

ORDINANCE #2017-02
MANUFACTURED/MOBILE HOME COMMUNITY ORDINANCE
TOWN OF PRAIRIE LAKE

Ordinance regulating the licensing and oversight of Manufactured Home Communities, providing for the taxation of Manufactured/Mobile Homes and providing penalties.

The Town Board of the Town of Prairie Lake, Barron County, Wisconsin, does hereby ordain as follows, and repeals Ordinance # 2000-05 as revised 11/2003 relating to Manufactured/Mobile Homes.

Section 1.0 Purpose

The provisions of this Ordinance are enacted to regulate the Manufactured/Mobile Home Communities within the limits of the Town of Prairie Lake, Barron County, Wisconsin, for the purpose of protecting the public health, safety and general welfare of residents in the Town of Prairie Lake; providing the best possible environment for human habitation; establishing minimum requirements for the operation of Manufactured Home Communities; and providing for administration and enforcement of this Ordinance by the Town Board. The standards and requirements of this Ordinance are intended to provide a wholesome community environment, adequate public services, and the conservation of natural resources, resulting in a desirable residential facility.

Section 2.0 Authority

This Ordinance is adopted in accord with §§60.10(2)(c), 60.22(3), & 61.34(1)&(5) Wis. Stats., pursuant to which the Town Board is authorized to adopt police power ordinances for and on behalf of the health, safety, welfare and convenience of the public by necessary and convenient means. This Ordinance does not in any way supersede or waive any other applicable local, state or federal laws and regulations which may apply to Manufactured/Mobile Homes. By way of example and not limitation, the requirements of §§ 66.0435, 101.91 & 710.15, Wis. Stats. and ATCP 79 and 125 Wis. Adm. Code may be applicable. In addition, Barron County Zoning ordinances apply.

Section 3.0 Definitions

- (a) *Building Inspector*. An individual, partnership, firm, or corporation which holds all credentials required by the State of Wisconsin to conduct Wisconsin Uniform Dwelling Code permitting and inspections.
- (b) *Fee*. Monthly parking fee for Units.
- (c) *Licensee or Operator*. Any Person licensed to operate and maintain a Manufactured Home Community under this Ordinance.
- (d) *Manufactured Home*. That which is, or was as originally constructed after June 15, 1976 to HUD Code, designed to be transported upon a public highway as one unit 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) *Manufactured Home Community*. Has the meaning specified under § 101.91 (Sm), Stats. - any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. It does not include a farm where the occupants of the Manufactured/Mobile Homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the

occupants of the Manufactured/Mobile Homes work on the farm. For reason of this Ordinance a Manufactured Home Community can also include Mobile Homes.

- (f) *Mobile Home*. A modular unit built before June 15, 1976, on a chassis, with a body width exceeding 8 feet or a body length exceeding 40 feet, measured from hitch pin or ball to the furthest most part of the unit, designed to be used alone as a permanent or temporary dwelling, with or without a permanent foundation, when connected to required utilities. A mobile home does not include a manufactured building.
- (g) *Site*. A plot of ground within a Manufactured or Mobile Home Community designed for the accommodation of one unit.
- (h) *Town*. Town of Prairie Lake, Barron County, Wisconsin.
- (i) *Town Board*. Town Board of the Town of Prairie Lake
- (j) *Unit*. A Mobile Home or Manufactured Home.

Section 4.0 Manufactured Home Community Plans

4.1 There will be no more than two (2) Manufactured Home Communities in the Town of Prairie Lake.

4.2 The number of Units allowed in each of the existing Manufactured Home Communities shall not exceed the number of Sites that were approved for each entity.

4.3 All Manufactured Home Communities shall be located wholly within the boundaries of the Town of Prairie Lake.

4.4 The complete plan of each Manufactured Home Community shall be filed with the Clerk of the Town of Prairie Lake.

4.5 There must be a public hearing prior to the approval or disapproval of a change in a plan for any Manufactured Home Community.

Section 5.0 License for Manufactured Home Community

5.1 It shall be unlawful for any persons to establish, operate or maintain or permit to be established, operated or maintained upon property owned, leased or controlled by him/her, a Manufactured Home Community within the limits of the Town of Prairie Lake without first having obtained a license for each such entity from the Town Board pursuant to this Ordinance. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this Ordinance for additional periods of one (1) year.

5.2 The application for such license or the renewal thereof shall be filed with the Town Clerk and shall be accompanied by a fee of Two Dollars (\$2.00) for each space in the existing Manufactured Home Community, provided that the minimum fee shall not be less than Thirty Dollars (\$30.00). A fee of Ten Dollars (\$10.00) shall be paid for each transfer of license. Said license transfer must be approved by the Town Board in writing.

