

ORDINANCE NO. OR05-06

**AN ORDINANCE AMENDING THE MUNICIPAL CODE,
CHAPTER 54, MOBILE HOMES,
CHAPTER 106, ZONING, ARTICLE IV, ZONING DISTRICTS,
AS IT RELATES TO MOBILE HOME PARK DISTRICTS
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

SECTION I: Chapter 54, Mobile Homes, Section 54-1 through 54-2, and Chapter 106, Zoning, Article IV, Zoning Districts, Section 106-103, are hereby repealed and recreated as follows:

Chapter 54 MOBILE HOMES*

*Cross references: Buildings and building regulations, ch. 14; floods, ch. 38; planning, ch. 66; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

ARTICLE I. GENERAL PROVISIONS

Sec. 54-1. Saved from repeal.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any ordinance concerning mobile or manufactured homes when not inconsistent with this Code.

Sec. 54-2. Purpose.

The purpose of this Chapter is to promote public health, safety and the general welfare of the community; to further the orderly layout and use of land in the City; to secure safety from fire, panic and other dangers; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds, and other public utilities and facilities; to provide the best possible environment for human habitation in the City; and to encourage the most appropriate use of land throughout the City.

Sec. 54-3. Definitions.

Whenever used in this Chapter, unless a different meaning clearly appears from the context, the following words and phrases shall have the following meanings.

- (a) *Accessory Building* means any structure affixed to a lot, other than a mobile home.
- (b) *Dependent Mobile Home* means a mobile home which does not have complete bathroom facilities.
- (c) *Developed Lots* mean those mobile home lots in an existing mobile home park which are laid out, fully constructed, and presently ready to receive and provide utilities to a mobile home and its occupant.

- (d) *Licensee* means any person licensed to operate and maintain a mobile home park under this Chapter.
- (e) *Lot* means a plot of ground within a mobile home park, designed and constructed for the accommodation of one mobile home.
- (f) *Mobile Home* shall mean a single-family structure, except a “manufactured home” which is, or was originally constructed and designed to be transported by any motor vehicle upon a public highway, transportable in one or more sections, which is over 400 square feet in area excluding the hitch, 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, and includes the plumbing, heating, air conditioning and electrical systems contained in it.
- (g) *Manufactured Home* means any structure which is, or was as originally constructed or designed to be transported by any motor vehicle upon a public highway in more than one (1) section, which is over 900 square feet in area excluding the hitch, which is designed to be used as a dwelling when connected to utilities, which is certified and labeled as a manufactured home under 42 USC Sections 5401 to 5426, which is set on an enclosed permanent concrete or cement block foundation on real estate owned by the home owner, and which is installed in accordance with the manufacturer’s instructions.
- (h) *Occupant* means any individual who resides in a mobile home.
- (i) *Owner* means the person who owns the mobile home park.
- (j) *Park or Mobile Home Park* means any plot or plots of ground owned by a person or government upon which two or more mobile homes, occupied for dwelling purposes, are located, regardless of ownership and whether or not a charge is made for the accommodation.
- (k) *Person* means any natural individual, firm, trust, partnership, association, corporation or limited liability company.
- (l) *Set back* means the minimum horizontal distance between (1) a lot line and the nearest point of a structure, or (2) a lot line and a park boundary line. Distances shall be measured between the two closest points. The eve or overhang of any structure shall be included in measuring the setback for such structure.
- (m) *Unit* means mobile home dwelling.

Sec. 54-4. Compliance.

- (a) Mobile Homes:
 - (1) No mobile home may be placed, parked, stored or occupied within the City except in compliance with this Chapter and except in a licensed mobile home park.
 - (2) No mobile home may be extended, enlarged, reconstructed, moved, structurally altered, nor shall any lean-to or shed be erected without the approval of the Building Inspector.
- (b) Lots: No recreational fire pits are permitted on mobile home lots, recreational area or within the mobile home park perimeter.
- (c) Parks: No mobile home park may be established, operated, maintained, enlarged or expanded except in compliance with this Chapter.

