

CHAPTER 32
TOWN OF RUTLAND

ORDINANCE NO. 89-07
MOBILE HOME ORDINANCE

THE TOWN BOARD OF THE TOWN OF RUTLAND DOES ORDAIN AS FOLLOWS:

DEFINITIONS

For the purposes of this section:

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

(b) "Licensing authority" means the city, town, or village 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.

(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 2 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.

LICENSE AND REVOCATION OR SUSPENSION THEREOF

It shall be unlawful for any person to maintain or operate within the limits of the Town of Rutland, any mobile home park unless such person shall first obtain from the town a license therefor. All such parks in existence on August 9, 1953 shall within 90 days thereafter, obtain such license, and in all other respects comply fully with the requirements of this section except that the licensing authority shall upon application of a park

operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the Town of Rutland or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

APPLICATION FOR LICENSE

An application for each such license shall be filed in writing with the Clerk of said town, which application shall disclose:

- (a) The name and address of applicant.
- (b) The citizenship and age of applicant if a natural person; the name, address, including street and number, if any, and the citizenship and age of each partner or member of applicant, if a partnership or firm; or the name, address, including street and number, if any, the citizenship, age and designation of each officer and director of applicant, if a corporation; also the name and address of the registered agent of the corporation within this State upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.
- (c) The state of incorporation of a corporate applicant, and if such state be other than Wisconsin, a statement that applicant is duly authorized to do business in Wisconsin.
- (d) The name under which such mobile home park will be maintained and operated; a description of its location and a sketch showing area and improvements, and an explanation of the method of operation that will be used if a license is issued.

LICENSE FEE

All licenses issued under this ordinance shall be issued by the Town Board and shall be effective from the date of issue to the next succeeding first day of January, unless sooner revoked, as in this Ordinance provided. Application for renewal of a license shall be filed in the same manner as the application for original license. The fee for each license or renewal of license shall be the sum of One Hundred Dollars (\$100.00) for each Fifty (50) spaces or fraction thereof, and such fee shall accompany the application. In the event there shall be a period of less than one year from the date of application to the first day of January of the next succeeding year, then the license fee shall be prorated for the number of months after the date of such application to said first day of January of the next succeeding year. For the purpose of computing license fee for such period of less than one year, the date of application shall be regarded as the first day of the month next succeeding the date of application unless such application be made on the first day of a month, in which event such first day of said month shall be considered as the date of application. No license shall be transferable either as to location or holder thereof.

(b) No licenses shall be issued by said Town Board in excess of the number hereinafter stated. Nothing herein contained shall be construed to make mandatory the granting of licenses to the number herein designated, the Town Board specifically retaining full right in its discretion under all circumstances existing to issue or to refuse to issue licenses to any applicant.

(c) No license shall be issued for any mobile home park for more than Fifty (50) spaces in such park, and the number of mobile home units that may be parked in any one mobile home park shall, at no time, exceed the number of mobile homes designated in such license. The limitation herein set forth in respect to the number of mobile home units in any one park shall not be applicable to a licensee who presently holds a valid license for the parking of mobile home units in a park in excess of such limitation, but the limitation applicable to such licensee shall be the number of mobile home units for which he is presently licensed.

(d) In the event an application is received accompanied by the One Hundred Dollars (\$100.00) as heretofore mentioned and said license shall not be granted, either because the full number of licenses authorized by this Ordinance has already been issued, or for any other reason within the discretion of the Town Board, then said sum of One Hundred Dollars (\$100.00) shall be returned to said applicant with notice that his application has been denied.

QUALIFICATIONS OF APPLICANT

No license shall be issued unless the applicant, if a natural person, or if a firm then all partners or members thereof, or if a corporation then all officers and directors thereof, is an adult citizen of the United States and of good moral character, and if the applicant is a corporation, unless it is authorized to do business in Wisconsin, and unless the applicant agrees to maintain and operate such mobile home park under conditions specified in this Ordinance, which agreement shall be deemed made by the applicant by acceptance of such license. The Town Board shall not issue such license unless it approves the location and improvements and proposed method of operation of such mobile home park as set forth in the application.

MAINTENANCE & OPERATION

Every such mobile home park, including all premises in connection therewith, shall be maintained and operated so as to meet the following conditions:

(a) No immoral or disorderly conduct shall be allowed on said premises.

(b) Every park shall comply with Wisconsin Administrative Code, Chapter H-77, which is incorporated herein and adopted by reference.

(c) The premises shall be subject to reasonable inspection by the Town Board, or any member thereof, at any time.

REVOCATION

The Town Board may at any time revoke any license issued under the provisions of this Ordinance, after due hearing as hereinafter provided, for any or all of the following reasons:

- (a) A false statement made in the application.
- (b) Failure of the licensee to maintain such mobile home park and operate the same as set forth in the application and the provisions of this Ordinance.
- (c) Violation of any of the conditions of this Ordinance by the licensee, his agents, servants, employees, customers or invitees.
- (d) Failure of the licensee to maintain the qualifications required.
- (e) Failure of the licensee to timely pay fees and assessments as required by this Ordinance.

