

ORDINANCE NO. 23-03

ORDINANCE ESTABLISHING A MONTHLY PARKING PERMIT FEE FOR MOBILE HOMES, RESTRICTING THE PARKING AND LOCATION OF MOBILE HOMES, LICENSING AND REGULATING MOBILE HOME PARKS AND MOBILE HOMES

WHEREAS, the Town Board recognizes that mobile home parks allow for affordable and effective housing for the citizens of the Town of Worcester, and the Town Board simultaneously recognizes that mobile home parks, by virtue of persons living very closely to each other create unique concerns regarding safety and health of the occupants;

WHEREAS, the Town Board recognizes the need for an ordinance enforcing minimum standards for mobile home parks to promote public health, safety and welfare, establishing requirements for design, construction, alteration, extension and maintenance of mobile home parks to promote public health, safety and welfare, establishing requirements for design, construction, alteration, and maintenance of mobile home parks and related facilities, authorizing the inspection of mobile home parks, regulating the location of mobile homes, and fixing penalties for violations, consistent with Wisconsin Statute Sections 66.0435 and 66.058, and Wisconsin Administrative Code Section COMM 26.

THEREFORE, the Town Board of Supervisors of the Town of Worcester ordains as follows:

Section 1: Ordinance No 23-03 of the Municipal Code of the Town of Worcester is hereby created to read as follows:

Ordinance No. 23-03. MONTHLY PARKING PERMIT FEE FOR MOBILE HOMES, RESTRICTING THE PARKING AND LOCATION OF MOBILE HOMES, LICENSING AND REGULATING MOBILE HOME PARKS AND MOBILE HOMES.

- (a) DEFINITIONS. The following definitions shall apply to this Section.
 - 1) "Mobile Home Park" is defined as any plot or plots of ground upon which three or more manufactured homes/mobile homes are located for the purpose of residence and dwelling.
 - 2) Statutory Definitions. The definitions contained in Wisconsin Statute Section 66.0435(1) are adopted by reference.
- (b) ADOPTION OF STATE STATUTES. To the extent not otherwise inconsistent with the provisions of this Ordinance, the provisions of Wisconsin Statute Sections 66.0435 and 66.058, and Wisconsin Administrative Code Section COMM 26 are adopted by reference.
- (c) LOCATION OUTSIDE MOBILE HOME PARKS.
 - 1) It shall be unlawful except as provided in this Ordinance, for any person to park a mobile home on any street, alley or highway, or other public place, or on any tract of land owned by any person within the Town of Worcester.
 - 2) Emergency or temporary stopping or parking is permitted on a street, alley or highway for not longer than six (6) hours and is subject to other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances of that street, alley or highway.
 - 3) No person shall park or occupy any mobile home on any premises which is situated outside an approved park, except under special permit as provided in this Ordinance.

- 4) After January 1, renewal of unoccupied mobile homes will be reviewed by the Town Board.
- (d) PERMIT FOR LOCATION OUTSIDE OF PARK.
- 1) The Town Board may issue special written permits allowing the location of a mobile home outside a park. The person to whom such permit is granted shall be subject to the parking permit fee as provided in this Ordinance. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued.
 - 2) All provisions of the Ordinance governing the location, use and sanitation of mobile homes located in a licensed park shall so far as they are applicable apply to any mobile home located outside of such park.
- (e) PERMANENT OCCUPANCY. Any action, other than the removal of wheels, to attach the mobile home to the ground by means of posts, piers or other permanent means shall subject the mobile home to the requirements of any building code as well as this Ordinance.
- (f) LICENSE FOR PARK: APPLICATION AND ISSUANCE.
- 1) A license to operate a mobile home park, pursuant to this Ordinance, must be procured from the Town Board prior to any person establishing, operating or maintaining or permitting to be established, operated or maintained upon any property owned, leased or controlled within the limits of the Town of Worcester. Such license shall expire in January of each year and may be renewed under the provisions of this Ordinance for additional periods of one (1) year.
 - 2) Application for a license or a renewal thereof shall be made on a form furnished by the Town, and shall include name and address of the owner in fee of the tract if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by them to construct or maintain the park and make the application, and such a legal description of the premises, upon which the park is or will be located as will readily identify and definitely locate the premises. Initial application shall be accompanied by two (2) copies of the park plan showing the following, either existing or as a proposed: (1) the extent and area used for park purposes; (2) roads and driveways; (3) location of lots for mobile homes, (4) location and number laundry and utilities rooms, if provided, to be used by occupants of the mobile homes; (5) method and plan of sewage disposal; (6) method and plan of garbage disposal; (7) plan for water supply; (8) plan for electricity; (9) plan for the lighting of the mobile home park; and (10) plan for septic and drain field facilities.
 - 3) The Town Clerk shall collect from the Licensee for each mobile home park an annual fee of \$25.00 if less than 20 lots, \$100.00 for more than 20 lots and \$10.00 for each transfer of a license as per Statute 66.0435(3)(a) and (b), Wisconsin Statutes.
 - 4) Such license or permit issued under this ordinance may be revoked for cause by the Town Board. Any licensee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the Town Board. At the hearing, the licensee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 notice under Statute 985.07, of Wisconsin Statutes, prior to hearing, with the costs for publication and public hearing paid by the licensee 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. See Statute 66.0435(2) (d), Wisconsin Statutes.

