

**TOWN OF BUFFALO
Marquette County
State of Wisconsin**

ORDINANCE

CHAPTER 4

**MOBILE HOMES, MANUFACTURED HOMES AND
RECREATIONAL MOBILE HOMES**

**August 2005
Revised October, 2006**

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SECTION 1 – TITLE/PURPOSE

The title of this ordinance is the Town of Buffalo Mobile Homes And Manufactured Homes Ordinance. The purpose of this ordinance is for the Town of Buffalo an ordinance enforcing minimum standards for mobile home parks to promote the public health, safety and welfare; regulating the location of mobile homes and recreational mobile homes and fixing penalties for violations.

SECTION 2 – AUTHORITY

The town board of the Town of Buffalo has the specific authority under s. 175.25, Wis. stats. and general authority under its village powers to adopt this ordinance. The provisions of 1969 Wis. State Stats. 66.058 are hereby adopted by reference, except as hereinafter amended.

SECTION 3 – ADOPTION OF ORDINANCE

The town board of the Town of Buffalo, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to enforce minimum standards for mobile home parks in order to promote the public health, safety and welfare; establish requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities; authorize the issuance of permits for construction, alteration and extension of mobile home parks; authorize the inspection of mobile home parks; regulate the location of mobile homes and manufactured homes and fixing penalties for violations.

SECTION 4 – DEFINITIONS

- A. Camper: A mobile living unit designed for recreational living which is either (1) mounted upon and/or conveyed by a motor driven vehicle, or (2) contained within and a part of a motor vehicle.
- B. Camper Parking Site: A site designed for the purpose of allowing owners and/or users of campers the privilege to temporarily park campers.
- C. "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
- D. "Licensing authority" means the Town Board of the Town of Buffalo.
- E. "Park" means mobile home park.
- F. "Person" means any natural individual, firm, trust, partnership, association or corporation.
- G. "Mobile home" is a vehicle manufactured or assembled prior to June 15, 1976, designed to be towed as a single unit or in sections on 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. Within mobile home parks, "mobile home" includes a structure which has been certified and labeled as a manufactured home as defined under Section 11.03 (9) of this chapter.
- H. "Unit" means a mobile home unit.
- I. "Manufactured home" is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. Section 5401-5426, or which has been certified and labeled as a manufactured home under Section 101.90-101.96, WI State Stats, and Chapter ILHR 27 of the Wisconsin Administrative Code, and: [Revised 5/18/98]
 - 1. Is designed to be used as a dwelling, and
 - 2. When placed on-site:
 - 1. Is off its wheels, and
 - 2. Is properly connected to utilities, and
 - 3. Is installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to insure proper support for the home, and
 - 4. Has no tow bars or wheels attached to it

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

- J. "Recreational mobile home" is a vehicular unit designed as a temporary living quarters for recreational, camping or travel use which is mounted or drawn by another vehicle. For purposes of the ordinance, a "Park Model" is defined as a recreational mobile home.

SECTION 5 – MOBILE HOMES

- A. There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town of Buffalo a monthly parking fee as determined in accordance with Sec. 66.0435(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Town Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the Town Treasurer may reasonably promulgate.
1. Licensees of Mobile Home Parks shall furnish information to the Town's Clerk on mobile homes added to their park within five days after arrival of such home, on forms prescribed by the Department of Revenue in accordance with Section 66.0435 (3)(c) of the Wisconsin Statutes.
 2. Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Treasurer as provided in 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 non-exempt mobile home therein and to remit such fees to the Town Treasurer as provided in Subsection (a).
 3. If a non-exempt mobile home is located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands and the owner of the land shall comply with the reporting requirements of Sec. 66.0435(3)(c), Wisconsin Statutes. Fees shall be transmitted to the Town Treasurer on or before January 10 and July 10 of each year, as provided by Sec. 66.0435(3)(e), Wisconsin Statutes.
 4. A park operator who is required by this Ordinance to collect the monthly parking permit fee from the mobile home owner may deduct, for administrative expenses, 2% of the monthly fees collected.
- B. It shall be unlawful for any person to park any mobile home in the Town of Buffalo at any site other than a licensed mobile home park. A recreational vehicle shall not be considered a mobile home for the purpose of this Section.
- C. All existing mobile home units that are replaced shall be replaced by manufactured homes. The owner of the replacement manufactured home shall provide written proof to the Town Board of the Town of Buffalo that the replacement is a manufactured home as defined under section 4.I. of this chapter.
- D. The Town Board may, in its discretion, and by a uniform rule, limit the number of occupants in any mobile or manufactured home occupying a space in a licensed mobile home park, for reasons of health and public welfare.

- G. Mobile homes, manufactured home and recreational campers may be used solely for the purpose of occupation. Mobile homes, manufactured homes and recreational campers may not be used solely for storage purposes.

SECTION 6 – RECREATIONAL CAMPER

- A. No camper shall be parked and occupied other than in a camper parking site for a period exceeding 30 days.
- B. No person, partnership or corporation shall operate and maintain a camper parking site without first obtaining a permit from the Town Board of the Town of Buffalo. Following application for this permit, and upon due proof of compliance with all laws of the State of Wisconsin having been submitted to the Town Board, the Town Board may approve the application, and upon approval the Town Clerk shall issue the permit, upon payment of an annual permit fee of one hundred dollars (\$100.00).

SECTION 7 – EXEMPTIONS

Mobile homes in the Town of Buffalo parked at any site other than a licensed mobile home park prior to the adoption of this ordinance are exempt from the provisions of Section 5.B. of this ordinance; all other provisions of this ordinance apply. A recreational mobile home shall not be considered a mobile home for the purpose of this Section.

SECTION 8 – PENALTY PROVISION

Any person who violates any portion of this ordinance, or any permittee who allows violation of this ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeitures and costs are paid, but not exceeding ten (10) days. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION 9 – SEVERABILITY

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 10 – EFFECTIVE DATE

This ordinance shall take effect on publication and all ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except nothing in this ordinance shall be interpreted so as to conflict with State laws or orders regulating Mobile Homes or Mobile Home Parks or any of the requirements of any ordinance of the Town of Buffalo not mentioned or made inapplicable by the express terms of this Ordinance.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 11th day of July 2005.

Effective Date: August 8, 2005

Revision Adopted Date: September 11, 2006

Revision Effective Date: October 15, 2006

Gene R. Mucciolo, Chair

Jan Banicki, Supervisor

Fred Wollenberg, Supervisor

Attest: _____
Donna Seddon, Town Clerk