

**TOWN OF DUNN, DANE COUNTY WI
CHAPTER 10.1
HOUSING AND ECONOMIC DEVELOPMENT
MOBILE HOME ORDINANCE**

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TOWN OF DUNN, DANE COUNTY WI
CHAPTER 10.1
MOBILE HOME ORDINANCE

10.1.1: Authority

Pursuant to Section 66.0435 of the Wisconsin State Statutes, the Town Board of the Town of Dunn, Dane County, Wisconsin, does hereby ordain as follows:

10.1.2: Purpose

The purpose of this Ordinance is to regulate the operation of mobile home parks and to oversee the establishment, construction, improvement, modification, enlargement, or reconstruction (collectively “construction”) of manufactured or mobile home parks or units in the Town to assess if the operation of, and the location of the mobile home and method of construction, will promote the public health, safety, and general welfare of the Town, preserve agricultural land and productivity, and comply with the goals and policies set forth in the Town of Dunn Comprehensive Land Use Plan.

10.1.3: Definitions

Whenever used in this ordinance, the words and phrases which follow shall be construed as indicated unless a different meaning expressly appears from the context:

- (a) *Agent*: The individual designated by the licensee who is responsible for the day-to-day operations of the mobile home park and compliance with this Ordinance.
- (b) *Anchoring Equipment*: Straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.
- (c) *Anchoring Systems*: A combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind force.
- (d) *Dependent Manufactured or Mobile Home*: A manufactured or mobile home which does not have a flush toilet, lavatory, bath, or kitchen sink.
- (e) *Ground Anchor*: Any device at the unit site designed to transfer anchoring loads to the ground.
- (f) *Licensee or Operator*: Any individual, firm, trust, partnership, association, corporation, or limited liability company licensed to operate and maintain a mobile home park under this ordinance.
- (g) *Manufactured Home*: A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401-5425, 101.91(2) Wis. Stats., and:
 - (1) It is designed to be used as a dwelling, and
 - (2) When placed on-site:
 - i. It is set upon an enclosed permanent foundation upon land which is owned by the manufactured homeowner, and
 - ii. It is off its wheels, and
 - iii. Is properly connected to utilities, and
 - iv. Is installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer to ensure proper support for the home, and
 - (3) No manufactured home which bears a label certifying approval under 42 USC 5401-5425, 101.91(2) Wis. Stats., shall be required to comply with any building, plumbing, heating or electrical code or any construction standards other than those promulgated under those laws.

In all other respects, manufactured homes are subject to the same standards as site-built homes.

- (h) *Mobile Home*: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty, 101.91 Wis. Stats.
- (i) *Mobile Home Park*: A plot or plots of ground upon which 3 or more units, occupied or intended for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (j) *Occupant*: A person residing in a mobile or manufactured home.
- (k) *Park*: A manufactured or mobile home park.
- (l) *Person*: An individual, partnership, firm, corporation, association, trust, whether owner, lessee, licensee or their agent, heir or assignee.
- (m) *Site*: A plot of ground designed for the accommodation of one mobile or manufactured home.
- (n) *Staging Area*: A designated safe area used for temporary (not to exceed seven (7) days) parking without hook-up of any type in preparation for entrance or exit from a mobile home park.
- (o) *Storm Shelter*: Designated space for residents of a mobile home park to take shelter during severe weather that is underground or a reinforced concrete structure suitable for human habitation for periods of up to 4 hours. Storm shelters shall have potable water available and a bathroom facility.
- (a) *Tie*: A strap, cable, or securing device used to connect the mobile home to ground anchors.
- (p) *Unit*: A single mobile home or manufactured home.

10.1.4: License Required for Mobile Home Park

It shall be unlawful for any person or organization to establish, operate, maintain, or permit to be established, operated, or maintained upon any property owned, leased, or controlled by him or her, a mobile home park within the Town of Dunn without a valid, unsuspended, and unexpired license for each such park from the Town Board. In accordance with 66.0435(3), Wis Stats., the license fee for a mobile home park shall be \$100.00 per year for each 50 sites or fraction thereof.

