

CHAPTER 16 MOBILE HOMES AND PARKS

(Ch. 16, Mobile Homes, Trailer Courts and Campgrounds, repealed and recreated codification, 2001-LGRS)

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16.01 PURPOSE AND INTENT. (1) **PURPOSE.** The purpose of this chapter is to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using or occupying trailers, mobile homes, trailer camps or mobile home parks for living, dwelling or sleeping purposes in the Village of Brownsville.

(2) **INTENT.** It is the intent of this chapter to establish and enforce reasonable standards and regulations for every trailer and trailer camp and every mobile home and mobile home park, require an annual license fee to operate the same and levy and collect special assessments to defray the cost of municipal and educational services furnished to such trailer and trailer camp, or mobile home and mobile home park.

(a) The Village Board, may limit the number of units, trailers or mobile homes that may be parked or kept in any one camp or park, and limit the number of licenses for trailer camps or parks in the Village, if the mobile housing development would cause the school district's school costs to increase above the state average or if an exceedingly difficult or impossible situation exists with regard to providing adequate and proper sewage disposal in any particular area.

(b) The authority and powers conferred upon the Village in and by this chapter and §66.058, Wis. Stats., are in addition to all other grants and shall be deemed limited only by express language.

16.02 DESIGNATED STATE STATUTE ADOPTED. The provisions of §66.058, Wis. Stats., and any successors, are hereby adopted by reference as and for the general regulations of the Village and shall be applicable therein

16.03 APPLICABILITY OF PLUMBING, ELECTRICAL BUILDING AND HEALTH CODES. All plumbing, electrical, building and other work on or at any park licensed under this chapter shall be in accordance with applicable Village ordinances and the requirements of the State plumbing, electrical, building, health and sanitation codes and statutes. Residents of a mobile home park shall be required to obtain a building permit from the Village building inspector prior to constructing any additions, such as porches, storage sheds, garages, carports, decks, patios or additional living area, on the mobile home.

16.04 DEFINITIONS. Whenever used in this chapter, unless a different meaning appears from the context, the following words and phrases shall have the meaning as provided:

- (1) "Camping trailer" means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.
- (2) "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.
- (3) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
- (4) "Licensing authority" means the Village of Brownsville.
- (5) "Manufactured home" means either of the following:
 - (a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
 - (b) A structure which meets all the requirements of par. (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425.
- (6) "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.
- (7) "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.
- (8) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.
- (9) "Park" means mobile home park.
- (10) "Person" means any natural individual, firm, trust, partnership, association, corporation or limited liability company.

(11) "Recreational Mobile Home" means mobile homes, as defined in subs. (6) that are no larger than 400 square feet and that are used primarily as temporary living quarters for recreational, camping, travel or seasonal purposes.

(12) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(13) "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

(14) "Unit" means a mobile home unit.

16.05 LOCATION OUTSIDE MOBILE HOME PARK. (1) GENERAL PROHIBITION.

(a) It shall be unlawful, except as provided in this chapter, for any person to park any trailer, camping trailer, recreational mobile home or mobile home on any street, alley, or highway or other public place within the Village of Brownsville.

(b) Stopping or parking is permitted on any street, alley or highway subject to any prohibition, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway for other vehicles.

(c) The parking of any occupied trailer, camping trailer, recreational mobile home or mobile home outside of an approved trailer camp or mobile home park is hereby prohibited unless the trailer, recreational mobile home or mobile home be parked upon privately owned land that is improved, and no more than one (1) trailer, recreational mobile home or mobile home shall be so parked on any single parcel of land and such parking shall be temporary and shall not exceed a period of time of more than fourteen (14) days.

(2) **SPECIAL PERMIT.** The Village Board may issue a special written permit allowing the location of a mobile home outside of a mobile home park, and no such permit shall be issued where a mobile home will be used for a human dwelling or sleeping purposes, except for a period of five days or less when such use shall be in conjunction with a business or operation thereof.

(3) **APPLICATION FOR TEMPORARY PERMIT.** Application for temporary permit shall spell out in detail the use to which such mobile home shall be put, period of time in hours and days the permit is desired, location where such mobile home would be temporarily placed, necessity and reason for not being located within a mobile home

park, and such other information that the Village Board deems pertinent in determining whether or not to issue a temporary permit.