Notice of hearing to revoke a license shall be given to the holder of such license Ten (10) days before the date of hearing by delivering a copy of such notice to the licensee personally or by mailing a copy of such notice to the licensee at his address stated in his application for license. In case the licensee is a corporation, delivery of such notice to any officer thereof, or mailing a copy of such notice to the registered agent of said corporation at the address given in the application for license, Ten (10) days before the date of hearing shall be deemed sufficient notice of said hearing. In the event of revocation of a license, no refund of license fee shall be made and the Town Board may refuse to grant another license for such length of time as it deems advisable.

MONTHLY PARKING FEE

(a) The monthly parking fee for each qualified mobile home shall be determined in accordance with Sec. 66.058, Wis. Stats. as amended by Chapters 366 and 495 of the Laws of Wisconsin, 1969.

(b) The licensee of each mobile home park shall be responsible for the collection and remittance to the licensing authority of all monthly parking fees due hereunder.

(c) In the event any mobile homes are added to the park after the original application for license hereunder, it shall be the duty of the licensee to notify the licensing authority within Five (5) days after the arrival of said additional mobile homes within the license premises.

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

TRANSFER OF LICENSE

No license shall be transferred except upon approval of the licensing authority and the payment of a Twenty-Five (\$25.00) transfer fee.

MOBILE HOMES OUTSIDE LICENSED MOBILE HOME PARKS

No mobile home, while used as living quarters, shall be parked or stationed in any place within the limits of the Town of Rutland except in a licensed mobile home park, unless a special permit for limited use shall be granted as provided herein.

SPECIAL PERMITS

The Building Inspector or Town Board of said Town may, on written application, cause to be issued a special permit for occupancy of a mobile home as living quarters outside a licensed mobile home park only under the following circumstances:

(a) If the applicant for such permit shall be the recipient of a building permit for a new or remodeled residence and it is **necessary** that such applicant be living on the premises during the period of construction or remodeling, then the Building Inspector or Town Board may issue such permit for a period not to exceed Six (6) months, provided that prior to such issuance they are satisfied that all health regulations in respect to water, sewage disposal and sanitation are, and will be, fully satisfied by provision either on the premises or by use of facilities (under permission) on adjoining premises. The Building Inspector or Town Board may, in their discretion, reissue such permit for an additional period when the construction program necessitates.

(b) If the applicant for such permit shall be the owner of or bona fide tenant of a mobile home now (on the date of enactment of this Ordinance) situated and occupied as living quarters outside a licensed mobile home park, an application for a special permit shall be made within Thirty (30) days of the date of the enactment of this Ordinance; the Building Inspector or Town Board may issue such permit for continued location on the space where such mobile home is now situated, provided that the Building Inspector or Town Board are satisfied that all health regulations in respect to water, sewage disposal and sanitation are and will be satisfied by proper provision on the premises or by use of facilities (under permission) on adjoining premises.

(c) Each Special permit for occupancy of a mobile home as living quarters outside of a licensed mobile home park under either (a) or (b) above shall bear a number and shall remain in force and effect only for the period designated and shall be immediately void upon the expiration of such period or the failure of the applicant to pay the monthly permit fee required to be paid mobile home occupants or licensees under the provisions of this Ordinance.

(d) The special permit to be issued by virtue of the provisions of (b) above shall and may be issued only in respect to a specific mobile home which is, on the date of the enactment of this Ordinance and has prior thereto been, located and occupied for living quarters on a site within the Town of Rutland, and shall be given only in respect to the premises now occupied by said mobile home and shall not be effective in the event of the removal of said mobile home to another or different location in the Town.

PARKING PERMIT FEES

All parking permit fees for mobile homes located outside the confines of a licensed mobile home park shall be levied and collected in the same manner and method as are applicable to mobile homes within a licensed mobile home park.

VALIDITY

If any provision of this Ordinance, or the application thereof, to any person or circumstance, is held unconstitutional or invalid for any reason, the remainder of Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

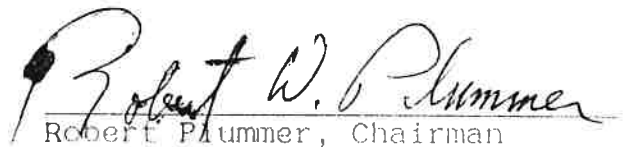
EFFECTIVE DATE

This Ordinance shall be posted and published and shall take effect on the day following publication.


PENALTIES

Any person who shall violate any of the provisions of this Ordinance shall, upon adjudication to that effect, forfeit to said Town not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) as determined by the Court in the action for the collection thereof, together with the costs of such action and, in default of payment thereof, in the case of an individual, shall be imprisoned in the County Jail for such time, not exceeding Thirty (30) days, as said Court shall determine, unless the judgment is sooner paid. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

Dated this 5th day of July, 1989.


Robert Plummer, Chairman

Attested to:


Dawn George, Clerk

Posted: July 8, 1989

Published: July 13, 1989