Sec. 54-5. Permitted Accessory Uses and Structures.

- (a) Carports and garages (private).
- (b) Gardening, tool and storage sheds incidental to residential use.
- (c) Home occupations and professional home offices.
- (d) Solar collectors attached to the principal structure provided they do not adversely affect the residential character of the neighborhood.

Sec. 54-6. Exceptions.

- (a) *Emergencies:* Emergencies or temporary stopping or parking of a mobile home is permitted on any street, alley, or highway, for not longer than one hour, subject to any other and further prohibitions, regulations or limitations imposed by the traffic or parking ordinances for that street, alley, or highway.
- (b) *Existing Homes:* A mobile home placed on land outside of a mobile home park on the effective date of this Chapter shall be permitted to remain on said land, subject to the following conditions:
 - (1) The mobile home may not be extended, enlarged, reconstructed, moved or structurally altered, or replaced with a different mobile home unless the Zoning Board of Appeals determines that such section (1) will be an aesthetic improvement to the mobile home and (2) will be in fundamental harmony with the surrounding uses.
 - (2) In the event the existing mobile home is damaged by fire, explosion, flood or other peril to the extent of more than fifty percent (50%) of its current value, it shall not be reconstructed or repaired, but instead shall be demolished and removed.
- (c) *Businesses:* This ordinance shall not apply to any business engaged in the sale or service of mobile homes, provided the mobile homes located as such business are unoccupied and are only temporarily placed, and further provided that said business complies with the zoning requirements of this Code.
- (d) *Manufactured Homes:* Manufactured homes may be placed upon real estate outside of mobile home parks, provided they satisfy all other requirements of this Code.
- (e) *Severability:* Should any clause, sentence, paragraph of other portion of this Chapter be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

ARTICLE II. LICENSES AND FEES

Sec. 54-7. Licenses Required

- (a) *New Parks:* It shall be unlawful for any person to construct, alter, operate, own or maintain within the City any mobile home park unless such person first obtains a license therefore pursuant to the procedures described in this Chapter.
- (b) *Additions to Park:* It shall be unlawful for any person to enlarge or construct any addition to any mobile home park within the City unless such person first obtains a license therefore pursuant to the procedures described in this Chapter.
- (c) *Existing Parks:* Pursuant to Section 66.0435, Wisconsin Statutes, the owners of all mobile home parks existing on the effective date of this ordinance shall, within 90 days thereafter, obtain a license as follows.
 - (1) Upon receipt of an original application and upon payment of the annual fee, the City Clerk shall refer the application to the Zoning Administrator who shall conduct a review and inspection of

the existing park to verify the accuracy of the application. If the application is accurate, the Zoning Administrator shall certify the same to the City Clerk. If the application is not accurate, the Zoning Administrator shall provide a brief written statement to the owner and the City Clerk of those items which must be corrected in the application. All corrections will be reviewed again by the Zoning Administrator who shall certify the accuracy of the application to the Clerk as soon as the corrections are completed.

- (2) Upon receipt of the certification from the Zoning Administrator, the City Clerk shall refer the matter to the Common Council for action. The Common Council shall approve the issuance of a license for the continued operation of a mobile home park on only that land having developed lots. No license shall be issued for any part of an existing park which does not have developed lots.

Sec. 54-8. Term of License.

The term of each license shall be for one (1) year unless sooner revoked, and shall expire on June 30 of each year. Licenses for mobile home parks shall contain the following information:

- (a) Name, address and telephone number of the owner and manager (if any) of the park.
- (b) The number of authorized lots in the park.
- (c) Reference to the approved original application on file with the City Clerk.
- (d) Statement that the park plan may not be changed, altered, enlarged or expanded without first obtaining City approval.
- (e) A solid waste disposal plan in accordance to the requirements set in this Chapter.
- (f) Statement that all park residents have been informed of storm shelter provisions and evaluation procedures.

Sec. 54-9 Termination of License.

Any license granted under this Chapter may be revoked or suspended, pursuant to the procedures set forth in Section 66.0435 Wisconsin Statutes for any violation of one or more of the terms or conditions of this Chapter.

