

**CHAPTER 7.03 MANUFACTURED AND MOBILE HOME,
CAMPING AND TEMPORARY OR SEASONAL
RESIDENCE REGULATIONS**

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Sec. 7.03.01 **Title**

This Chapter is entitled the Town of Sumpter Manufactured and Mobile Home, Camping and Temporary or Seasonal Residence Chapter.

Sec. 7.03.02 **Purpose**

The purpose of this Chapter is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes, recreational mobile homes, and camping units in the Town, the installation, construction, and maintenance of temporary or seasonal dwellings in the Town, and the construction, installation, operation, and maintenance of manufactured and mobile home parks and campgrounds in the Town to allow the Town 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 to residents within the Town.

Sec. 7.03.03 **Authority**

The Town Board has the specific authority under secs. 66.0119, 66.0435, 101.645 (101.60), and 101.935, Wis. Stats., and the Town's village powers under sec. 60.22(3), Wis. Stats., to adopt and enforce this Chapter.

Sec. 7.03.04 **Definitions**

A. For purposes of this Chapter, the following definitions shall apply:

- (1) Campground. Any 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 four (4) or more camping units, or by one (1) to three (3) camping units if the parcel or tract of land is represented as a campground.
- (2) Camping unit. Any portable device, no more than four hundred (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, recreational mobile home, bus, van, truck, or tent.
- (3) Closed construction. Any building, building component, assembly, or system manufactured in such a manner that it cannot be inspected

before installation at the building site without disassembly, damage, or destruction.

- (4) Manufactured and mobile home community. Any plot or plot of grounds upon which three (3) or more manufactured homes, or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for the accommodation.
- (5) Manufactured dwelling. Any structure or component of a structure that is intended for use as a dwelling and is any of the following:
 - (a) Of closed construction that is fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or
 - (b) Of open construction that is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.
 - (c) Manufactured dwelling does not include any of the following:
 - (i) A building of open construction that is not subject to Section 7.03.04(A)(5)(a).
 - (ii) A single or double width manufactured home or mobile home.
 - (iii) A camping unit.
- (6) Manufactured home. Manufactured home has the meaning given in sec. 101.91(2), Wis. Stats., and includes any additions, attachments, annexes, foundations, and appurtenances.
- (7) Mobile home. Mobile home has the meaning given in sec. 101.91(10), Wis. Stats., and includes any additions, attachments, annexes, foundations, and appurtenances.
- (8) Motor home. A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- (9) Open construction. Any building, building component, assembly, or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage, or destruction.

- (10) Recreational mobile home. Recreational mobile home means a prefabricated structure that is no larger than four hundred (400) square feet, or that is certified by the manufacturer as complying with the code promulgated by the American National Standards Institute as ANSI A119.5, and that is designed to be towed and used primarily as temporary living quarters for recreational, camping, travel, or seasonal purposes.
- (11) Temporary or seasonal dwelling. Any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling, mobile home, recreational mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the Town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreation, camping, hunting, fishing, or travel on a temporary or seasonal basis. Temporary or seasonal dwelling does not include any of the following:
- (a) A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.
 - (b) A manufactured dwelling, mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.
 - (c) Any hotel, tourist rooming house, motel, inn, or bed and breakfast establishment as defined in sec. 254.61, Wis. Stats.
 - (d) Any structure or dwelling constructed or installed and in compliance with the One- and 2-Family Dwelling Code, subch. II of ch. 101, Wis. Stats.
 - (e) A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community-based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connections to properly service the projected occupants of these facilities, as determined in writing by the Town Board, and with sufficient and proper minimum sleeping room square footage and total square footage to properly service the projected occupants as determined by the Town Board or its designee.

Sec. 7.03.05 **Maintenance and Habitability**

- A. Wrecked, damaged, or dilapidated temporary or seasonal dwellings, manufactured homes, mobile homes, recreational mobile homes, or camping units shall not be allowed in the Town. The Town or its designee shall determine if a unit is damaged or dilapidated to a point that makes it unfit for human occupancy. The Town or its designee shall have the right to inspect any unit that it has reason to believe is uninhabitable. If, after inspection, the Town determines that a unit is uninhabitable it shall notify, in writing, the owner of the property upon which such a unit is located, giving the findings upon which such a determination is based and shall order the owner of the property upon which the unit is located to remove or repair the unit to a safe, sanitary, and wholesome condition within a reasonable time, but not less than fifteen (15) days. The Town may order that no such unit may be used for habitation until such time that it is restored to a safe condition. Uninhabitable units are hereby declared to be a public nuisance. Uninhabitable conditions include, but are not limited to:
- (1) Structural deficiencies such as deteriorated floors, buckled walls, and deteriorated roofs.
 - (2) Electrical hazards such as bare wires, improper or unsafe connections, unprotected cables, conductors, open splices, etc.
 - (3) Improper plumbing and/or leaking fixtures.
 - (4) Mechanical hazards such as unvented or improperly vented gas appliances.
 - (5) Unsafe stoves, fireplaces, or heaters that pose a fire hazard.
 - (6) Presence of mold or mildew.
 - (7) Faulty weather protection including leaks in the roof, broken windows, damaged siding, etc.
- B. The Town is authorized to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety, and welfare of the park occupants and the inhabitants as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the state and ordinances of the municipality.