(4) **APPLICATION FEE.** (a) Application for temporary permit shall be accompanied by payment of a \$15.00 application fee, and such mobile home shall be subject to payment of a monthly fee as spelled out in this chapter.

(c) Nothing in this section shall be construed as prohibiting the Village Board from granting special permits to allow a mobile home to be located outside a licensed mobile home park or court for a period not to exceed 1 year, to serve as temporary housing.

(5) **EXEMPTIONS WITH SPECIAL PERMIT.** A special permit, without charge, shall be granted to State, county or municipal mobile homes, or those owned by nonprofit organizations when such mobile homes are utilized for a public purpose within the Village. The Village Board may designate a location for parking such mobile home or trailer, including any street, alley or highway, for such period of time as the Village Board deems necessary in carrying out a public purpose.

16.06 MOBILE HOME PARK LICENSE. (1) REQUIRED. It shall be unlawful for any person to establish, maintain or operate, or permit to be established, maintained or operated, upon any property owned, or leased, or controlled by him/her, within the limits of the Village, any mobile home park unless such person shall first obtain from the Village a license therefore pursuant to this chapter. Such license shall be for one year from date of issuance, and may be renewed annually thereafter in accordance with the provisions of this chapter.

(a) 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 Village or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

(b) The Village Board shall be required to approve of any license for a mobile home park before any such park may be established, operated or maintained. The Village Clerk/Treasurer shall be the issuing agent for those park licenses approved of by the Village Board.

(2) **APPLICATION PROCEDURES.** (a) Application for License. The original or renewal application for mobile home park license shall be filed with the Village Clerk/Treasurer. Applications shall be in writing, signed by the applicant and shall contain the following:

1. The name and address of the applicant.
2. The 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 said person to construct or maintain the mobile home park and make the application.
3. The location and legal description of the mobile home park.
4. The original application for a license hereunder shall be accompanied by 2 copies of the complete park plan, prepared by a registered engineer, showing the following, either the existing or as proposed:
 - a. The extent and area used for mobile home purposes;
 - b. Roadways and driveways;
 - c. Location of designated mobile home spaces and the size of each space or lot;
 - d. Method and plan of sewage disposal;
 - e. Method and plan of garbage removal;
 - f. Plan for water supply;
 - g. Plan for electrical lighting of units.

(b) Plans to Meet Village and State Regulations. Accompanying, and to be filed with an original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable Village ordinances and provisions of the department of health and family services. The Clerk/Treasurer after approval of the application by the Village Board and upon completion of the work according to the plans shall issue the license. A mobile housing development harboring only nondependent mobile homes as defined in §16.04(8), shall not be required to

provide a service building.

(c) Annual Filing. The application for an annual park license or the renewal thereof shall be filed with the Village Clerk/Treasurer and shall be accompanied by the fee as is established in accordance with this subsection.

(d) Renewal. Upon application by any licensee and after approval by the Village Board and upon payment of the annual license fee, the Village Clerk/Treasurer shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by Village.

(e) License and Monthly Mobile Home Fees. 1. Annual License Fee. In accordance with §66.058(3)(a), Wis. Stats., the Village Board shall establish, by resolution or ordinance, an annual license fee of not less than \$25 and not more than \$100 for each 50 spaces or fraction thereof within each mobile home park within the Village limits, except that where the park lies in more than one municipality the amount of the license fee shall be such fraction thereof as the number of spaces in the park in the municipality bears to the entire number of spaces in the park. Fees as established hereunder and any future amendments thereto, are hereby adopted and by reference are made a part of this subdivision as if fully set forth herein.

2. Transfer Fee. A fee of \$ 10.00 shall be paid for each transfer of a license. The license and/or the transfer of a license shall only be issued after the Village Boards approval.

16.07 MONTHLY PARKING PERMIT FEE. (1) ESTABLISHED. In addition to the license fee provided in §16.06(2)(e)1 and 2, the Village Board shall collect from each mobile home occupying space or lots in a park in the Village, except from mobile homes that constitute improvements to real property under §70.043(1), Wis. Stats., and from recreational mobile homes and camping trailers as defined in §70.111(19), Wis. Stats., a monthly parking permit fee computed as follows:

(a) On January 1, the assessor shall determine the total fair market value of each mobile home in the taxation district subject to the monthly parking permit fee.

(b) The fair market value, determined under par. (a), minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district.