Sec. 54-10 Transfer of License.

Upon application to the City Clerk and upon review and certification by the Zoning Administrator that the entire park is in full compliance with the then-existing license, a new license may be transferred to a new owner.

Sec. 54-11 Sale of Lots.

The sale or conveyance of individual lots or any part of the park is prohibited. The sale or conveyance of any lot or part of a park shall automatically terminate and revoke the park's license.

Sec. 54-12. Fees.

- (a) *Original Application Fee:* A non-refundable fee of \$200.00 shall be submitted with each original application for a new mobile home park. A non-refundable fee of \$100.00 shall be submitted with each application for an extension of an existing mobile home park.

- (b) *Annual License Fee:* An annual license fee of \$2.00 per lot, with a minimum of \$100.00 shall be paid by each licensee. This fee shall be submitted with each application for renewal and shall be refunded to the licensee if the application is not renewed.
- (c) *Transfer of License Fee:* A fee of \$10.00 shall be paid with each application for a transfer of license.
- (d) *Parking Fee:* Pursuant to Section 66.0435 each mobile home park operator shall collect the monthly parking fee from each mobile home owner and remit the same to the City Clerk. The owner of a mobile home parked outside of a licensed park shall remit his monthly fee directly to the City Clerk unless the mobile home is assessed as part of the real estate, and then he shall pay no monthly fee.
- (e) It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the City Clerk/Treasurer as provided in this subsection.

ARTICLE III. ORIGINAL APPLICATION

Sec. 54-13 Original License Applications.

In addition to the requirements of Section 66.0435 Wisconsin Statutes, each person who wishes to construct a new mobile home park or who wishes to enlarge or expand an existing mobile home park, or who wishes to redesign any park of an existing park, shall prepare and file an original application and fee with the City Clerk.

Sec. 54-14 Original Application Information.

A site plan for the entire mobile home park shall be submitted to the Plan Commission for review and approval prior to any construction within the park, and prior to application approval. Each original application shall contain the following information:

- (a) Name, address and telephone number of each owner and developer of the proposed mobile home park or proposed extension.
- (b) The legal description and acreage of the proposed park or extension.
- (c) Ten copies of preliminary site plans drawn to scale showing the location of the following:
 - (1) Each mobile home lot.
 - (2) All roadways, sidewalks and parking sites.
 - (3) Recreation areas and facilities.
 - (4) Storage areas.
 - (5) Underground utilities, including cable television.
 - (6) Street lighting.
 - (7) Topography and drainage.
 - (8) Landscaping plans and specifications.
 - (9) Road construction plans, specifications and elevations.
 - (10) Solid waste disposal plan.

- (11) An explanation of how storm shelters will be provided.
- (12) An explanation of the staging and timing of the proposed construction.
- (13) The names and addresses of all person s who own property located within 100 feet of the proposed park or extension.
- (14) Any additional information necessary to show compliance with this Chapter.
- (15) Any additional information which the Plan Commission may request.

Sec. 54-15 Review.

Upon receipt of an original application, the City Clerk shall refer the application to the Plan Commission. The Plan Commission shall review the application, the site, existing and proposed structures, site plans, neighboring uses, highway access, traffic patterns, drainage, sewerage and water systems, and all other factors deemed relevant to the future use and operation of the proposed park or extension.

Sec. 54-16 Hearings.

After study and review of the application and other facts, the Plan Commission shall hold a public hearing within a reasonable period of time, but in no event later than seven weeks after submission of the application to the Clerk. The Plan Commission shall give pubic notice of the hearing by publishing a Class II Notice under Chapter 985 Wisconsin Statute, specifying the date, time place and subject matter of the hearing. A notice of the hearing shall be mailed at least ten (10) days prior to the public hearing, by certified mail to the applicant and to the owners of all property located within 100 feet of the proposed park. This notice and hearing may be combined with any notice and hearing required for the granting of a Conditional Use for the park or extension.

ARTICLE IV. RENEWAL APPLICATIONS

Sec. 54-17 Application Form.

