USING OR OCCUPYING TRAILERS, MOBILE HOMES, AND MOBILE HOME PARKS, DO ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS. For the purpose of this ordinance:

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

(b) "Licensing Authority" means the town 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, including double wide mobile homes, 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 Homes" means a mobile home which does not have complete bathroom facilities.

(g) "Non-dependent Mobile Homes" 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 accommodation of one mobile home unit.

SECTION 2. MONTHLY PARKING PERMIT FEE.

2.01 There is hereby imposed on each occupied mobile home located in the Town of Liberty, a monthly parking permit fee determined according to Section 66.058(3)(c), Wis. Stats. Said fee shall be paid to the Town of Liberty Treasurer on or before the 10th day of the month following the month for which such fee is due.

2.02 The monthly parking permit fee established under Section 2.01 herein shall be determined as follows: The Town Assessor shall determine the total fair market value of each occupied mobile home in the town subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the district. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding

January 1 assessment of general property. The parking permit fee shall be reduced by the credit allowed under Section 79.10 Wis. Stats. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee.

2.03 The following persons shall be jointly and severally liable for the payment of the monthly parking permit fee:

(a) The licensee of a park for any mobile home occupying space therein;

(b) The owner of the mobile home;

(c) The occupant of the mobile home.

2.04 The mobile home park operator shall collect the monthly parking fee from the mobile home owner and pay said fee according to Section 2.01 herein. The duty of collection shall not relieve the mobile home park operator of the liability for payment pursuant to Section 2.03 herein.

2.05 The monthly parking permit fee shall be applicable to occupied mobile homes moving into the town anytime during the year. A mobile home park operator shall furnish information to the Town Clerk and the local Assessor on occupied mobile homes added to the park within five (5) days after their arrival, on forms furnished by the Town Clerk. As soon as the Assessor receives the notice of an addition of an occupied home to a park, the Assessor shall determine its fair market value and notify the Clerk of that determination. The Clerk shall equalize the fair market value established by the 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 owner, the mobile home park licensee, if any, and the mobile home occupant of the monthly fee. A new monthly parking permit

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 pursuant to Chapter 70 of the Wis. Stats. In the event the Board of Review reduces a valuation on which previous monthly payments have been made, the town shall refund past excess fee payments to the payor.

2.06. Liability for payment of the monthly parking permit 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.

2.07 Notwithstanding paragraph 2.01, 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 sixty (60) days in any twelve (12) months if the occupants of the mobile home are tourists or vacationers.

2.08 For any mobile home located outside a licensed park, the owner of the mobile home, the occupant thereof, and the owner of the land on which the mobile home stands shall be liable for payment of the monthly parking fee.

2.09 The town may retain ten percent (10%) of the monthly parking permit fee collected in each month to cover the cost of administration. The town shall pay to the school district in which the park or individual mobile home is located, within twenty (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 79.10, Wis. Stats., 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 mobile home 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 tax levy.

SECTION 3. MOBILE HOME PARK LICENSE.

3.01 It shall be unlawful for any person to establish, maintain, or operate a mobile home park within the Town of Liberty, without having first secured a license therefor from the Town Clerk. The application for such license shall be accompanied by a fee of Twenty-five Dollars (\$25) for each fifty (50) spaces or fraction thereof, but in no event shall the fee exceed One Hundred Dollars (\$100). Such application when made shall be made to the Town Board and must be first approved by the Board before the Clerk shall issue the said mobile home park license. A mobile home park license shall expire January 1 of each year. Applications therefor shall be made by December 1 of each year in the event of a calendar year license, or prior to the establishment or operation of a mobile home park during any calendar year.

3.02 All such mobile home parks in existence on the effective date of this ordinance shall, within ninety (90) days after the effective date of this ordinance, obtain such a license.

SECTION 4. INDIVIDUAL MOBILE HOME PERMIT. In addition to the fees set forth herein, a permit for each non-exempt mobile home located in the Town of Liberty but not within a mobile home park is required. Any person, firm or corporation who intends to move a mobile home into the jurisdiction of the Town of Liberty, and which will be parked outside of a mobile home park is hereby required to make application for a mobile home permit to the Town Clerk. The cost for such permit is Five Dollars (\$5). Such permit shall expire on

January 1 of each year, but may be renewed upon request. The Five Dollar (\$5) permit fee is required to be paid for the original permit, but shall not be required for the renewal of the permit. If a mobile home is to be moved from one location to another, application for a new permit is required before the unit is moved. Such permit shall require the Five Dollar (\$5) permit fee to be paid the same as if an original application for such permit is made.

SECTION 5. ADDITIONAL MOBILE HOMES. Licensees of mobile home parks and owners of land on which are parked any occupied mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Town Clerk in accordance with Sections 66.058(3)(c) and (e), Wis. Stats.

SECTION 6. VIOLATION. Any person who fails to comply with any provision of this ordinance, shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25), together with the costs of prosecution for each violation. Each day of violation shall be regarded as a separate offense.

SECTION 7. SEVERABILITY. In the event any portion of this ordinance is found to be illegal, unconstitutional, or otherwise ineffective by any court of law, then this ordinance shall not be effective as to that specific part; the remainder of the ordinance shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect January 1, 1983, and all ordinance or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except nothing in this ordinance shall be interpreted so as to conflict with state laws or orders regulating

mobile homes or mobile home parks or any of the requirements of any ordinance of the Town of Liberty not mentioned or made inapplicable by the express terms of this ordinance.

PASSED AND APPROVED BY
TOWN BOARD OF TOWN OF LIBERTY

Frederick Bonde
Chairman

Lawrence S. Fisher
Supervisor

Roger D. Rusch
Supervisor

ADOPTED:

Alfred Zutz
Clerk
MAY 10, 1982