(g) INSPECTION AND ENFORCEMENT.

- 1) No mobile home park license or permit for location outside of a licensed park shall be issued until the Town Clerk notifies the County Health Officer and appropriate fire department or their authorized agents of such application and these officials inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Town Board in writing the information describing such investigation, and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
- 2) All mobile homes shall have skirts around the entire mobile home made of plastic fiberglass or other comparable noncombustible material approved by the Town and shall be of a permanent color or painted to match the appropriate mobile home so as to enhance the general appearance thereof.
- 3) Any storage building in a mobile home park shall be anchored.
- 4) Before a mobile home may be occupied, the owner shall secure the inspection and approval of the Town regarding compliance with these regulations.
- 5) No license shall be renewed without a re-inspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right and are hereby empowered to enter onto any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations in connection therewith at any reasonable time.

(h) PARK PLAN.

- 1) Original park plans, as submitted to the Town of Worcester upon application for the initial license to operate which are on file with the Town, shall be grandfathered.
- 2) Every mobile home or mobile home park shall be located on a well-drained area, and the premises shall be properly graded to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in an area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.
- 3) Mobile home lot space shall be numbered and clearly defined; it shall consist of a minimum of 4,500 (50 x 90) square feet and a width which provides 10' clearance from the lot line on both sides and the rear of adjacent mobile homes and all other structures.
- 4) The park shall be so arranged that all lot spaces shall face or abut to a driveway of not less than 15 feet in width, providing easy access from all units to a public street. Such driveway shall be maintained in good condition.

(i) WATER SUPPLY, PLUMBING, ELECTRICAL, AND BUILDING ORDINANCES.

- 1) The well or wells supply the park and all mobile homes shall comply with the rules and regulations of the State Board of Health and the Department of Natural Resources.
 - 2) An adequate supply of pure water and adequate water pressure shall be furnished for all drinking and domestic purposes in all parks in compliance with State Board of Health and the Department of Natural Resources.
 - 3) All plumbing, electrical, building and other work in any park licensed under this ordinance shall be in accordance with the ordinances of the Town and the requirements of the State of Wisconsin plumbing, electrical and building codes and the regulations of the State Board of Health.
- (j) WASTE AND GARBAGE DISPOSAL.
- 1) It is the responsibility of the park owner to make provisions for the regular collection of all solid waste generated by the park.
 - 2) Every mobile home unit shall have a substantial fly-tight and water-tight garbage receptacle from which the contents shall be removed and disposed of in a sanitary manner under the direction of the park custodian at least once per week.
- (k) MANAGEMENT. It is the duty and responsibility of the person in charge, together with the licensee to:
- 1) Maintain a tenant register which is complete with the following information and open at all times to inspection by state and federal officers as well as to a member of the Town Board: (1) Names and addresses of all occupants; (2) number of school age children; (3) dates of entrance and departure of the mobile home; and (4) list of dogs, owners and lot numbers.
 - 2) Maintain the park in a clean, orderly and sanitary condition at all times.
 - 3) Maintain and plow of all streets.
 - 4) Notify all residents of storm shelter locations and evacuation procedures; provide to the Town.
 - 5) Provide to the Town the 24/7 contact person - name, address and telephone number - responsible for providing park management support ready to address tenant concerns, answer questions or resolve crisis needs.
 - 6) Ensure the provisions of this ordinance are enforced and complied with, and that any violations of this ordinance or other violations of the law are immediately brought to the attention of the proper authorities.
 - 7) Report to the County Health Officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
 - 8) Collect monthly parking permit fees as provided for in this Ordinance and maintain a ledger showing the names of the persons paying said service charges, the amount and the date paid. The Town can request a list monthly that provides lot number, resident name, and the amount of tax collected and the application of lottery credit.
 - 9) All fires must be attended at all times, by a responsible person equipped with either an operable garden hose or fire extinguisher. All fires must be extinguished before such person leaves the site.
 - 10) No burning shall take place in any street right-of-way. Approved burning shall take place 30' or more from any structure, flammable liquid or other material which constitutes a potential fire hazard.
- (l) MUNICIPAL PERMIT FEES.