10.1.5: License Required for Manufactured or Mobile Homes Outside of Mobile Home Parks

Except as otherwise expressly authorized by ordinance or statute, it shall be unlawful for any person to establish or maintain, or permit to be established or maintained, a manufactured or mobile home as a dwelling in the Town of Dunn outside a licensed mobile home park without having a valid, unsuspended, and unexpired license for such unit from the Town Board. The license fee for a manufactured or mobile home outside of a park shall be \$25.00 per year.

10.1.6: Building Permit Required for Manufactured or Mobile Homes

- (a) Except as otherwise expressly authorized by ordinance or statute, it shall be unlawful for any person to place a manufactured or mobile home as a dwelling in the Town of Dunn without first having secured a building permit for such manufactured or mobile home from the Town.
- (b) Building permit procedures shall be completed in accordance with Town of Dunn Ordinance, 13.1.
- (c) The Town shall issue a building permit for a manufactured or mobile home only after the owner of the property where the manufactured or mobile home is to be located has filed proof that:
 - (1) A manufactured or mobile home license has been obtained;

- (2) Installation of the manufactured or mobile home will comply with all zoning ordinances;
- (3) The manufactured or mobile home will be installed in accordance with the manufacturer's instructions, or a plan certified by a registered architect or engineer, to ensure proper support for the home;
- (4) The manufactured or mobile home will be served by a public sanitary sewer or a permitted private sanitary sewer system;
- (5) The manufactured or mobile home will be served by a permitted well or public water system.

10.1.7: Procedure to Obtain or Renew Mobile Home Park License

- (a) *Application:* Application for a mobile home park shall be filed with the Town Clerk. Initial or renewal applications must be received a minimum of thirty (30) days prior to the effective date of operation or expiration of the existing license. The application shall be in writing, signed by the applicant, and shall contain the following information:
 - (1) The name, address and contact information of the applicant/licensee, including names of officers of the entity if the licensee is an entity;
 - (2) The location and legal description of the park.
 - (3) A complete site plan of the park.
 - (4) The name and contact information of the agent designated by the applicant/licensee.
 - (5) Proof of insurance as required by Section 10.1.10 of this Ordinance;
 - (6) Plans and specifications showing the following:
 - i. The area and extent of the proposed mobile home park;
 - ii. The location of all proposed mobile home sites;
 - iii. The location of all service buildings required by Section 10.1.11 of this Ordinance;
 - iv. The location of all sewer and water pipes and connections if the park is to serve non-dependent mobile home units.
 - v. All roadways and driveways;
 - vi. The water supply system; and
 - vii. The electrical system.
 - viii. A written explanation of the manner in which sewage will be disposed of and in which garbage will be collected and disposed of.
- (b) *Review:* Upon complete application, the Town Clerk shall examine the application and plans for conformity with the requirements of this Ordinance and with the requirements of any other ordinances, statutes or administrative rules and regulations which may be applicable to mobile home parks.
- (c) *Action:* After review of the application, the Town Clerk shall refer the application to the Town Board for consideration with a recommendation of approval, conditional approval, or rejection. The Town Board shall then approve, conditionally approve, or reject the application. One copy of the plan shall be returned to the applicant/licensee with the date and action endorsed thereon and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto.
- (d) *Issuance:* When the application has been approved by the Town Board, when any applicable approval conditions have been satisfied, and when payment of the license fee has been received, the Town Clerk shall issue a mobile home park license to the applicant/licensee.
- (e) *Term of License:* A mobile home park license shall expire one year after its issuance unless sooner suspended or revoked.

