

Pursuant to
Sec. 66.058
Wisconsin Statutes

May 10-79

ORDINANCE NO. 5 7905
AN ORDINANCE TO PROVIDE FOR THE LICENSING OF
MOBILE HOME PARKS

WHEREAS the Town Board of the Town of Schleswig, Manitowoc County, Wisconsin, deems it in the best interest of the public health and welfare, and as an equitable means of defraying the costs of municipal and educational services;

NOW THEREFORE the Town Board of the Town of Schleswig does ordain as follows:

Section 1. DEFINITIONS. For the purpose of this ordinance:

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

(b) "Licensing Authority" means the Town of Schleswig wherein a mobile home is located.

(c) "Park" means mobile home park.

(d) "Person" means any 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 except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent of the assessable value of the house trailer.

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

(g) "Mobile Home Park" means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accomodation.

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

Section 2. LICENSE AND REVOCATION OR SUSPENSION THEREOF.

(a) It shall be unlawful for any person to maintain or operate any mobile home park within the limits of the Town of Schleswig, Manitowoc Co., WI unless such person shall first obtain from the Town a license therefor. All such parks in existence on date of passage of this ordinance, shall within ninety (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 or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

(b) Any license granted under the provisions of this ordinance shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the 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 hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Town may within twenty (20) days of the date of such revocation or suspension appeal therefrom to the Circuit Court of the county in which the trailer camp or mobile home park is located by filing a written notice of appeal with the Town Chairman, together with a bond executed to the Town, in the sum of Five Hundred Dollars (\$500.00), with two sureties or a bonding company approved by the said Chairman, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

Section 3. LICENSE AND MONTHLY MOBILE HOME FEE: REVIEW.

(a) The licensing authority shall exact from the licensee an annual license fee of Two Dollars (\$2.00) for each space within the mobile home park limits provided the minimum fee shall be Twenty-five Dollars (\$25.00). 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.

(b) Each license issued shall expire June 30 following its date of issuance. There shall be no proration of any license fee for any fraction of a year and no rebate in the event of any transfer of the license.

(c) The Town shall collect a fee of Ten Dollars (\$10.00) for each transfer of a license.

(d) In addition to the license fee provided in paragraphs (a) and (b) the Town shall collect from each occupied mobile home occupying space or lots in a mobile home park or located outside a mobile home park, in the Town, a monthly parking permit fee computed as follows: The assessor shall determine the total fair market value of each occupied mobile home in the district subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on 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 first be reduced by the credit allowed under Section 79.10. The total annual parking permit fee thus computed shall be

divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the local assessor on occupied mobile homes added to his park within five (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 an occupied home to a park, he shall determine its fair market value and notify the clerk of his determination. The clerk shall equalize the fair market value established by the assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the mobile homeowner of the monthly fee to be collected from the mobile homeowner. 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 occupied mobile home remains in the tax district. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70. If the Board of Review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments. The monthly parking permit fee shall be paid by the mobile homeowner to the local taxing authority on or before the 10th of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed sixty (60) days in any 12 months or if the occupants of the mobile home are nonresident tourists or vacationers. Exemption certificates in duplicate shall be accepted by the treasurer of the Town from qualified nonresident tourists or vacationers in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee.

(e) The licensee of a park, the owner of the mobile home and the occupant of the mobile home shall each be liable for the monthly parking permit fee for any mobile home occupying space.

X (f) For any mobile home located outside of a mobile home park, the owner of the mobile home, the occupant thereof, and the owner of the land on which the mobile home is located shall each be liable for the payment of the monthly parking permit fee as computed and provided in Section 3(d). The owner of the land on which said mobile home is located shall be required to comply with the reporting requirements of Section 3(d).

(g) Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of

personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapter 70 and 74 of the Wisconsin Statutes.

Section 4. APPLICATION FOR LICENSE.

Original application for mobile home park license shall be filed with the Town Clerk. Applications shall be in writing, signed by the applicant and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the mobile home park.
- (c) The complete plan of the park.

Section 5. PLANS AND SPECIFICATIONS.

An original application for a mobile home park shall include plans and specifications which shall be in compliance with all applicable Town, County and State ordinances, rules, regulations and Administrative Code provisions.

Section 6. RENEWAL OF LICENSE.

Upon application of renewal by a licensee, approval by the Town Board, and upon payment of the annual license fee, the Clerk of the Town shall issue a certificate renewing the license for one year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Town.

Section 7. TRANSFER OF LICENSE: FEE:

Upon application for a transfer of a license, approved by the Town Board, and the Clerk of the Town, upon payment of a \$10.00 transfer fee, shall transfer said license. The application for transfer shall be in writing, signed by the applicant on forms furnished by the Town.

Section 8. POSTING OF LICENSE AND PERMIT. The license certificate or special permit shall be conspicuously posted on the premises of the mobile home park at all times.

Section 9. SEVERABILITY PROVISIONS.

The provisions of this ordinance shall be severable. A finding of any provision or part hereof invalid shall not affect the remainder hereof.

Section 10. PENALTIES FOR VIOLATION OF ORDINANCE.

Any person violating any provision of this ordinance shall upon conviction thereof, forfeit not less

then Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and the costs of prosecution. Each day of violation shall constitute a separate offense.

Section 11. EXEMPTION.

This ordinance shall not apply to any mobile home as defined herein which is located and situated on real estate in which the owner of the mobile home also has an ownership interest.

Section 12. EFFECTIVE DATE.

This ordinance shall take effect January 1, 1980.

Mohe Matter
Town Chairman

Attest:

Barbara J. Hansen
Clerk

Adopted: *May 10, 1979*
Posted: *May 12, 1979*