(c) The value of each mobile home, determined under par. (b), shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.

(d) The total annual parking permit fee, computed under par. (c), shall be divided by 12 and shall represent the monthly mobile home parking permit fee.

(2) **ADDITION OF A MOBILE HOME TO A PARK.** (a) The monthly parking permit fee shall be applicable to mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the Village Clerk/Treasurer and the assessor on mobile homes added to the park within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the assessor receives the notice of an addition of a mobile home to a park, the assessor shall determine its fair market value and notify the Village Clerk/Treasurer of that determination. The Village Clerk/Treasurer shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual parking permit fee thus determined by 12 and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the mobile home remains in the tax district.

(b) The monthly parking permit fee shall be paid by the mobile home owner to the Village Clerk/Treasurer on or before the 10th of the month following the month for which such parking permit fee is due.

(c) 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 and occupant thereof.

(3) **EXCEPTION.** No monthly parking permit fee shall be imposed for any space occupied by a mobile home accompanied by an automobile for an accumulating period not to exceed 60 days in any 12 months if the occupants of the mobile home are tourists or vacationers. Exemption certificates in duplicate shall be accepted by the Village Clerk/Treasurer from qualified tourists or vacationers in lieu of monthly mobile home parking permit fees.

(4) **MOBILE HOME LOCATED OUTSIDE OF LICENSED PARK.** For a mobile home permitted to be located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands, and the owner of such land shall be required to comply with the reporting requirements of par. (2)(a). The owner of the land may collect the fee from the owner of the mobile home and, on or

before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required. Nothing contained in this subsection shall prohibit the regulation thereof by Village ordinance.

16.08 INSPECTION BY VILLAGE. (1) VILLAGE OFFICIALS. No mobile home park license, or permit for location outside of a mobile home park shall be issued until the Village Clerk/Treasurer shall have notified the Village Chief of Police, health officer, Chief of the Fire Department and the building inspector, or their authorized agent(s) of such application.

(2) **PROCEDURE.** (a) The officials named in subs. (1) shall inspect or cause to be inspected each applicant, application and the affected premises to determine whether the applicant, application and the premises upon which the mobile home(s) will be located comply with the laws, ordinances and regulations of the Wisconsin Division of Health, Wisconsin Department of Commerce and the Village of Brownsville.

(b) The officials named in subs. (1) shall furnish to the Village Board a written report containing the information obtained from such investigations required under this section. The report shall include a statement as to whether the applicant, application and premises meet the requirements of the department(s) for which said official is certifying.

(c) No license shall be renewed without reinspection of the premises.

(d) For the purpose of making inspections and securing enforcement, subs. (1) officials or their authorized agents, shall have the right and are empowered to enter any premises on which a mobile home is located, or about to be located, and to inspect same and all accommodations connected therewith at any reasonable time.

16.10 PARK LOCATION AND CONSTRUCTION REGULATED. (1) PURPOSE AND INTENT. This section is adopted to promote the health, safety, prosperity, aesthetics and general welfare of the people within the Village; to regulate the location of trailers, mobile homes, trailer camps or mobile home parks for living, dwelling or sleeping purposes; and to regulate the construction, installation, alteration, design and use of trailer camps or mobile home parks including water supply, sewage disposal, site drainage, waste and garbage disposal and connection to utilities so as to protect the health of residents; to secure safety from disease and pestilence; and, to preserve and promote the general beauty of the Village. (See also Chs. 8, 9,12,13,15and18,ofthisCode)

(2) **LOCATION.** A mobile home or manufactured home located within the limits of a mobile home park shall be located not less than 32 feet from the back of the curb, nor closer than 12 feet from the side lot on the lot on which same is located.

(3) **PARK SPACE(S) DESIGNATED.** (a) Parking or Placement. No mobile home or manufactured home unit shall be parked in a park outside of its designated space. Only 1 mobile home or manufactured home unit shall be placed in each space.

(b) Lot Space Requirements. Spaces shall be clearly defined and shall consist of a minimum of 75,000 square feet. ft. and a width of not less than 65 feet. Said space(s) shall provide for a minimum space suitable for parking 2 automobiles as and for off street parking.