An application for renewal shall be submitted by each licensee on or before June 1 of each year, on forms furnished by the City.

Sec. 54-18 Review.

Upon receipt of an application for renewal, the City Clerk shall refer the application to the Zoning Administrator who shall inspect the mobile home park to determine compliance with this Chapter and all other restrictions or conditions placed on said park by previous City action. Upon completion of this inspection, the Zoning Administrator shall either provide a certification to the City Clerk that the mobile home park is in compliance, or provide the licensee and the City Clerk with a brief written description of the violations found.

Sec. 54-19. Council Approval.

- (a) Upon receipt of the report from the Zoning Administrator, the City Clerk shall refer the report to the Common Council for action.
- (b) If the Zoning Administrator has found no violations, the Common Council shall approve the renewal of the license. If the Zoning Administrator has found violations, the Council can either approve the license renewal upon the condition that the violations be corrected within a stated time, or the Common Council can schedule hearings on the revocation or suspension of the license pursuant to the procedures authorized by Section 66.0435 Wisconsin Statutes. The council shall act on the renewal on or before June 30.

Sec. 54-20. Monthly Parking Fee.

- (a) There is imposed on each owner of a nonexempt, occupied mobile home in the city a monthly parking fee as determined in accordance with Wis. Stats. § 66.0435(3) which is hereby adopted by reference and made part of this section as if fully set forth in this section. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home owner. Licensees shall pay to the City Clerk/Treasurer such parking permit fees on or before the tenth day of the month following the month for which such fees are due in accordance with the terms of this section and such regulations as the City Clerk/Treasurer may reasonably promulgate.
- (b) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk/Treasurer and Assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the City Clerk/Treasurer in accordance with Wis. Stats. § 66.043(3)(c) 2.
- (c) Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Clerk/Treasurer as provided in this subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the City Clerk/Treasurer as provided in this subsection (a).

State law references: Mobile home parks generally, Wis. Stats. § 66.0435.

ARTICLE V. DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS

Sec. 54-21. Standards Adopted.

The following design and construction standards shall apply to the design and construction of any new park, and to the design and construction of any enlargement of or addition to any existing park, and to the redesign or reconstruction of any part of an existing park after the effective date of this Chapter. These standards shall be in addition to all state statutes, codes and regulations.

Sec. 54-22. Unique Design.

Although the following standards are mandatory, nothing herein should be construed to prevent or limit the submission or unique, innovative designs to the Plan Commission. Such designs are encouraged and, if approved by the Plan Commission, can be permitted through the variance procedure of Chapter 106, Article XIII.

Sec. 54-23. Park Dimensions.

- (a) Area: 5 acres minimum
- (b) Setbacks: (Lot setback from exterior park perimeter) 10 feet minimum
- (c) Density: 7 units per gross acre maximum

Sec. 54-24. Minimum Lot Requirements.

- (a) Width: 40 feet
- (b) Depth: 100 feet
- (c) Front Yard Setback: 15 feet
- (d) Rear Yard Setback: 10 feet

- (e) Side Yard Setback: 5 feet minimum, 15 feet between units
- (f) Lot Boundaries: corners of each lot shall be clearly staked so that occupants can easily determine lot boundaries.

Sec. 54-25. Parking.

- (a) Off-street parking: 2 per unit. Garage space that accommodates vehicular storage shall be included in the calculation.
- (b) No parking shall be permitted on lot yards.

Sec. 54-26. Building Specifications.

- (a) Height: 35 feet maximum
- (b) Width: 8 feet minimum
- (c) Area: 400 square feet minimum, excluding the hitch
- (d) Foundation: Permanent foundation required
- (e) Skirting: The space between the mobile home unit and pad shall be enclosed with a non-combustible material compatible with the material and color scheme of the mobile home unit.

Sec. 54-27. Accessory Buildings and Structures.