10.1.8: License Transfer or Change of Designated Agent for Mobile Home Park

- (a) *Transfer of Mobile Home Park License:* Upon application and approval for a transfer of mobile home park license, the Town Clerk shall issue a transfer upon payment of the required \$10.00 fee.
- (b) *Change of Agent:* If the licensee changes agent, a new agent designation shall be filed with the Town Clerk, the lessor of a minimum of thirty (30) days prior to the effective date of transfer or within seven (7) days of when the licensee becomes aware an agent ceasing to be an agent. The designation shall be in writing, signed by the licensee, and shall contain the name, address and contact information of the agent. The fee for designating an agent shall be \$10.00.

10.1.9: Procedure to Obtain or Renew Manufactured or Mobile Home License Outside of Mobile Home Park

- (a) The Town Board shall issue a license for a manufactured or mobile home outside a mobile home park only after the applicant (owner of the property where the manufactured or mobile home is to be located) has filed proof of the following:
 - (1) Proof the manufactured or mobile home meets all requirements of building, plumbing, health, sanitary, electrical, and zoning codes or ordinances, or that the mobile home is a structure which has been certified and labeled as a manufactured home under 42 USC 5401-5426 or 101.91-101.96, Wis. Stats.
 - (2) Has a hookup to public sanitary sewer or to a permitted private sanitary sewer system;
 - (3) Has availability of drinking water from a well hooked up to the mobile home;
 - (4) The annual license fee of \$25.00 (or \$20.00 for a six-month temporary permit) has been paid.
- (b) If applying for a temporary (six-month) permit, it has been assured that the manufactured or mobile home shall serve as a temporary residence during construction of a permanent residence at the same site. For such a temporary permit, the Town Board may relax the requirements in (1), (2), (3) above, if it is satisfied that the applicant has made alternative arrangements that adequately protect public health, safety, and welfare.
- (c) The term of a license issued under this Ordinance shall be one year (or six months for a temporary permit).

10.1.10: Surety Bond and Liability Insurance Required for Mobile Home Parks

- (a) No park license shall be issued until the applicant/licensee has posted a surety bond in the sum of \$20.00 per site to guarantee the collection and payment of the monthly parking permit fees required by Section 10.1.12.
- (b) No license shall be issued until the applicant/licensee has provided proof of liability insurance in the amount of \$1,000,000.00. The proof of liability insurance shall also be posted in a location in the park that may be readily seen by residents at all times.

10.1.11: Service Buildings

Every mobile home park occupied wholly or in part by dependent manufactured or mobile homes shall provide a service building or buildings with toilets, lavatories, showers, service sinks and laundry facilities.

10.1.12: Monthly Parking Permit Fees

- (a) *Monthly Parking Permit Fees Required:* In addition to the license fee, the Town of Dunn shall collect a monthly parking permit fee from each occupied manufactured or mobile home occupying space within the Town of Dunn. The monthly parking permit fee shall be computed as follows:
 - (1) The Town Assessor shall determine the total fair market value of each occupied unit which is

- 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 Town of Dunn. 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 be reduced by the credit allowed under section 79.10, Wis. Stats. 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 units moving into the Town of Dunn at any time.
- (2) *For Units Located Within a Mobile Home Park:* It shall be the full and complete responsibility of each licensee of a mobile home park to collect the proper fee from the owner or occupant of each occupied unit within the park. The licensee shall pay such parking permit fees to the Town Treasurer on or before January 10 and on or before July 10 and shall transmit to the Town Clerk all fees owed for the six months ending on the last day of the month preceding the month when the transmission is required.
- (3) *For Manufactured or Mobile Homes Located Outside a Mobile Home Park:* The owner of the land on which the manufactured or mobile home is located shall pay a monthly parking permit fee. The owner of the land may collect the fee from the owner of the manufactured or mobile home. The owner of the land shall pay such parking permit fees to the Town Treasurer on or before January 10 and on or before July 10 and shall transmit to the Town Clerk all fees owed for the six months ending on the last day of the month preceding the month when the transmission is required.
- (4) The Town shall retain 10% of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district in which the park or unit 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 Town of Dunn.
- (b) *Notification of Changes to Occupied Units:* The agent of a mobile home park shall notify the Town Clerk and the Town Assessor of each increase or decrease in the number of occupied mobile homes situated in the park within five (5) days of any change. The additional occupied units shall be reported on forms prescribed by the Wisconsin Department of Revenue. As soon as the Assessor receives the notice of such addition, s/he shall determine its fair market value and notify the Town Clerk of the determination. The Town Clerk shall equalize the fair market value established by the Town Assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the park licensee of the monthly fee to be collected from the unit.
- (1) 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 of the Wisconsin Statutes.
- (c) *Failure to Pay:* Failure to pay the monthly parking permit fee in timely fashion 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 Statutes.
- (d) *Exemption from Monthly Parking Fee:* The agent of a mobile home park shall not be required to collect the monthly parking fee for any space occupied by a unit accompanied by an automobile for an accumulating period of not more than 60 days in any twelve months if the occupants of the mobile home are tourists or vacationers. Exemption certificates in duplicate shall be accepted by the Treasurer from the qualified tourists or vacationers in lieu of parking permit fees.