(c) Unit Living Space Requirements. No mobile home shall be located within a mobile home park unless the same has at least a minimum of 672 square feet of living space

(4) **SPACE(S) AND STREETS.** The park shall be so arranged that all spaces shall face or abut on a roadway of not less than 36 feet in width, back-to-back of curbing giving easy access from all units to a public street. Such roadway shall be paved with asphalt or concrete and maintained in good condition, having natural drainage, be well lighted at night or in darkness, and shall not be obstructed.

(5) **SANITARY SEWER.** No mobile home park shall be laid out or constructed unless there is available municipal water and sanitary sewer facilities thereto. In no case shall any wastewater be thrown or discharged upon the surface of the ground.

(6) **SITE DRAINAGE.** Every mobile home, manufactured home or mobile home park shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm water or other waters. No mobile home, manufactured home or mobile home park shall be located in any area that is situated so that the drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

(7) **WATER SUPPLY REQUIREMENTS.** Individual water service connections provided for direct use of a nondependent mobile home shall be so constructed that they will not be damaged by the parking of such mobile homes. Such systems shall be connected to the Village water supply and shall be designed and installed in accordance with the Wisconsin State Plumbing Code and the applicable provisions of Ch. 15, of this Code.

(8) **SEWER CONNECTION REQUIREMENTS.** Every space designated to serve a nondependent unit shall be provided with sewer connections which shall comply with the requirements of the State Plumbing Code and ch. 13, of this Code. The sewer connections shall be provided with suitable fittings so that watertight connections are made. Such connections shall be so constructed so that they may be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

(9) **WASTE AND GARBAGE DISPOSAL.** Residents of mobile home parks shall comply with all Village regulations relating to the collection and disposal of garbage, refuse and solid waste.

(10) **ELECTRICAL SERVICE AND OUTLETS.** Every space shall be furnished with electrical service. Such service shall be equipped with an externally operated switch or fuse with a capacity of not less than 100 amperes and a heavy duty outlet receptacle, being not less than 220 volts.

(a) Electrical outlets shall be waterproof.

(b) There shall be no above-ground power lines. Power lines shall be installed underground and shall be installed in accordance with State law and the National Electrical Code.

16.12 PARK ATTENDANT. (1)_OFFICE. In every mobile home park within the Village there shall be located the "office of the mobile home park attendant" or an individual in charge of said park.

(2) **POSTING REQUIREMENTS.** The following shall be kept and posted in this office: a copy of the parks license; and, a copy of this chapter, an any amendments hereto.

(3) **FULL TIME ATTENDANT NOT REQUIRED.** In lieu of a full time attendant the park owner may provide a 24-hour per day emergency contact person. Said contact person shall be able to be contacted via a toll-free telephone number.

(4) **DUTIES OF PARK ATTENDANT, PERSON IN CHARGE AND LICENSEE.** It shall be the duty of the park attendant or person in charge, together with the licensee to:

(a) Keep a register of all park residents to be open at all times to inspection by state and federal officers and the Village Board or its agents, which shall show the names

and addresses of all the residents.

- (b) Maintain the park in a clean, orderly and sanitary condition at all times.
- (c) Ensure that the provisions of this chapter are complied with and enforced, reporting promptly to the proper authorities any violation of this chapter or any other violations of law which may come to his/her attention.
- (d) Collect the monthly parking fee provided for in

6.14C REVOCAATION. Any license granted under the provisions of this chapter shall be subject to revocation or suspension for cause by the Village Board upon complaint filed with the Village Clerk/Treasurer as signed by any law enforcement officer, local health officer, as defined in §250.01(5), Wis. Stats., or building inspector after a public hearing upon the complaint, provided that the holder of the license shall be given 10 days' notice in writing of the hearing, and the holder of the license shall be entitled to appear and be heard as to why the license shall not be revoked. Any holder of a license that is revoked or suspended hereunder may, within 20 days of the date of the revocation or suspension, appeal therefrom to the circuit court for Dodge County by filing a written notice of appeal with the Village Clerk/Treasurer, together with a bond executed to Village, in the sum of \$500 with 2 sureties or a bonding company approved by the Village Clerk/Treasurer, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

16.16 VIOLATIONS AND PENALTY. (1) GENERAL. Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code.

(2) REPORTING VIOLATIONS. Any person who fails to comply with the reporting requirements of §16.0Z(2)(a) or (4), shall be subject to a forfeiture of up to \$25. Each failure to report shall be regarded as a separate offense.