- (a) Number allowed: 2 per lot; and shall consist of one freestanding accessory building, and one garage. Shared accessory buildings will constitute 1 for each of the lots.
- (b) Setbacks: 5 feet minimum all sides, 10 feet minimum between structures. Structures serving more than one lot may be located within the side or rear setback of the common lot line.
- (c) Location: Rear half of the lot.
- (d) Height: 15 feet maximum
- (e) Area:
 - (1) Free-standing accessory building: 120 square feet maximum
 - (2) Garage: 280 square feet maximum
 - (3) Shared Garage: 600 square feet maximum

Sec. 54-28. Utilities.

- (a) Public water, public sewer, natural gas and electrical utilities shall be provided to each lot.
- (b) Public water and sewer shall be master-metered.
- (c) Propane tanks shall not be permitted.
- (d) All utilities, including telephone and cable television shall be placed underground.

Sec. 54-29. Streets and Street Lighting.

- (a) Streets and roadways shall be paved with asphalt or concrete and maintained in good condition.
- (b) Streetlights shall be installed in accordance with Chapter 86-171 of this Code.
- (c) Streets and roadways shall maintain a 32 foot width, providing for street parking on at least one side of the street.

Sec. 54-30 Solid Waste Disposal.

- (a) All waste material, debris, refuse, garbage and materials shall be stored indoors or be kept in covered containers and be totally screened from eye level view from public streets and adjacent properties.
- (b) All solid waste shall be collected weekly and disposed of by the park owner in accordance with the approved solid waste disposal plan.

Sec. 54-31. Open and Recreation Areas.

- (a) Each park shall have one or more designated open areas which shall be easily accessible to all park residents, which shall not include a street or the park boundary, and which shall be so located as to be free of traffic hazards.
- (b) Total size of such open areas shall be a minimum of 5 percent of the total land area of the park

Sec. 54-32. Landscaping.

- (a) Trees, grass and landscape material shall be properly maintained and replaced.
- (b) All areas not occupied by buildings or paving shall be landscaped.
- (c) The front yard setback area shall be landscaped except for points of ingress and egress approved by the Plan Commission.

Sec. 54-33. Manager/Owner Responsibilities.

- (a) The park owner is liable for payment of all City utilities.
- (b) The park owner is responsible for the maintenance and plowing of all streets.
- (c) The park owner is responsible for notifying all park residents of storm shelter locations and evacuation procedures.
- (d) The park owner shall make provisions for the regular collection of all solid waste generated by the park.
- (e) The park owner shall adhere to all requirements listed under Article II of this Chapter.

Sec. 54-34-39 Reserved.

ARTICLE VI. ENFORCEMENT AND PENALTIES

Sec. 54-40. Violation Defined.

Any act or omission by any person which fails to fully comply with any provision of this Chapter shall be deemed a violation. Each day a violation exists shall constitute a separate offense, and the prosecution of two or more offenses by the same violator may be joined in one action.

Sec. 54-41. Prosecution.

Upon learning of a violation, the Zoning Administrator or other City official shall do one or more of the following:

- (a) Shall cause the violator to be served with a notice, informing the violator of the nature of the violation and giving the violator a date by which the violation must be abated or corrected; or
- (b) Shall refer the violation to the City Plan Commission, which may investigate the violation, hold meetings with the violator, and take whatever steps it feels necessary and prudent to abate or correct the violation; provided, however, the powers of the Plan Commission shall not exceed the powers granted herein to the Plan Commission; or
- (c) Shall refer the violation to the City Attorney for prosecution.

Sec. 106-103. R-MH Residential Mobile Homes

The requirements for property within the R-MH Mobile Home District shall be as provided in Chapter 54 of the City of Brillion Municipal Code.

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

Ordinance Number OR05-06 introduced and its adoption moved by Alderperson Edinger; and seconded by Alderperson Unbehaun.

Upon a pole vote thereon, the result was as follows:

<u> 9 </u>	Votes Cast
<u> 9 </u>	Votes Yes
<u> 0 </u>	Votes No

The Mayor declared Ordinance Number OR05-06 adopted, approved and signed the same this 26th day of September, 2005.

Robert Mathiebe, Mayor

Attested:

Lori M. Gosz, City Administrator/ Clerk-Treasurer