5.3 All Manufactured Home Communities now licensed shall meet all standards set forth in this Ordinance within 30 days after said Ordinance has been adopted.

5.4 Violations of any paragraph of this section are subject to Section 10.1 herein.

Section 6.0 Manufactured Home Community Management

6.1 Every Manufactured Home Community with more than 15 Sites shall contain an office of the attendant or person in charge of said entity. A copy of the Manufactured Home Community license and of this ordinance, or the place of availability of this ordinance as well as an emergency phone number of the individual in charge of the entity, shall be posted therein at that office, or at a secure, weather-proof public bulletin board in Manufactured Home Communities with 15 Sites or less.

6.2 It is hereby the duty of the attendant or person in charge to comply with this ordinance and other regulations and ordinances of the Town, County, State and their agents or officers to:

- a. Maintain the Manufactured Home Community in a clean, orderly and sanitary condition at all times.
- b. Collect the monthly parking permit fee provided in Section 7.0 of this Ordinance. A book shall be kept showing the names of the persons paying said parking permit fees and the amount paid.
- c. Furnish Form PA-118 “Manufactured & Mobile Home Statement of Monthly Municipal Permit Fee” to the Town Clerk on Units added to the park within five (5) days after their arrival.
- d. Furnish information on Units removed or ownership changes of any Units to the Town Clerk within 5 days of the action.
- e. Provide the Town of Prairie Lake’s and the Licensee/Operator’s Manufactured/Mobile Home Community Regulations to all prospective Site renters.

6.3 Violations of any paragraph of this section are subject to Section 10.2 herein.

Section 7.0 Monthly Parking Permit Fee

7.1 A monthly parking fee shall be computed for each Manufactured/Mobile Home in a Manufactured/Mobile Home Community in the Town of Prairie Lake as follows: The Town Assessor shall determine the fair market value of each such Manufactured/Mobile Home, and 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 Town. The value of each Manufactured/Mobile Home thus determined shall be multiplied by the tax rate established on the last preceding assessment of general property. The parking permit fee shall first be reduced by the lottery credit allowed by the Wisconsin State Statutes. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the Monthly Manufactured/Mobile Home Parking Permit Fee.

7.2 The fee shall be applicable to Manufactured/Mobile Homes moving into a Manufactured/Mobile Home Community in the Town of Prairie Lake any time during the year.

7.3 Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the Manufactured/Mobile Home only for such months as it remains in the Town of Prairie Lake.

7.4 A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.

7.5 The monthly parking permit fee shall be paid to the Town of Prairie Lake on or before the 10th of the month following the month for which such parking permit fee is due.

7.6 The licensee of a Manufactured Home Community shall be liable for the monthly parking permit fee for any Manufactured/Mobile Home occupying space therein as well as the owner and occupant thereof.

7.7 Failure of the licensee to timely pay the monthly parking permit fee to the Town of Prairie Lake 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 Chapters 70 and 74 of the Wisconsin State Statutes.

Section 8.0 Additional Regulations on Manufactured Home Communities & Manufactured/Mobile Homes

8.1 Wrecked, damaged or dilapidated Manufactured/Mobile Homes shall not be kept or stored in a Manufactured Home Community or upon any premises in the Town of Prairie Lake. The building inspector or such person delegated those duties by the Town Board shall determine if a Manufactured/Mobile Home is damaged or dilapidated to a point that makes it unfit for human occupancy. Such Units are hereby declared to be a public nuisance. Whenever the building inspector or the person so delegated so determines, he/she shall notify the Town Chairman and the Barron County Public Health Department, the licensee or landowner and owner of the Manufactured/Mobile Home in writing that such public nuisance exists within the Manufactured Home Community or on lands owned by him/her giving the findings upon which his/her determination is based and shall order such Unit removed from the Manufactured Home Community or Site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not more than thirty (30) days. An additional 30 day extension may be granted upon receiving a request based upon extenuating circumstances.

8.2 The building inspector or such person delegated those duties, fire chief or their lawful agents or employees are authorized to inspect Manufactured Home Communities to determine compliance with this ordinance in order to protect the health, safety and welfare of the occupants of same and inhabitants of the Town of Prairie Lake as affected thereby and the compliance of structures and activities therein with this ordinance and all other applicable laws of the State, County and Ordinances of the Town of Prairie Lake. A fee as established in the Schedule of Penalties, Fees, Deposits and Enforcement will be charged to the owner of the Manufactured/Mobile Home for each inspection performed.