- (1) The monthly parking permit fee shall not apply where a mobile home park is owned and operated by the county or state under the provisions of Sections 59.06 or 70.11(1) of the Wisconsin Statutes.

10.1.13: Mobile Home Park Management and Upkeep of Sites

- (a) Each mobile home park shall have an agent on-site at regularly scheduled times for a minimum of 5 hours per week for 50 units.
- (b) A copy of the park license and certificate of liability insurance as required in 10.1.10 of this Ordinance shall be visibly accessible at all times to the residents at a known location such as an office door or window.
- (c) The name, address, and contact information shall also be posted with the insurance information required in Section 10.1.10 on a window or door that is visible from the outside 24 hours a day, 7 days a week. Such information shall be updated within one week of any changes to such information.
- (d) The agent of any mobile home park shall:
 - (1) Keep a register of all occupants, open at all times to inspection by federal, state, and local officers; which shall show for all occupants:
 - i. Names and addresses;
 - ii. Number of adults and children of school age;
 - iii. State of legal residence;
 - iv. Move-in and move-out dates of all occupants;
 - v. Dates of entrance and departure of all mobile homes;
 - vi. Make, model, year and serial number or license numbers of each mobile home and towing or other motor vehicles and state, territory, or country which issued such licenses;
 - vii. States issuing such licenses; and
 - viii. Number of dogs.
 - (2) Maintain the park in a clean, orderly, and sanitary condition at all times.
 - (3) Ensure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violation of this ordinance or any other violations of law which may come to his or her attention.
 - (4) Collect the monthly parking permit fee, as required in 10.1.12 of this Ordinance, and keep a true and accurate record showing the names of the persons paying the said fee and the amount paid.
 - (5) In accordance with 10.1.12 of this Ordinance, transmit the monthly parking fees to the Town Treasurer;
 - (6) Maintain a staging area within the mobile home park.
 - (7) Cessation of Operation: A mobile home park operator cannot cease operation without providing either 6 months written notice to all Mobile Home Park residents affected by cessation and to the Town or written approval of all residents occupying the sites being eliminated.
 - (8) Reduction of Number of Sites: A mobile home park operator shall not reduce the number of sites without either agreement of any residents occupying the sites to be eliminated, or by providing 6 months written notice to the Town and to all residents occupying sites being eliminated.
- (e) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or

upon any premises in the Town. Such mobile homes are hereby declared to be a public nuisance. Whenever the Town so determines, it shall notify the licensee or landowner of the mobile home in writing that such public nuisance exists and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.

