

ORDINANCE NO. 81-1

**ORDINANCE REGULATING THE PARKING, LOCATING, USE, LICENSING
AND ASSESSING OF MOBILE HOMES AND MOBILE HOME PARKS**

**THE TOWN BOARD OF THE TOWN OF ASHFORD, FOND DU LAC COUNTY,
WISCONSIN , PURSUANT TO THE AUTHORITY OF SEC. 66.058 OF THE
WISCONSIN STATUTES, DOES ORDAIN AS FOLLOWS:**

SECTION 1: DEFINITIONS

- (a) "Mobile Home" means any eating, sleeping or living unit which was originally designed or constructed to be transported by any motor vehicle over the public highways, together with any auxiliary additions, attachments, annexes, foundations and appurtenances to or for the same.
- (b) "Mobile Home Park" means any space or plot of ground upon which two (2) or more mobile homes are located, regardless of whether or not a charge is made for the use of such space or plot.
- (c) "Town" means the Town of Ashford, Fond du Lac County, State of Wisconsin.

SECTION 2: MOBILE HOME PARKS IN TOWN

It shall be unlawful for any person, firm or corporation to establish, maintain or operate a mobile home park within the Town unless a license to establish and operate such park has been issued by the Town Board.

SECTION 3: MOBILE HOMES IN TOWN

Except as provided in this Ordinance, it shall be unlawful for any person, firm or corporation to place, keep or maintain any mobile home within the Town for eating, sleeping or living purposes.

SECTION 4: MOBILE HOME PARKS

Any person, firm or corporation proposing to establish, maintain or operate a mobile home park within the Town shall first apply for and receive a license from the Town Board under this ordinance.

SECTION 5: MOBILE HOME PARK APPLICATION

Every applicant for a license to maintain or operate a mobile home park within the Town shall file with the Town Clerk an original application in writing, signed by the applicant and containing the following:

- (a) The name and address of the applicant.

- (b) The location and legal description of the proposed mobile home park.
- (c) The name and address of the owner of the mobile home park.
- (d) A complete plan of the park showing the location of driveways, parking spaces for mobile home units, sewer facilities, water facilities, lighting facilities, administration facilities and other matters required by the Ordinance of the Town, the ordinances of Fond du Lac County, the Wisconsin Statutes or the Wisconsin Administrative Code.
- (e) The name and address of the owner of each parcel of land lying within one thousand (1,000) feet of the boundaries of the proposed mobile home park.
- (f) A financial statement showing the ability of the applicant to purchase the mobile home park site and to provide for the construction of the improvements and facilities required to comply with the provision of Section 7 of this Ordinance.

SECTION 6: PUBLIC HEARING ON MOBILE HOME PARK LICENSE APPLICATION

- (a) Upon the filing of the mobile park application with the information required therein, together with a filing fee of \$100.00 to cover the expenses of a hearing, the Town Clerk shall cause a notice of hearing to be published in a newspaper having a general circulation in the area of the proposed mobile home park as a Class 2 notice, and to be mailed to each of the property owners living within one thousand (1,000) feet of the proposed Park, with the first publication and mailing to be at least fifteen (15) days before the date of the hearing
- (b) The hearing shall be held at the place customarily used as the Town Hall.
- (c) Within twenty (20) days after the close of the hearing, the Town Board shall determine if the applicant is entitled to a license under the provision of this Ordinance, but such license shall not be issued by the Clerk until the applicant has complied with all of the requirements of Section 7 of this Ordinance.

SECTION 7:

No mobile home park shall be licensed by the Town Board unless the proposed park meets all of the following standards:

- (a) The minimum number of mobile home parking spaces in the park shall be twenty (20).
- (b) The mobile home park shall contain a minimum area equivalent to one (1) acre for each mobile home site.
- (c) The park shall be securely enclosed by a woven wire or other closed type fence approved by the Town Board.
- (d) The park shall have a drilled well, with enclosed pump-house, meeting the minimum standards of the Sanitary Ordinance of Fond du Lac County and the rules and regulations of the Wisconsin Department of Natural Resources, with service at each mobile home site.
- (e) The park shall have a private sewage disposal system or systems meeting the minimum requirements of the Fond du Lac County Sanitary Code and of the Wisconsin Department of Health and Social Services, with a sewage connection at each mobile home site.
- (f) The park shall comply with all other requirements of Chapter H of the Wisconsin Administrative Code.
- (g) The park shall provide a hard surface parking area for two motor vehicles at or adjacent to each mobile home site.
- (h) All driveways in the park shall be at least twenty (20) feet wide, surfaced with five (5) inches of road gravel covered by three (3) inches of black top surfacing satisfactory to the Town Board.
- (i) All unpaved area of the mobile home park shall be landscaped to accommodate surface water drainage and be seeded to prevent erosion.
- (j) An adequate system of overhead lights shall be provided from the entrance of the park throughout the area occupied by mobile homes, with such number and size of lights as shall be required by the public utility servicing the area to insure the same standard of lighting as that prevailing in the rural hamlets of the Town for street lighting purposes.
- (k) A standard type dwelling or a mobile home unit having at least nine hundred and sixty (960) square feet of floor space set upon a

concrete block foundation through the frost line, shall be provided in the park for all residents of the park.

