

TOWN OF NEW HOLSTEIN
Calumet County, Wisconsin
Ordinance No. 2024-1

MANUFACTURED AND MOBILE HOMES AND
MANUFACTURED AND MOBILE HOME COMMUNITIES

The Town Board of the Town of New Holstein do ordain as follows:

Section 1: MANUFACTURED AND MOBILE HOMES AND MANUFACTURED
AND MOBILE HOME COMMUNITIES.

A. Definitions.

The definitions set forth in Wis. Stats. § 66.0435(1), and as from time to time they are amended, are hereby adopted into this Ordinance by reference as if fully set forth herein.

B. Enforcement.

The provisions of this Ordinance shall be enforced by the Town Board. The Town Board or the Town Board's representative may enter upon any premises upon which a manufactured or mobile home is located or is about to be located and inspect the manufactured or mobile home and all accommodations connected with the manufactured or mobile home at any reasonable time with prior notice provided.

C. Location outside manufactured and mobile home communities.

1. It shall be unlawful for any person to park or cause to be parked any manufactured or mobile home within the Town, such as upon any street, alley, or highway or other public place or on any tract of land owned by any person within the Town, except as provided in this Subsection.
2. Emergency or temporary stopping or parking shall be permitted on any street, alley, or highway for not longer than one hour, subject to any other prohibitions, regulations, or limitations imposed by the traffic and parking regulations or Ordinances for that street, alley, or highway.
3. No person shall park or occupy any manufactured or mobile home on any premises situated outside an approved manufactured and mobile home community. The parking of any unoccupied manufactured or

mobile home in any accessory private garage building in the Town is permitted without permit, provided no living quarters shall be maintained or any business conducted in such manufactured or mobile home while so stored.

D. Permanent occupancy.

Manufactured and mobile homes shall not be used as a permanent dwelling or for indefinite periods of time unless such manufactured or mobile home is properly connected with the water supply and sanitary systems in an approved manufactured and mobile home community. Such manufactured or mobile home shall be constructed and located in compliance with all requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances applicable to the Town.

E. Alteration of manufactured or mobile home.

Any action toward the removal of wheels, except for temporary purposes of repair or any other action to attach the manufactured or mobile home to the ground by means of posts, piers, or foundation or to construct any addition to the manufactured or mobile home, shall subject the manufactured or mobile home and its owner to the requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances applicable to the Town.

F. Manufactured and mobile home community license required.

It is unlawful for any person to establish or operate upon property owned or controlled by the person within the Town, a manufactured and mobile home community without first having secured a license therefor from the Town. The application for such license shall be accompanied by a fee of \$100.00 for each 50 spaces or fraction thereof within each manufactured and mobile home community. The license period shall be from July 1 to June 30 of each calendar year except that licenses shall expire every June 30 no matter when issued. Such communities shall comply with Wis. Admin. Code ch. SPS 326, which is hereby adopted into this Code by reference as if fully set forth herein and as from time to time amended. The Town shall collect a fee of \$10.00 for each transfer of a license.

G. Parking permit fee.

There is hereby imposed on each unit located in the Town, a monthly fee as determined in accordance with Wis. Stat. § 66.0435(3)(c). Said fees shall be paid to the Town on or before the tenth day of each month following the month for which such fees are due.

H. Reports required.

1. Licensee of manufactured and mobile home communities or owners of land on which are parked any nonexempt manufactured or mobile home shall furnish information to the Town on such homes added to their community within five days after arrival of such home on forms prescribed by the Wisconsin Department of Revenue in accordance with Wis. Stat. §§ 66.0435(3)(c) and (e).
2. Occupants or owners of nonexempt manufactured or mobile homes parked outside of a manufactured and mobile home community shall remit applicable fees directly to the Town Clerk.
3. It shall be the responsibility of the licensee of a manufactured and mobile home community to collect applicable fees from each occupied, nonexempt manufactured or mobile home therein and to remit such fees to the Town Clerk.
4. Pursuant to Wis. Stat. § 66.0435(3)(h), there shall be a forfeiture of \$25.00 for failure to comply with the reporting requirements of this Section. Each failure to report is a separate offense.