- 1) Each owner or operator of a mobile home park, licensed herein, must pay a full monthly parking permit fee as determined in accordance with 66.0435(3) Wisconsin Statutes, on each occupied mobile home, which is parked in such park at any time during the month. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home and to pay to the Town Treasurer such parking permit fees on or before the 10th of each month, following the month for which such fees are due, in accordance with the terms of this ordinance and town regulations as determined by the Town Treasurer.
- 2) The monthly municipal permit fee is applicable to units moving into the mobile home park any time during the year. The mobile home park operator is to furnish information to the municipal clerk and assessor on units added to the mobile home park with 5 days after their arrival, using forms prescribed by the Department of Revenue as provided by the Town clerk or assessor, who, in accordance with Wisconsin Statute 66.90435, will notify the park operator of the monthly municipal permit fee to be collected from the unit's owner.
- 3) A mobile home park operator who collects a monthly municipal permit fee from a unit owner may deduct, for administrative expenses, 2 percent of the monthly fee collected.
- 4) Owners of land on which a mobile home is parked outside of licensed mobile home parks, in accordance with this Ordinance, shall pay on January 10th and on July 10th all fees owed for the 6 months ending on the last day of the month preceding the date when payment was due. See Statute 66.0435(3) (e) Wis. Stats.
- 5) Failure to pay the required fee under paragraph (1), (2) and (4) above shall be treated like a default in payment of personal property taxes and shall become subject to all procedures and penalties applicable under Statutes 70 and 74, Wisconsin Statutes.
- 6) Late payment of required fee submitted after the 10th of the month following collection is subject to 1% interest retroactive to the first day of the month following collection as well as the violation penalty.
- 7) The monthly parking permit fee shall be computed as follows: the assessor shall determine the total fair market value of each occupied mobile home subject to the fee. The fair market value, minus the tax exempt household furnishing thus established, shall be equalized to the general level of assessment of 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 first reduced by any applicable credits allowed by the legislature. The total annual parking permit fee thus computed shall be divided by twelve and shall represent the monthly parking permit fee. The fee shall be applicable to any mobile homes moving into the mobile home park any time during the year.

(m) REVOCATION AND SUSPENSION.

- 1) The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with 66.0435(2) (d) Wisconsin Statutes.

(n) PROSECUTION. Upon learning of any violation of this Ordinance, the Town may do one or more of the following:

- 1) Cause the violator to be served with a notice, informing the violator of the violation and giving the violator a date by which the violation must be abated or corrected.
- 2) Refer the violation to the Town Board, which may investigate the violation, hold meetings with the violator, and take whatever steps it feels necessary and prudent to abate or correct the violation.
- 3) Refer the violation to the town's attorney for prosecution.

(o) PENALTIES FOR VIOLATION.

- 1) As per 66.0435(3) (h), Wisconsin Statutes, failure to comply with the reporting requirements of this ordinance will result in a fine of up to \$25; each failure to report is a separate offense. Each day that an owner or an operator of a mobile home park remains noncompliant shall constitute a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations and/or the costs of prosecution.

Section 2: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction or by any agency or of any kind by anyone else, the remainder of this Ordinance shall not be affected.

Section 3: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall take effect and be in effect after passage and publication according to law.

APPROVED:



Paul Precour, Town Chair

ATTEST:



Alli Mathys, Clerk/Treasurer

Adopted: 12/19/2023
Approved: 12/19/2023
Published: 01/11/2024
Attest: 12/19/2023