- (l) Evidence, acceptable to the Town Board, of contract arrangements for the regular pick up and removal of garbage and rubbish from the park shall be made, kept in force and filed with the Town Clerk.
- (m) Any mobile home park existing at the time of the adoption of this Ordinance shall be entitled to such variances from the requirements of this section as the Town Board determines are consistent with existing physical factors and the general intent and purposes of this Ordinance.

SECTION 8: REGULATIONS FOR OPERATION OF MOBILE HOME PARKS

- (a) The licensee shall provide for and maintain a resident manager in the park, whose name shall be kept on file with the Town Clerk.
- (b) All mobile homes admitted to the park after the date of this revision, except those coming under the provisions of Section 13 hereof, shall be owner occupied, be less than (4) years old when admitted to the park & have a minimum area of nine hundred and sixty (960) square feet.
- (c) The licensee of each park shall keep a complete and accurate registry of all mobile homes permitted in his park and shall be liable for the monthly parking permit fee for any mobile home occupying space therein and shall pay all of such fees to the treasurer of the Town before the 10th day of each month with a statement showing the name or occupant of each unit and the identification number of the space occupied; and the licensee shall file with such report a list of all of the mobile homes using such park which are exempt under Section 13 of this Ordinance and in each such case an exemption certificate shall be filed in duplicate.
- (d) The licensee shall permit the Town Board or its designated representative to inspect the mobile home park at any time to determine compliance with this Ordinance.

SECTION 9: REVOCATION OR SUSPENSION OF MOBILE HOME PARK LICENSE

Any license granted under this Ordinance for a mobile home park shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the Town Clerk, signed by any law enforcement officer, health officer or building inspector, after a public hearing upon such complaint, provided that the holder of such license shall be given ten (10) days notice, in writing, of such

complaint and be entitled to appear and be heard to show cause why such license should not be revoked. Such licensee shall have the right to appeal to Circuit Court of Fond du Lac County under the conditions prescribed by the Wisconsin Statutes.

SECTION 10: TRANSFER OF MOBILE HOME PARK LICENSE

Upon application, in writing, for a transfer of mobile home park license made to the Town Clerk accompanied by the transfer fee specified in Section 11 (a) of this Ordinance, the Town Boards shall have the right to approve the transfer of such license to a new licensee who satisfies the Town Board that he will be able to operate such mobile home park in the manner provided by this Ordinance.

SECTION 11: MOBILE HOME PARK LICENSE AND MONTHLY PARKING PERMIT FEES

- (a) The annual license fee for each mobile home park shall be One Hundred Dollars (\$100.00) for each twenty (20) spaces or fraction thereof within such mobile home park which shall be payable annually in advance on or before January 1st of each year. The fee for the transfer of any license shall be Ten Dollars (\$10.00), payable with the application for transfer. In the year of application the annual license fee shall be prorated on a monthly basis.
- (b) In addition to the license fee provided in subparagraph (a) hereof, each licensee shall collect from each mobile home owner occupying a space or lot in his mobile home park a monthly parking permit fee determined by the Town Clerk in accordance with the provisions of Section 66.058 (3) (c), Wisconsin Statutes.

SECTION 12: RENEWAL OF MOBILE HOME PARK LICENSES

Each licensee shall renew his license annually on or before the first day of January of each year upon a renewal application furnished by the Town Clerk and shall transmit therewith the annual license fee applicable to his park.

SECTION 13: EXEMPTION FROM MONTHLY PERMIT FEE

No mobile home in any mobile home park shall be deemed exempt from the monthly parking permit fee under Section 66.058 (2), Wisconsin Statutes, unless the licensee of the park shall file an exemption certificate, in duplicate, with the Town Clerk, together with a fee of Ten Dollars (\$10.00), to cover the recording and inspection expenses of the Town within five (5) days of the arrival of such mobile home unit in the mobile home park.

SECTION 14: MOBILE HOMES LOCATED OUTSIDE OF A MOBILE HOME PARK

No mobile home shall hereafter be moved into or within the Town for the purpose of eating, sleeping or living, unless the following minimum standards are met:

- (a) No mobile home brought into the Town of Ashford after the date of this revision shall be more than four (4) years old and shall have a minimum floor area of nine hundred and sixty (960) square feet including additions, attachments and annexes.
- (b) The mobile home shall be located on one (1) acre of land, owned by the mobile home owner.
- (c) The mobile home shall be set on a concrete or concrete block foundation, set on a footing below frost level
- (d) The mobile home shall be provided with the same sewage disposal and water facilities on the site as are required for a normal three (3) bedroom single family dwelling.
- (e) The mobile home shall be so located and situated as to comply with all applicable requirements of the Town or County Zoning Ordinance.
- (f) Adequate parking facilities for two (2) automobiles will be provided on the site.
- (g) Written approval of the Town Board must be obtained before any mobile home shall be moved into or within the Town for eating, sleeping or living purposes.

