

Chapter 21

Mobile Homes and Mobile Home Parks

Table of Contents

21.01	General	Page 2
	A. State Statutes Adopted	Page 2
	B. Definitions	Page 2
	C. Zoning Ordinance	Page 2
21.02	Mobile Home Parks	Page 3
	A. Scope of Rules	Page 3
	B. Requirements	Page 3
	C. License	Page 4
	(1) Requirements	Page 4
	(2) Issuance	Page 4
	(3) Renewal	Page 4
	(4) Fee	Page 4
	D. Restrictions	Page 4
	(1) General	Page 4
	(2) Site	Page 4
	(3) Parking	Page 4
	(4) Rental Agreement	Page 4
	(5) Registration of Tenant	Page 5
	E. Prohibited Practices - General	Page 5
21.03	Monthly Mobile Home Fee	Page 5
21.04	Revocation	Page 5
21.05	Penalty	Page 6

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Chapter 21

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- 21.01 General
- 21.02 Mobile Home Parks
- 21.03 Monthly Mobile Home Fee
- 21.04 Revocation
- 21.05 Penalty

21.01 GENERAL

A. State Statutes Adopted: The provisions of Chapter 66.058 of the Wisconsin State Statutes relating to Mobile Home Parks is hereby adopted and made a part of this ordinance by reference.

B. Definitions

- (1) Mobile Home: is that which is, or was originally constructed, designed to be repeatedly 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 except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the house trailer.
- (2) Mobile Home Park: means any plot or plots of ground owned by a person, state or local government upon which two (2) or more mobile homes , occupied for dwelling or sleeping purposes are located, regardless of unit ownership, and whether or not a charge is made for such accommodation. A Mobile Home Park shall not contain more than five (5) mobile homes at any one time.
- (3) Site: means any plot of ground within a Mobile Home Park which is rented, or intended to be rented for the accommodation of one mobile home occupied for residential purposes, but does not include a plot of ground accommodating a mobile home occupied on a strictly seasonal basis.
- (4) Operator: means any person engaged in the business of renting sites in a Mobile Home Park.
- (5) Tenant: means any person renting a site in a Mobile Home Park from an operator, and shall include subtenants
- (6) Rental Agreement: means an agreement between an operator and a tenant for the rental of a site in a Mobile Home Park.

C. Zoning Ordinance: Mobile Homes shall be permitted in Mobile Home Parks. Mobile Home Parks are allowed as a "Conditional Use" in the "R-4" District (Zoning Ordinance 9.10 A.J.)

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21.02 MOBILE HOME PARKS

A. Scope of Rules: The provisions of these rules shall apply to the owner and to the operator, if other than the owner, of any Mobile Home Park in the Village of Amherst.

B. Requirements: It shall be unlawful for any person to maintain or operate within the Village of Amherst any Mobile Home Park unless such person shall first obtain a license.

All such parks in existence at the time of adoption of these regulations shall within ninety (90) days obtain such license, and in all other respects comply fully with the requirements of this Chapter.

Any mobile home required by this Ordinance to be in a Mobile Home Park, which, at the time of the adoption of this Ordinance is situated outside a Mobile Home Park, or inside a nonconforming Mobile Home Park, may continue to stay in its present location until:

1. it is vacated by its present owners; or
2. it is destroyed by fire or other causality to the extent that the unit or portion of the unit remaining equals in value less than fifty percent (50%) of the replacement cost of the unit. No replacement will be located outside a Mobile Home Park or inside a non-conforming Mobile Home Park.

The owners or operator of any Mobile Home Park which, as of the effective date of this Ordinance, constitutes a non-conforming use under the Village of Amherst Zoning Ordinances, shall not:

- (1) Make any improvements to real estate within or adjacent to the Mobile Home Park for the purpose of enlarging or improving the Park or otherwise intensifying the non-conforming use.
- (2) Allow access to, or provide a site, space or other facilities in the Park for any Mobile Home other than those occupying such a site or space as of the effective date of this Ordinance.
- (3) Provided, however, nothing in these Requirements shall cause an occupant of any Mobile Home, in a Mobile Home Park, actually domiciled in such Mobile Home as of the effective date of this Ordinance, to vacate such Mobile Home.