10.1.14: Anchoring Systems and Storm Shelter Required

- (a) All manufactured or mobile homes in the Town require anchoring systems to be installed in compliance with the standards of 24 CFR Part 3285 and shall be safe for winds up to at least 80 miles per hour.
- (b) For manufactured or mobile homes located within a mobile home park:
 - (1) The mobile home park shall provide each site with a ground anchoring system.
 - (2) The occupant of a mobile home within a mobile home park shall provide the remainder of the anchoring system.
- (c) A copy of 24 CFR Part 3285 shall be kept on file at the office of the Town Clerk and shall be made available to the public for inspection and copying upon request.
- (d) Licensee shall provide a storm shelter for residents of Mobile Home Parks with 50 or more units. The shelter shall be located such that residents can travel to the shelter in 5 minutes or less. Storm shelter space shall be a minimum of 8 square feet of shelter space per mobile home unit in the Mobile Home Park. The shelter may be in a municipal building, basement of a nearby private structure, or an on-site shelter. The shelter must be available to residents seeking shelter in the event of severe weather including tornado watches and warnings, severe thunderstorm warnings, severe heat warnings, severe winter storm warnings.

10.1.15: Suspension or Revocation of License

- (a) *Complaints*: Upon the filing of a verified complaint by any police, health, or fire officer or by any resident with the Town Clerk alleging that any licensee or their agent licensed under this Ordinance has violated any provision of this Ordinance the Town Board shall issue a summons commanding the licensee or their agent to appear before them on a day and at a place in such summons named, not less than 5 nor more than 30 days from its date, and show cause why the license should not be suspended. The summons and a copy of the complaint shall be served at least 5 days before the date set for the appearance and may be served either personally or upon the agent of the licensee in charge of the mobile home park. Said complaint shall set forth each alleged offense, the date, time and place of each offense alleged and the facts constituting each offense alleged. The Clerk shall give the complainant written notice of the time and date set for the hearing.
- (b) *Failure to Appear for Hearing*: If the licensee does not appear as required by the summons, the allegations set forth in the complaint shall be deemed to be true and the Town Board may dismiss the complaint or suspend or revoke the license. Notice of the Board's action shall be given to the licensee.
- (c) *Hearing Procedure*: If the licensee appears at the hearing and denies the allegations set forth in the complaint, each party may present testimony and evidence. The complainant shall be the first to proceed and the licensee, who may be represented by counsel, shall then have the opportunity to be heard in person and to present witnesses and testimony on its behalf. Both the complainant and the licensee shall have the right to cross-examine adverse witnesses and to compel the attendance of witnesses by subpoena which shall be issued by the Town Chair upon request.
- (d) *Prerogative of the Board*: If the Town Board determines the allegations of the complaint to be true,

it may suspend or revoke the license. If the Board determines that the allegations are untrue or if true are not grounds for revocation it shall dismiss the complaint.

- (e) Reinstatement of a Suspended or Revoked License: A suspended or revoked license may be reinstated or conditionally reinstated upon appeal to the Town Board showing that past violations have been resolved, providing assurance that future violations will not occur, and by paying a new license fee in accordance with 10.1.4. Reinstatement of a suspended or revoked license may occur immediately following suspension or revocation. Operating a Mobile Home Park without a valid license is grounds for automatic suspension and requires an appeal to the Town Board showing that past violations have been resolved, providing assurance that future violations will not occur and by paying a forfeiture in accordance with 10.1.16.

10.1.16: Penalties for Violation

Any person violating any provision of this ordinance, upon conviction thereof, shall forfeit not less than \$100.00 nor more than \$300.00 and the costs of prosecution. Each day of violation shall constitute a separate offense.

After providing the owner of a manufactured or mobile home due notice and an opportunity to be heard, the Town Board may remove an offending unit and charge the cost of removal to the owner of the land where the mobile home is located. The Town may recover the costs of removal from sale of the mobile home if such costs remain unpaid for a period of sixty (60) days, provided the property interests in the mobile home of any non-offending parties are protected.

10.1.17: Separability

If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason is 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 portions thereof.

10.1.18: Effective Date

This Ordinance shall take effect the day after passage and posting or publication pursuant to law. The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at its meeting held on July 18, 2022.

TOWN OF DUNN

By: 
Steve Greb, Town Chair

Attest: 
Cathy Hasslinger, Town Clerk Treasurer