I. Manufactured and mobile home community operation.

1. The manufactured and mobile home community shall maintain a staffed office in the community or local representative available during normal business hours.
2. The owner or operator, together with attendants or persons in charge of, or managing, the manufactured and mobile home community shall:
 - a. Keep a register, which is open at all reasonable times for inspection by appropriate state or local officials, of the owners of all manufactured and mobile homes in the community; and
 - b. Maintain the manufactured and mobile home community in a clean, orderly, and sanitary condition at all times.
3. Occupants shall maintain their sites in a clean, orderly, and sanitary condition at all times.

J. Revocation and suspension.

A license granted under this Ordinance is subject to revocation or suspension for cause by the Town upon complaint filed with the Town Clerk, if the complaint is signed by a law enforcement officer, local health officer, as defined in Wis. Stat. § 250.01(5), or building inspector, after a public hearing upon the complaint.

K. Hearings on revocation or suspension of license.

The holder of the license shall be given ten days' written notice of the hearing on revocation or suspension of the license, and is entitled to appear and be heard as to why the license should not be revoked or suspended. A holder of a license that is revoked or suspended by the Town may within 20 days of the date of the revocation or suspension appeal the decision to the County Circuit Court by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$500.00 with two sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

L. Criteria for issuance of a license.

1. The Town shall consider, but not be limited to, all of the following criteria prior to the issuance of a license to an applicant:
 - a. The applicant's identity, contact information, and trade name, if any.
 - b. If the applicant is a corporation, the identity of the corporate officers and agent.
 - c. If the applicant is a limited liability company, the identity of the company members or managers and agent.
 - d. If the applicant is a cooperative organized under Wis. Stat. ch. 185, the identity of the cooperative members, board of directors, and agent.
 - e. If the applicant is of a type identified in subsections (2), (3), or (4) above, then the applicant must further provide the identifying information of any and all related entities, if any. A related entity is an entity that is a parent, subsidiary, associate, or affiliate of the applicant.
 - f. Any other information required by this Ordinance or other applicable law.

2. In the sole discretion of the Town Board, a license may be issued with conditions, or a license may be denied, if any of the following are present:
 - a. The applicant, and/or a related entity, has past violations of this Ordinance.
 - b. The applicant, and/or a related entity, has a history relevant to the applicant's fitness to hold such a license, as demonstrated by another manufactured and mobile home community within or outside of the Town that was not clean, safe, orderly and in sanitary condition at all times.
 - c. The applicant, and/or a related entity, has failed to maintain a manufactured and mobile home community in accordance with the standards prescribed by the Wisconsin Department of Safety and Professional Services, an authorized agent of the Wisconsin Department of Safety and Professional Services, or in contravention of Wis. Adm. Code ch. SPS 326.
 - d. The applicant is not of good character. Good character, for purposes of this Section, means an applicant, and/or a related entity, without a history of dishonest, uncooperative, or offensive acts towards the Town, its personnel, or agents.
 - e. Fraud, misrepresentation, or an incorrect statement contained in the application for the license or made in the carrying on of the business of such license.

Section 2: If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of this Ordinance that can be given effect without the invalid or unconstitutional provision or application.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they would prevent or hinder any operation of this Ordinance as written.

Section 4: This Ordinance shall be in full force and effect from and after its date of adoption and notice to the public as required by law.

Section 5: Town officers and personnel are hereby authorized and directed to take all further actions necessary in order to enact this Ordinance.

Adopted this 14 day of February, 2024.

TOWN OF NEW HOLSTEIN

By: 
Ben Henke, Chairperson

ATTEST:

By: _____
Lynn Pendleton, Clerk

Noticed to the public on: _____.