

MOBILE HOMES ORDINANCE NO. 2011-02

FOR THE TOWN OF WOOD RIVER

The Town Board of the Town of Wood River, County of Burnett, Wisconsin, pursuant to the authority granted by Sec. 66.058 of the Wisconsin Statutes, do ordain as follows:

All previous ordinances relating to and regulating mobile homes are hereby repealed, and Ordinance No. 2011-02 is created to read as follows:

DEFINITIONS:

- (1) *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 the USC.
- (2) *Mobile Home* means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unity or unity 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 uncollapsible 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.
- (3) *New Manufactured Home* means a manufactured home that has never been occupied, used or sold for personal or business use.
- (4) *Used Manufactured Home* means a manufactured home that has previously been occupied, used or sold for personal or business use.
- (5) *License period* means the period during which a license issued under s. 101.951 or 101-952 is effective, as established by the department under s. 101.951 (2) (b) 1. Or 101.952 (2) (b)
- (6) *Manufactured Home Community* means any plot or plots of ground upon which 2 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. *Manufactured home community occupant* means a person who rents or owns a manufactured home in a manufactured home community.
- (7) *Manufactured Home Community Operator* means a person engaged in the business of owning or managing a manufactured home community.
- (8) *Manufactured Home Salesperson* means a person who is employed by a manufactured home manufacturer or manufactured home dealer to sell or lease manufactured homes.
- (9) *Manufactured Home Owner* means any person who purchases or leases from another, a manufactured home primarily for use personal, business. Or household purposes.
- (10) *Person* means any natural individual, firm, trust, partnership, association, corporation or

limited liability company.

(11)Manufactured Home Dealer means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in, manufactured homes or who is engaged wholly or partially in the business of selling manufactured homes, whether or not the manufactured homes are owned by the person, but does not include;

- a. *A receiver, trustee, personal representative guardian, or other person appointed by or acting under the judgment or order of any court.*
- b. *Any public officer while performing that officer's official duty.*
- c. *Any employee of a person enumerated in par (a) or (b).*
- d. *A person transferring a manufactured home used for that person's personal, family or household purpose, if the transfer is an occasional sale and is not part of the business of the transferor.*

SECTION 1. MOBILE HOMES RESTRICTED

After the effective date of this ordinance, all mobile homes or manufactured homes shall be placed on a UDC approved foundation and follow all guide lines for proper tie downs. Mobile homes or manufactured homes may be located on the personal property of a land owner provided a variance is applied for on five acres or less and written permission for the dwelling is shown and there is a request for a building permit for the placement of the mobile home or manufactured home. The landowner is then responsible for all regulations of the mobile home or manufactured home in the Town of Wood River.

Section 1b. All manufactured and mobile homes are not to be more than ten years of age at the time of placement on the property.

Section 1c. No more than one mobile home or manufactured home may be placed on a property. Any more than one mobile home or manufactured home is considered a trailer park and these are prohibited by the Town of Wood River.

Section 1d. Mobile Homes or Manufactured Homes may be used as temporary homes without a foundation for one year in the case of disaster or when building a new dwelling.

Section 1e. The use of Mobile Homes or Manufactured homes will only be for single-family residential purposes.

SECTION 2. PRESENT MOBILE HOME AND A MANUFACTURED HOME USER EXCEPTION

Present users of mobile homes and manufactured homes shall be entitled to continue for as long as permission has been obtained under the previous ordinance to locate, use and occupy the mobile home or manufactured home presently used and occupied by such user provided however:

- a. its use must be for residential purposes only,
- b. that this exclusion shall not apply to any replacement mobile home acquired by or intended to be acquired by the present user, and shall not apply after any interruption whatsoever of the present,
- c. that this exclusion shall apply only to the present user of the mobile home or manufactured home, and shall not apply to a tenant, subtenant or person other than the present user,
- d. that this exclusion is specifically limited to the specific location in the Town of Wood River where the present mobile home or manufactured home of the present user is located,

SECTION 3. OTHER EXCEPTIONS.

The following uses of mobile homes and manufactured homes shall also be permitted:

- a. the use of a mobile home as a "lunch wagon" or by contractors, builders, or others similarly situated for operational headquarters or storing supplies for such period as the Town Board designates. However, no living quarters shall be maintained; and
- b. the use of a mobile home as emergency living quarters when a residence has been so destroyed as to make it unlivable provided that such use cannot in any event exceed six months.

SECTION 4. Mobile Home or Manufactured Home Parks.

- a. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a manufactured and mobile home community in the Town of Wood River.
- b. Any more than one mobile home or manufacture home is considered a traller park and these are prohibited by the Town of Wood River.

SECTION 5. PENALTIES FOR VIOLATION OF ORDINANCE.

Any person violating any provision of this ordinance shall upon conviction forfeit not less than \$10 nor more than \$100 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until the payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

SECTION 6. SEVERABILITY AND CONFLICT.

- a. If any section, subsection, sentence, phrase, clause or any portion of this ordinance is for any reason health invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and the balance of the ordinance shall remain in full force and effect the same as if such invalid or unconstitutional portion had not been

inserted herein.

- b. This ordinance shall be interpreted so as not to conflict with or be less restrictive than any applicable state law or county ordinance or any rule or order of any authorized state agency regulating mobile homes and manufactured homes and any provision of this ordinance which shall be found to be in conflict with and/or less restrictive than any such other applicable law, ordinance, rule or order, shall give way thereto. If any valid requirement of this ordinance is more restrictive than any other applicable law, rule or order of the State of Wisconsin, or any of its agencies, conflict shall not be deemed to exist between this ordinance and such other law, order, ordinance or rule, but in such case the specific provisions of this ordinance shall control.

SECTION 7. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after posting thereof.

Merlin Becvar 2-9, 2011

Merlin Becvar, Chairman Date

Dale Halverson 2-9, 2011

Dale Halverson, Supervisor 1 Date

Donald Chell 2/9/2011, 2011

Donald Chell, Supervisor 2 Date

Filed this 9 day of February, 2011.

Dawn Luke 2-9, 2011

Dawn Luke, Town Clerk Date

Attest