8.3 Fires in Manufactured Home Communities shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit, which is obtained by contacting the Town Board or Town of Prairie Lake Office, and subject to requirements or restrictions of the Fire Chief and the Town of Prairie Lake Burning Ordinance.

8.4 All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the Manufactured Home Community shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents.

8.5 All Manufactured/Mobile Homes shall be skirted completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

8.6 No person shall construct, alter or add to any structure, attachment or building in a Manufactured Home Community or on a Site without a permit from the building inspector in compliance with the Town of Prairie Lake UDC Ordinance. Construction on, or addition or alteration to the exterior of a Manufactured/Mobile Home shall be of the same type of construction and materials as the Unit affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes.

8.7 Storage of combustible articles, materials and/or liquids under Manufactured/Mobile Homes is prohibited. Storage of noncombustible articles and materials under the Unit is allowed if the storage area is separated from the rest of the underside of the home, has a door or doors which enclose and secure the storage area and the storage area shall be rodent and small animal proof. Such storage area

shall not have any electrical circuits for lighting, heating or other electrical utilization. Such storage areas shall not have any water, sewer, or fuel piping or tubing in that area and shall not have any dryer venting, HVAC piping, vents or duct work in that area. Such storage areas shall not be accessible from within the home. Storage areas under landings, decks, and porches shall meet the same requirements. Any storage buildings, yard gazebos, garages, car ports, fabric covered storage structures, pergolas, RV's and travel trailers shall maintain the fire separation requirements given in SPS 321.08 Wis. Adm. Code.

8.8 No Manufactured/Mobile Home, except new ones, shall be placed in the Town of Prairie Lake until it has been inspected to meet requirements of this Ordinance. Inspection may be done by submission of photographs or physical inspection, as determined by the Town's building inspector or such person delegated those duties. Manufactured/Mobile Homes that were approved based on photos received by the Town shall be subject to a site home condition inspection by the Town's building inspector at the time the required UDC inspection of the home is done before formal occupancy is granted by the Town. The onsite home condition inspection shall cover the same items as listed on the inspection check list in Appendix A. Should a Unit which was approved via a photo inspection not pass an actual inspection based on the aforesaid inspection check list, occupancy may be denied. Should occupancy be allowed, thirty (30) days shall be given to correct deficiencies in the Unit before any fines are imposed. The owner of such Manufactured/Mobile Home is responsible for all costs associated with inspections, including but not limited to, those fees described in Section 8.2 of this Ordinance and mileage expense at the usual Town mileage rate if such Manufactured/Mobile Home is located more than Twenty (20) miles outside the Town of Prairie Lake.

8.9 The owner of every Manufactured/Mobile Home which will be placed in a Manufactured Home Community in the Town of Prairie Lake shall apply for a building permit from the Town of Prairie Lake. After receiving same a Wisconsin UDC permit from the town's Building Inspector must be obtained and the fees paid for that permit. The owner or his/her contractor shall call for a UDC inspection before skirting and before occupancy is taken. No more than 30 days will be given to complete UDC requirements unless an extension is granted for extenuating circumstances.

Section 9.0 Rehabilitation/Repair of Manufactured/Mobile Homes within the Manufactured Home Community

9.1 When a Manufactured/Mobile Home requires rehabilitation/repair (hereafter called rehab) based on the aforementioned inspection findings/violations mentioned in Section 9.0, or at the owner's choice, it is the responsibility of the Licensee/Operator of Manufactured Home Community and the owner of the Unit being rehabilitated/repared to assure that the safety and well-being of the community residents are made a priority at the rehab site location. Particular attention is required to protect the more vulnerable residents and visitors such as children and the elderly. When a rehab permit has been approved by the Town of Prairie Lake, the MH Licensee/Operator must either post a safety notice on the Community bulletin board or send a flyer to each of the resident households which identifies the Unit to be rehabbed and the estimated start date. Also it should be stated that it is the responsibility of each head of household to inform individual family members to keep out of the work site for the duration of rehab.

9.2 It is recommended that the Unit requiring rehab be located (relocated) to a designated Community work site located a safe distance away from the Community residence Sites. This rehab site shall require suitable temporary continuous barrier fencing of at least 4 ft. in height surrounding the rehab job site. In addition, suitable warning signs on all fence sides shall be posted to keep out unauthorized community residents and visitors.

9.3 When a Unit requiring rehab remains on its designated Site, the safety and well-being of other Community neighbors becomes of greater concern due to their close proximity to the rehab unit. This includes concerns such as fire danger, loud noise, dust particles, noxious fumes, exposed electrical wiring, flammable gases such as propane and gasoline depending on the nature of the rehab work being performed.

