

**TOWN OF SCHLESWIG
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 2001- 1

**AN ORDINANCE TO REPEAL ORDINANCE NUMBER 7905 AND TO ADOPT
SECTION 12.06 OF THE CODE OF ORDINANCES OF THE TOWN OF SCHLESWIG,
MANITOWOC COUNTY, WISCONSIN**

WHEREAS, the Town Board of the Town of Schleswig, Manitowoc County, Wisconsin, deems it in the best interest of the public 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, within the Town of Schleswig; and

WHEREAS, the Town Board is authorized under Section 66.058, Wis. Stat., to establish and enforce by ordinance reasonable standards and regulations for every trailer and trailer camp and every mobile home and mobile home park and 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;

The Town Board of the Town of Schleswig, Manitowoc County, Wisconsin, do ordain as follows:

SECTION 1. Section 12.06 of the Code of Ordinances of the Town of Schleswig having been placed on file and open to public inspection in the office of the Town Clerk for a period of two (2) weeks prior to this date, in accordance with the procedure provided under Section 66.035, Wis. Stat., is hereby adopted. Ordinance Number 7905 is hereby repealed.

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted February 8, 2001.

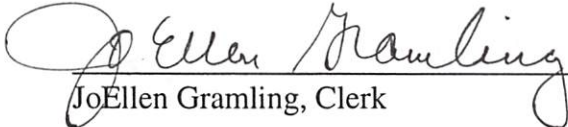
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TOWN OF SCHLESWIG TOWN BOARD



Melvin Waack, Chairperson

ATTEST:



JoEllen Gramling, Clerk

**TOWN OF SCHLESWIG
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 7905 effective January 1, 1980 is hereby repealed and Section 12.06 of the Code of Ordinances of the Town of Schleswig is created as follows:

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

(a) “Dependent mobile home” means a mobile home which does not have complete bathroom facilities.

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

(c) “Licensing authority” means the city, town, or village wherein a mobile home park is located.

(d) “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.

(e) “Mobile home park” means any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(f) “Nondependent mobile home” means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances, and complete year round facilities.

(g) “Park” means mobile home park.

(h) "Person" means any natural individual, firm, trust, partnership, association, corporation, or limited liability company.

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

(j) "Unit" means a 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 County, Wisconsin, 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 the revocation or suspension for cause by the Town Board upon complaint filed with the Town Clerk signed by any law enforcement officer, local health officer, or building inspector after a public hearing upon the complaint, provided that the holder of the license shall be given ten (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 which is revoked or suspended by the Town Board may within twenty (20) days of the date of the revocation or suspension appeal therefrom to the Circuit Court of Manitowoc County by filing a written notice

of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of Five Hundred Dollars (\$500.00), with two (2) sureties or a bonding company approved by the said Clerk conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

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 park or located outside a mobile home park, except from mobile homes that constitute improvements to real property under Section 70.043(1), Wis. Stat., and from recreational mobile homes and camping trailers as defined in Section 70.111(19), Wis. Stat., a monthly parking permit fee computed as follows:

(1) On January 1, 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 equated to the general level of assessment for the prior year on other real and personal property in the district.

(2) The value of each mobile home thus determined shall be multiplied by the tax rate established on the preceding January 1 assessment of general property.

(3) The total annual parking permit fee thus computed shall be divided by twelve (12) and shall represent the monthly mobile home parking permit fee.

(4) The 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 tax district clerk and the local assessor on mobile homes added to the 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 a mobile home to a park, the assessor shall determine its fair market value and notify the clerk of that 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 twelve (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 mobile home remains in the tax district.

(5) A new monthly parking permit fee and a new valuation shall be established each January and shall continue for that calendar year.

(6) The valuation established shall be subject to review as are other values established under Chapter 70, Wis. Stat. 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.

(7) 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.

(8) 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 sixty (60) days in any twelve (12) months if the occupants of the mobile home are tourists or vacationers. Exemption certificates in duplicate shall be accepted by the treasurer of the Town from qualified tourists or vacationers in lieu of monthly mobile home permit fees.

(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.

(f) For any mobile home located outside of a mobile home park, the owner of the land on which the mobile home is located shall 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). The owner of the land may collect the fee from the owner of the mobile home or the occupant thereof on or before January 10 and July 10 each year. The owner of the land shall transmit all fees to the town owed for the prior six months.

(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, including provisions of the Department of Health and Family Services. The clerk after approval of the application by the governing body 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 subsection (1)(f), Wis. Stat., shall not be required to provide a service building.

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 (1) 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, the Clerk of the Town after approval of the application by the governing body shall issue a transfer upon payment of the required \$10.00 fee.

SECTION 8. DISTRIBUTION OF FEES. The Town may retain 10% of the monthly parking permit fees collected in each month, to cover the cost of administration. The Town shall pay to the school district in which the park is located, within twenty (20) days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the municipality. If the park is located in more than one (1) school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.

SECTION 9. 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 10. SEVERABILITY PROVISIONS. The provisions of this ordinance shall be severable. If any provision or part hereof is found to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remainder hereof which shall be in effect.

SECTION 11. PENALTIES FOR VIOLATION OF ORDINANCE.

(a) **General.** Any person violating any provision of this ordinance shall upon conviction thereof, forfeit not less than 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.

(b) **Failure to Report.** Any person who fails to comply with the reporting requirements of Section 3(d) or 3(f) herein shall forfeit up to Twenty-five Dollars (\$25.00) for each offense. Each day of a failure to report shall be a separate offense.

SECTION 12. 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.