

STATE OF WISCONSIN
TOWN OF LINCOLN, VILAS COUNTY
CODE OF ORDINANCES

**ORDINANCE ESTABLISHING A MANUFACTURED/MOBILE HOME COMMUNITY
LICENSE AND MONTHLY MUNICIPAL PARKING PERMIT FEE FOR
MANUFACTURED/MOBILE HOMES**

Title and Purpose

The title of this ordinance is the Town of Lincoln Manufactured/Mobile Home Community License and Manufactured/Mobile Home Monthly Municipal Parking Permit Fee Ordinance.

The purpose of this ordinance is 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 within the town.

The Manufactured/Mobile Home Monthly Permit Fee is a substitute for property taxes on manufactured/mobile homes not taxed as real estate or personal property.

Authority

The town board has the specific authority under §66.0119, 66.0435, 101.645, and 101.935, Wis. Stats., and the town's village powers under §60.22, Wis. Stats., to adopt and enforce this ordinance.

Definitions

- A. Campground means an parcel or tract of land in the town owned by a person, the state, or a local government, that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.
- B. Camping unit means any portable device, no more than 400 square feet in area, used in the town as a temporary or seasonal dwelling, including but not limited to a camping trailer, motor home, bus, van, truck, or tent.
- C. Community means a manufactured/mobile home community.
- D. Licensee means any person licensed to operate and maintain a manufactured/mobile home community.
- E. Licensing authority means the city, town or village herein a manufactured/mobile home community is located.
- F. Manufactured and mobile home community means any plot or plots of ground upon which three or more manufactured homes/mobile homes are located for the purpose of residence and dwelling.

- G. Manufactured home means a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425 and includes any additions, attachments, annexes, foundations, and appurtenances. The term manufactured home does not include a recreational vehicle.
- H. Mobile home means a vehicle manufactured or assembled before enactment of the HUD Code June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "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. "Mobile home" does not include any camping unit.

Provisions

- A. No person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community in the town unless the owner of the land privately owned by the manufactured and mobile home community or the operator of the manufactured and mobile home community has been issued a Town Manufactured/Mobile Home Community License by the town clerk and has full paid the annual license fee under s. 66.0435 (3) (a), Wis. stats., due the town for the calendar year. The license shall be due on January 1st of each year and expire on December 31st of each year.

Application for a license or renewal thereof 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 licensing authority shall collect from the licensee an annual license fee of not less than \$25 nor more than \$100 for each 50 spaces or fraction of 50 spaces within each community within its limits. The annual Town Manufactured/Mobile Home Community License fee shall be posted in the Town of Lincoln Fee Schedule. If the community lies in more than one municipality the amount of the license fee shall be determined by multiplying the gross fee by a fraction the numerator of which is the number of spaces in the community in a municipality and the denominator of which is the entire number of spaces in the community.

- B. 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 manufactured and mobile home community in the town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code that are adopted as part of this ordinance by reference, any

County of Vilas or town zoning ordinance, any town comprehensive plan, this ordinance, and any other applicable town ordinances.

- C. There is hereby imposed on each owner of a non-exempt, privately owned manufactured/mobile home in the Town of Lincoln a monthly municipal parking permit fee as determined in accordance with §66.0435 Wis. Stats. which is hereby adopted by reference and made part of this chapter as if full set forth herein.
- D. The Town of Lincoln Assessor is responsible for placing a fair market value on the manufactured/mobile home(s) and the exempt furnishings. The Town of Lincoln Treasurer is responsible for calculating the annual and monthly municipal permit fees.
- E. For non-exempt, privately owned manufactured/mobile homes located in a mobile home community, the community owner/manager shall have the responsibility of collecting and remitting the proper amount from each mobile homeowner, provided, however, that the mobile homeowner shall bear ultimate responsibility for ensuring that the appropriate fee is timely remitted.
- F. Said fees shall be paid to the Town of Lincoln Treasurer on or before the 15th day of the month following the months for which such fees are due.
- G. Mobile home community owners/managers of land on which are parked privately owned, non-exempt mobile homes or manufactured homes shall furnish information to the Town of Lincoln Treasurer and Town of Lincoln Assessor on such homes added to their community or land, within 5 (five) days after arrival of such homes, on forms prescribed by the Wisconsin Department of Revenue.

As soon as the assessor receives the notice of the addition of a privately owned home to a community, he shall determine its fair market value and notify the Treasurer of the determination. The Treasurer 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 established by 12 (twelve) and notify the mobile home community operator or owner of the monthly fee to be collected from the manufactured home/mobile homeowner. Liability for the payment of the fee shall begin on the first day of the next succeeding month and continue for the months in which the unit remains in the Town of Lincoln.

The mobile home park owner/manager shall provide the Township with a list of all units, names of owners, and mailing addresses within 30 (thirty) days of adoption of this ordinance.

For any new or changed ownership within the 12 (twelve) month period, the monthly municipal parking permit fee shall be prorated.

Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$50.00 plus court costs for the first offense, \$100.00 plus court costs for the second offense, or \$200.00 plus court costs for all subsequent offenses.

Severability

If any provision of this ordinance or its application to any person or circumstance is held in 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.

Adoption of Ordinance

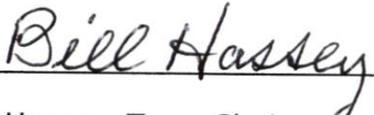
This ordinance, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, formally adopts the Town of Lincoln Manufactured/Mobile Home Community License and Manufactured/Mobile Home Monthly Municipal Parking Permit Fee Ordinance.

This ordinance repeals and replaces all manufactured and mobile home license and monthly parking permit fee ordinances.

Effective Date

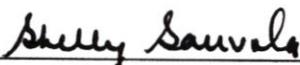
The Town Clerk shall properly post or publish this ordinance under §60.80, Wis. Stats.

Adopted this 9th day of January 2024.



Bill Hassey, Town Chairperson

Attest:



Shelly Sauvola, Town Clerk

DATE ADOPTED: January 9, 2024
DATE PUBLISHED: January 17, 2024
DATE EFFECTIVE: January 18, 2024