C. Licenses

(1) Requirements: The original application for a Mobile Home Park license shall be obtained from the Village Clerk/Treasurer and filed with the Zoning Administrator. The application shall be in writing, signed by the applicant and shall contain the following:

- (a) Name and address of the applicant.
- (b) The location and legal description of the Mobile Home Park
- (c) The complete plan of the Mobile Home Park

(2) Issuance: Upon application and after inspection by the Zoning Administrator stating that the applicant has complied with all Village Ordinances and provisions of the Department of Health and Social Services and after

approval by the Village Board and upon payment of the annual license fee, the Clerk/Treasurer may issue the license. If the application is denied, a statement of the reason for denial shall be included in the Clerk's minutes.

- (3) Renewal: Upon application by any licensee and after approval by the Village Board and upon payment of the annual license fee, the Clerk/Treasurer shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Village.
- (4) Fee: The Clerk/Treasurer shall exact from the licensee an annual license fee of not less than twenty five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for each five (5) sites or fraction thereof within the Mobile Home Park.

D. Restrictions

- (1) General: Every Mobile Home and Mobile Home Park shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. Each Mobile Home shall be connected to the Village Water System and Village Sewage Disposal System in accordance with the rules of the Village Water and Sewer Department.
- (2) Site: Each site shall be clearly defined or delineated. The basic unit shall not occupy in excess of one fourth (1/4) of the area of the site, and the complete unit including all accessory structures shall not occupy more than one half (1/2) of the area of the site. Mobile Home Parks which exist at the time of the adoption of these restrictions and do not comply with the minimum area requirements may continue to operate.
- (3) Parking: Parking spaces in a ratio of one and one half (1 1/2) spaces for each mobile home site shall be provided.
- (4) Rental Agreement: Every rental agreement shall be in writing, and a copy shall, at the time the agreement is entered into, be furnished to the tenant and shall be for a term of no less than one year.
- (5) Registration of Tenant: Each tenant and other occupant of any mobile home in a Mobile Home Park must leave with the owner/operator of the Park the tenant or occupant's name, phone number, place of employment, if any, and name and address of next of kin.

E. **Prohibited Practices - General**

No operator shall:

- (1) Make any false, deceptive or misleading representation to induce a mobile home sale or site rental, or make any representation inconsistent with or contrary to the written rental agreement.
- (2) Impose any term or condition, or any rule or regulation in conflict with this Chapter or other applicable laws.

- (3) Require any tenant to make permanent improvements to the Mobile Home Park or assess any separate charge.
- (4) Restrict the choice of vendors whom a tenant may purchase goods or services from, except the operator may prohibit all solicitations within the Mobile Home Park.
- (5) Enter a tenant's mobile home without the tenant's permission and reasonable prior notice, except that if the tenant cannot be contacted and the operator reasonably believes that entry is necessary because of an emergency.

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21.03 MONTHLY MOBILE HOME FEE

There is hereby imposed on each mobile home located in the Village of Amherst, a monthly parking fee as determined in accordance with Chapter 66.058 of the Wisconsin State Statutes. Said fee shall be paid to the Village Clerk/Treasurer on or before the tenth (10th) day of the month following for which such fees are due. It shall be the full and complete responsibility of the licensee of a Mobile Home Park to collect such fees from each mobile home and remit such fees to the Clerk/Treasurer.

Occupants of mobile homes parked outside a Mobile Home Park shall remit such fees directly to the Clerk/Treasurer.

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21.04 REVOCATION

Any license granted under the provisions of this Chapter shall be subject to revocation or suspension for cause by the Village Board upon complaint filed with the Village Clerk/Treasurer, signed by any law enforcement officer, health officer or building inspector, after a public hearing upon such complaint, provided the licensee shall be given ten (10) days notice in writing of such hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked.

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21.05 PENALTY

Any person who violates this Section shall be subject to a Class "E" forfeiture, or incarceration in lieu thereof, as provided in Chapter 2.09 of this Code.

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