SECTION 15: NOTICE TO TOWN CLERK

The owner of land within or outside of a mobile home park upon which any mobile home is situated shall, within five (5) days after any mobile home has been placed upon such land, notify the Town Clerk of such mobile home and shall furnish to the Town Clerk and the Town Assessor such information regarding such mobile home as shall be required on forms prepared by the Wisconsin Department of Revenue.

SECTION: VALUATION OF MOBILE HOMES

The Town Assessor shall, in accordance with Sec. 66.058 (3) of the Wisconsin Statutes, determine the total fair value, as a dwelling unit, of each occupied mobile home in the town, and in the event a mobile home shall be moved into the Town after any January 1st, the Town Assessor shall make such valuation as soon as he has been notified of the moving of any such mobile home into the Town. The Town Assessor shall make such valuation upon the forms provided by the Wisconsin Department of Revenue and shall file such valuation with the Town Clerk as soon as its valuation has been made by the Assessor.

SECTION 17: MONTHLY PERMIT FEE

The owner of each mobile home outside of a mobile home park, shall pay a monthly parking permit fee, as determined by the Town Clerk, on or before the 10th day of the month following the month for which such parking permit fee is due; provided, however, the owner of the land on which such mobile home is situated may pay to the Town Clerk in advance any monthly permit fees due up to and including December 31st of each year. The monthly parking permit fees for each such mobile home shall be determined by the Town Clerk in accordance with the provisions of Section 66.058 (3) (c), Wisconsin Statutes.

SECTION 18: DIVISION OF LICENSE FEES

Annually the Town Clerk shall ascertain the proportion of the monthly parking fee for each mobile home which is payable to the common and/or high school district in which such mobile home is located, as provided by Section 66.058 (8) of the Wisconsin Statutes, after first deducting from such monthly parking permit fees a sum equal to ten percent (10%) thereof for administration expenses. The Town Clerk shall, on the 20th day of each month, pay to the proper school districts such proportion of the monthly parking permit fees collected for the preceding month as shall be so determined to belong to such school district and shall transfer the balance of such monthly parking permit fees to the Town Treasurer.

SECTION 19: MOBILE HOMES ON TAX ROLL

Any mobile home located within the Town, the additions, attachments, annexes, foundations and appurtenances of which have an assessable value equal to or exceeding 50% of the assessable value of the mobile home excluding such items shall be determined not to be a mobile home and shall be placed upon the tax rolls as an improvement to real estate and shall be so assessed. Such mobile home shall, however, meet all other requirements of this Ordinance.

SECTION 20: TEMPORARY USE

No provision of this Ordinance shall prohibit the temporary use of any mobile home by the personal guests of the owner of property within the Town provided such use shall be limited to fifteen (15) days in any one calendar year; with the right of the Town Board to grant permission to the owner of property whose dwelling has been substantially damaged by fire or other accidental means to keep a mobile home in the Town on his property for a period of not to exceed six (6) months upon payment in advance of the monthly parking permit fee required under this Ordinance.

SECTION 21: TERMINATION OF PERMISSION TO MAINTAIN MOBILE HOME WITH THE TOWN

The Town Board shall have the power, after notice to the owner of any mobile home, the occupant thereof, or the owner of the land on which it is located, to require such mobile home to be removed from the Town if such mobile home has fallen into neglect, is unfit for dwelling purposes, is a detriment to the valuation of adjoining properties, or if any provision of this Ordinance has been violated.

SECTION 22: SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance. The Town Board of the Town of Ashford hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof may be declared invalid or unconstitutional.

SECTION 23: PENALTIES

- (a) Any person, firm or corporation, who shall bring a mobile home into the Town for living, eating, or dwelling purposes, except as permitted in this Ordinance, shall be required to pay a forfeiture of not less than One Dollar (\$1.00), nor more than Ten Dollars (\$10.00) and each day such mobile home remains in the lot contrary to this Ordinance shall be a separate offense.
- (b) Any person, firm or corporation who shall fail to comply with the reporting provisions of Paragraph (c) of Section 8 and with Section 15 of this Ordinance shall pay a forfeiture of not less than One Dollar (\$1,00) nor more than Twenty-Five Dollars (\$25.00) and each failure to report shall be a separate offense.

SECTION 24: REPEAL OF SECTIONS 6-K, 8-B, AND 14-A.

This revision shall be construed to repeal all other ordinances of the Town of Ashford relating to or affecting mobile home parks, mobile homes and house trailers.

SECTION 25: EFFECTIVE DATE

This revision shall become effective upon passage and publication as provided by law.

Town Chairman

Town Supervisor

Town Supervisor

Adopted: May 1, 1981
Published: May 7, 1981
Revised: Nov. 3, 2003

Town Clerk