- a) This rehab site shall require suitable temporary continuous barrier fencing of at least 4 ft. in height surrounding the rehab job site. In addition suitable warning signs on all fence sides shall be posted to keep out unauthorized community residents and visitors.
- b) All flammable liquids shall be locked in a Fire Marshal approved storage locker, a locked job site trailer or taken off the job site at the end of each work day.
- c) All flammable gases and gas lines shall be secured at the end of each work day.
- d) Any electrical wire shall be de-energized at the end of each rehab work day.

9.4 A Rehabilitation/Repair Permit shall be required to be obtained by the Owner of the Unit. This permit shall be obtained from the Town of Prairie Lake Clerk before any rehab work can commence. It is the responsibility of the Licensee/Operator of the Manufactured Home Community to assure that the Owner of the Unit to be rehabilitated/repared obtains this permit prior to any work beginning.

9.5 Rehabilitation/repair being done by other than the owner-occupant of the manufactured/mobile home shall be done by State licensed persons in that particular line of work, such as plumber, electrician, mobile home installer, etc. as found in Chap. 101 (DSPS)Wis. Stats.

Section 10.0 Violations

10.1 Any license granted under the provisions of this Ordinance may be subject to revocation or suspension for cause by the Town Board upon written complaint. The complaint shall include specific reference(s) but not limited to sections of law, ordinance, administrative rule, code, contract or lease. It shall be filed with the Town Clerk and signed by a law enforcement officer, health official, building inspector, Manufactured Home Community resident or other person authorized by the Town Board to enforce this ordinance. Upon receiving such complaint a Public Hearing shall commence after written notice of ten (10) days by certified mail to license holders informing them of such Public Hearing.

Any holder of a license which is revoked or suspended by the Town Board may within twenty (20) days of the date of such revocation or suspension appeal therefrom to the Circuit Court of Barron 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 sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him/her.

10.2 The Town Board of the Town of Prairie Lake may enforce this Ordinance by citation, injunction or any other lawful means. Violations of this Ordinance are subject to a forfeiture as established in the Schedule of Penalties, Fees, Deposits and Enforcement plus current court costs, upon the licensee of any Manufactured Home Community for violations of this Ordinance.

10.3 The above remedies are not exclusive; the Town of Prairie Lake may take any lawful action to enforce this Ordinance.

Section 11.0 Separability and Conflict

11.1 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of Competent Jurisdiction, such portion shall be deemed

a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

11.2 If any other Ordinances or parts of Ordinances are inconsistent with or contrary hereto the more restrictive regulations shall apply. Nothing in this Ordinance shall be interpreted so as to conflict with State Laws or orders regulating Manufactured/Mobile Homes or Manufactured Home Communities or any of the requirements of any Ordinances of the Town of Prairie Lake, County of Barron, Wisconsin not mentioned or made applicable by the terms of this Ordinance.

Section 12.0 Effective Date

This Ordinance shall be effective after adoption by the Town Board and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Prairie Lake on May 9, 2017.

Filed this 10th day of May, 2017 in the
Office of the Town Clerk.

/s/ Karn Moe
Karn Moe, Clerk

/s/ Dale Lehner
Dale Lehner, Chairman

/s/ Janice Rustong
Janice Rustong, Supervisor

/s/ Wayne Brenholt
Wayne Brenholt, Supervisor

Appendix A
Manufactured/Mobile Home Inspection Acceptance Evaluation

Owner's Name: _____ Lot # _____
(Print)

Address: _____ Phone: _____

Complete form with scoring as follows:

- 1 = Move In 2 = Move In requires repair 3 = Repairs required without occupancy
4 = Occupancy denied

- 1) **Home Set Up** _____
Comments: _____

- 2) **Condition of siding** _____
Comments: _____

- 3) **Condition of Roof** _____
Comments: _____

- 4) **Condition of Ceilings and Floors** _____
Comments: _____

- 5) **Condition of Insulation, Fenestration and Interior Doors** _____
Comments: _____

- 6) **Condition of Heating Plant** _____
Comments: _____

- 7) **Condition of Plumbing** _____
Comments: _____

- 8) **Condition of Electrical** _____
Comments: _____

- 9) **Condition of Exits** _____
Comments: _____

Owner's Signature: _____

Inspected by: _____ Date: _____

An explanation of specific details of the defects rated a 2, 3 or 4 found at this inspection will be made available upon request of the Unit owner. (Call 715-924-2580 with questions)