Sec. 7.03.06 **Temporary and Mobile Home Dwellings Outside Manufactured and Mobile Home Communities**

- A. No person on any parcel of land in the Town outside of a licensed manufactured and mobile home community may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any temporary or seasonal dwelling, manufactured home, or mobile home. No person may occupy or permit the occupancy of any temporary or seasonal dwelling, manufactured home, or mobile home, or recreational mobile home outside of a licensed manufactured or mobile home community.
- B. This section does not apply to any of the following:
- (1) Any mobile home or manufactured home parked temporarily at a place approved in writing by the Town Board and licensed by the State of Wisconsin to sell manufactured homes or mobile homes.
 - (2) Any camping unit parked or installed in a properly licensed campground.
 - (3) Any camping unit or recreational mobile home occupied for temporary or seasonal habitation outside of a licensed campground if parked or otherwise located on private property in a safe location with the approval of the owner of the property where parked or located for less than thirty (30) days in a calendar year.
 - (4) Any unoccupied camping unit or recreational mobile home parked or otherwise located outside of a licensed campground if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.
 - (5) Any unoccupied camping unit parked or installed temporarily at a place approved in writing by the Town and licensed by the State of Wisconsin to sell camping units in the Town.

Sec. 7.03.07 **Manufactured and Mobile Home Communities**

- A. Except for any manufactured and mobile home community owned or operated by the County of Sauk, no person 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 occupied by the manufactured and mobile home community or the operator of the manufactured and mobile home

community has been issued a Town Manufactured and Mobile Home Community License by the Town Clerk and has fully paid the annual license fee under sec. 66.0435(3)(a), Wis. Stats., due the Town for the calendar year.

- 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 Chapter by reference, any County of Sauk zoning ordinance, any Town comprehensive plan, this Chapter, and any other applicable Town ordinances.
- C. Except as provided in Section 7.03.07(C)(1), no person, after the effective date of this ordinance, may install, operate, park, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured home, manufactured dwelling, mobile home, recreational mobile home, or camping unit in any manufactured and mobile home community in the Town without timely payment of the monthly parking permit fee as determined under sec. 66.0435(3)(c), Wis. Stats. The manufactured and mobile home community licensee shall collect and timely pay the fee to the Town Clerk, pursuant to sec. 66.0435(3)(c), Wis. Stats. Any manufactured and mobile home community operator or owner who collects monthly parking permit fees may deduct for administrative expenses two (2%) percent of the monthly fees collected prior to payment to the Town Clerk. Fees shall be collected by the licensee by the first (1st) of each month and paid to the Town Treasurer by the tenth (10th) of each month. The manufactured and mobile home community licensee is liable for the monthly municipal 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 licensing authority has failed, in an action under ch. 799, Wis. Stats., to collect the fee from the owner and occupant of the unit. Failure to comply with the requirements of this section shall subject the person to a forfeiture of twenty-five (\$25.00) dollars. Each failure to report is a separate offense.
 - (1) Section 7.03.07(C) does not apply to any manufactured home, manufactured dwelling, mobile home, or camping unit that is any of the following:
 - (a) An improvement to real property under sec. 70.043(1), Wis. Stats.

- (b) A recreational mobile home as defined in sec. 66.0435(1)(hm), Wis. Stats.
 - (c) A camping trailer as defined in sec. 340.01(6m).
- D. Any licensed, manufactured and mobile home community operator or owner of land on which a manufactured and mobile home community is located shall timely notify the Town Clerk of information requested in writing by the Town Clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the manufactured and mobile home community within five (5) days after written request from the Town Clerk. The information requested shall be on a form provided by the Town Clerk.
- E. No person may, in any manufactured and mobile home community in the Town, create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the mobile home park.
- F. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community unless the manufactured and mobile home community meets the following minimum construction, installation, and maintenance standards for the community and for every mobile home, manufactured home, manufactured dwelling, or camping unit to be installed or maintained in the mobile home park:
 - (1) There shall be one (1) parking space for each trailer in such parks, and such parking space shall be graveled or paved with concrete or bituminous material or the mobile home placed on a foundation. The space shall be provided with six (6) tie-down anchors.
 - (2) There shall be additional parking spaces for automotive vehicles within such park, surfaced as required above, equal to not less than two (2) parking spaces for each trailer space.
 - (3) No unlicensed vehicles shall be stored in a park.
 - (4) Each trailer parking space shall be not less than ten (10) feet wide nor of less length than the length of the trailer to be parked therein plus five (5) feet; each automobile parking space shall be not less than

nine (9) feet wide and one hundred sixty (160) square feet in area, exclusive of maneuvering and access space.

- (5) There shall be a system of driveways, surfaced as required by Section 7.03.07(F)(1) above providing access from each and every trailer 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 (1) such park.
- (6) Each trailer space shall be separated from all other trailer 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 be not less than fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.
- (7) 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 twenty-five (25) feet wide. Within such yard there shall be established within six (6) months after issue of the permit for the location of such park, the following plantings:
 - (a) A temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more, such as Lombardy Poplar; and
 - (b) A permanent evergreen planting, such as White or Norway Pine, the individual trees to be of such a number and so arranged that within ten (10) years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
- (8) It shall be a condition of the granting of a permit for the establishment of any such mobile home park, and a continuing condition for the operation of the same, that:
 - (a) All parking spaces, walks, and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas.
 - (b) That the planting screen required by Section 7.03.07(F)(6) be established and maintained.

- (c) That sanitary facilities at least equal to the requirements of the State Board of Health be established and maintained.
 - (9) Each mobile home space shall have a minimum size of five thousand (5,000) square feet with a minimum width of fifty (50) feet.
 - (10) There shall be a weekly solid waste disposal collection service for each space. No refuse, garbage, or waste shall be allowed to accumulate in the park. Mattresses, interior furniture, and property shall not be allowed to accumulate in the open.
 - (11) Each mobile home park shall set aside at least five (5%) percent of the total area for a recreation area. This shall be in addition to yard open spaces. The area shall be provided with play equipment, furnished and maintained by the park owner.
 - (12) All mobile homes shall meet the construction standards of the Mobile Home Manufacturers Association and all federal, state, and local codes.
 - (13) No mobile home park operator may require that only mobile homes purchased from him be placed in the park, or sold to him when the mobile home owner moves out of the park.
 - (14) Domestic animals shall not roam free in the park and park shall be reasonably clean of domestic animal waste.
- G. No manufactured and mobile home community, after the effective date of this ordinance, may be occupied at anyone time by more than fifteen (15) mobile homes, manufactured homes, recreational mobile homes, or camping units, or a combination thereof, installed, maintained, or parked in the manufactured and mobile home community. Manufactured dwellings shall be permitted for installation in a manufactured and mobile home community only upon written approval of the Town Board. No other buildings or structures are to be constructed, installed, or used in the manufactured and mobile home community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the Town Board.
- H. The Town reserves the right to place special charges or special assessments on the land where the manufactured and mobile home community is located to defray the costs to the Town of services and materials furnished to the mobile home park.

Sec. 7.03.08 **Campgrounds**

No person, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under sec. 254.47, Wis. Stats.

Sec. 7.03.09 **General License and Permit Provisions**

- A. No person may conduct or cause any activity or use enumerated in this Chapter without a license or permit required in this Chapter.
- B. Application for a license or permit under this Chapter shall be made to the Town Clerk on a form furnished by the Town. The application shall contain such information as may be required by the Town Board.
- C. All license or permit fees imposed under this Chapter shall be collected by the Town Clerk and paid into the Town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant. The license or permit fee will be set by resolution of the Town Board and will be maintained by the Town Clerk for inspection upon request.
- D. A license or permit under this Chapter may be issued by the Town Clerk, with the approval of the Town Board. If the Town Clerk has reason to believe that the applicant is not a fit person to be granted the license or permit, that the conduct, use or activity is not in compliance with federal or state law or regulations or any county, extraterritorial, or Town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the Town Clerk shall refer the license or permit to the Town Board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the Town Clerk, with the approval of the Town Board, denies the license or permit, an appeal may be made by the applicant in writing to the Town Clerk within five (5) days after the date of the denial. Upon receipt of a written appeal, the Town Clerk shall set a public hearing before the Town Board not less than ten (10) days after receipt of the written appeal and provide written notice of the hearing to the applicant. At the hearing the applicant is entitled to be represented by counsel. After hearing the evidence, the Town Board may confirm or reverse the denial. The determination of the Town Board is final.

- E. All licenses or permits issued under this Chapter shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the Town upon request.
- F. It is a condition of holding a license or permit under this Chapter that the licensee or permittee fully comply with all federal and state laws or regulations and all county, extraterritorial, and Town ordinances. Failure to do so is cause for revocation of the license or permit.
- G. All licenses or permits issued under this Chapter are personal and are not transferable except by written approval of the Town Board.
- H. Any license or permit issued under this Chapter may be revoked for cause by the Town Board. Any licensee or permittee whose license or permit is so revoked may apply within five (5) days after the revocation for a public hearing before the Town Board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under s. 985.07, Wis. Stats., prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the Town Clerk prior to publication. After hearing the evidence, the Town Board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension. The determination of the Town Board shall be in writing, shall state the reasons for the Board's action, and is final.

Sec. 7.03.10 **Penalty Provisions**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.