

ORDINANCE No. 2060

AN ORDINANCE AMENDING CHAPTER 5.36 MOBILE HOMES AND MOBILE HOME PARKS

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 5.36 is hereby amended to read as follows:

5.36.010 -Definitions

- (a) "dependent mobile homes" means a mobile home which does not have complete bathroom facilities.
- (b) "licensee" means any person licensed to operate and maintain mobile home parks under this section.
- (c) "Licensing authority" means the City of Whitewater.
- (d) "Mobile home" means that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and 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.
- (e) "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (f) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating appliances, and complete year-round facilities.
- (g) "Park" means a mobile home park.
- (h) "Person" means any natural individual, firm, trust, partnership, association, or corporation.
- (i) "Space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home unit.
- (j) "Storage building" means a building of noncombustible walls and roof, of prefabricated construction allowing for convenient disassembly and removal, to be used as an accessory building to a mobile home, located on the same space but not attached to the mobile home. No such storage building shall exceed 2% of the area of the lot.
- (k) "Storage container" means a container of noncombustible material for outside mobile home storage. The volume of the container shall not exceed 200 cubic feet and limited in height to a maximum of 5'.
- (l) "Unit" means a mobile home unit.

5.36.020 Location outside parks – Restrictions

(a) Parking Outside of Parks is Prohibited. No person shall park any mobile home anywhere in the City other than in a licensed mobile home park.

5.36.030 Park Management

(a) License Required. No person shall construct, maintain, or operate a mobile home park in the City without a license issued by the Licensing Authority, in compliance with the terms of this ordinance and the laws of the State of Wisconsin. The original application for a mobile home park license shall be on a form prescribed by the Licensing Authority, shall be filed with the City Clerk, shall be signed by the applicant, and shall contain the following:

- (1) Name and address of the applicant;
- (2) Location and legal description of the mobile home park;
- (3) Name and address of the owner of the real estate on which the mobile home park is located.

5.36.040 Scale Drawing

(a) Every original application shall be accompanied by a scale drawing of the mobile home park, prepared by a registered professional engineer, registered surveyor, or registered architect and certified by them as such. No original application shall be deemed sufficient unless such scale drawing is attached to the written application. The drawing shall contain the following detailed information:

- (1) Accurate dimensions of the park in feet;
- (2) Location and width of all roads and the method of ingress and egress from and dimensions and locations of public highways;
- (3) The complete electric service installation and the location of poles, wire, service outlets, and lighting facilities;
- (4) A complete layout of unit spaces and number of square feet therein, together with the dimensions thereof. Each space shall bear a number in accordance with a numbering system prescribed by the building inspector;
- (5) The location water mains and location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers, sewer drain lines, laundry rooms, utility rooms, and any other building or structure contemplated to be used by the applicant in connection with such park;
- (6) The location of required parking spaces for automobiles, boats, and other towed vehicles.
- (7) The location of storm sewers, storm drainage and storm management.
- (8) Fire hydrant locations.

(b) Every renewal application shall be accompanied by a scale drawing in accordance with the foregoing requirements for an original application, where changes have been made or are proposed which are not shown on previous submittals.

(c) The applicant shall obtain a building permit prior to the construction or erection of any building, regardless of description, to be located upon the park.

5.36.050 Mobile Home Park-License – Inspection and enforcement

(a) No original or renewal license shall be granted to any person until the applicant has erected and installed all necessary equipment, roads, sanitary facilities, lighting facilities, water facilities, stormwater facilities and other facilities required in the operation of said park, and a certificate certifying compliance with such requirements by the operator has been filed by the building inspector.

(b) Permit for Change in Park. No alteration, extension, addition, modification, or change shall be made in the mobile home park, its facilities, buildings, or structures without first securing a permit from the building inspector. Application for a permit must be accompanied by scale drawings and any other information required by the inspector. A permit may be issued only if the requirements and conditions of this section, other ordinances of the city, and laws of Wisconsin are met. The permit fee shall be those listed in the Municipal Code.

(c) Park Directory to be Posted. Each mobile home park shall have a directory posted in a conspicuous place, designated by the Building Inspector, numbering the spaces within the park by lot or lot and block. A duplicate directory shall be filed with the Building Inspector, the Fire Chief, and the City Clerk. The space number shall be a standard city building number attached to the wall of the mobile home parallel to and visible from the fronting street or lane.

(d) Inspection. Each mobile home park, mobile home, and every structure and facility therein shall be subject to inspection by the Building Inspector, and or Health Officer during reasonable hours and with reasonable advance notice, except for emergencies.

(e) Each licensee shall, within 5 days of the occupancy of a newly parked mobile home, file a report with the building inspector and the City Clerk, reporting that such mobile home is occupied and specifying the name of the owner and principal occupant of the mobile home, the trade name and size of the mobile home, the date first occupied, the number of persons occupying such mobile home, and the space in the park where the mobile home is placed. Upon inspection of the mobile home and its connections to the utility services, if applicable, the building inspector shall issue a permit allowing occupancy of such mobile home if the requirements of this section, other applicable ordinances of the City, and laws of Wisconsin have been complied with. The permit shall be filed with the licensee of the park and retained by them until the mobile home is moved from the space it is parked on.

(f) Moving the mobile home from the designated space shall void the permit, and the licensee shall return the permit to the Clerk's Office for cancellation within 48 hours after the mobile home has been moved. If the building inspector refuses to issue a permit due to noncompliance with applicable city ordinances or state laws, the licensee and mobile home occupant shall have 30 days to correct or change the noncompliant items specified by the building inspector. Failure to correct the noncompliant

items within the specified time frame will result in an order for the licensee to remove the mobile home from the park within a maximum of 5 days.

(g) All annual renewals and initial applications will include a written plan to address compliance with the following sections: I. Emergency Management Plan for Mobile Home Park, II. Compliance with Existing Fire Code, and III, Identifying and Maintaining Adequate Bus Stops, and IV. Street Width and Lighting for Emergency Vehicle Access and School Bus Transportation. All applications shall be approved by City Council.

5.36.060 Emergency Management Plan for Mobile Home Park

(a) An Emergency Management plan should be on file with the City Clerk's office and be submitted each year with the mobile home parks annual license

(b) This plan ensures the safety of mobile home park residents during emergencies, outlining roles and responsibilities and must include the following:

(1) Risk Assessment: Assess potential hazards like severe weather, fires, flooding, and power outages.

(2) Emergency Response Team: Establish a team to coordinate response efforts, including communication, evacuation, and first aid.

(3) Communication Plan: Develop a robust system for timely information dissemination, including emergency contact numbers and a central communication point.

(4) Emergency Notification: Establish protocols for notifying residents through the communication system, personnel visits, and loudspeakers.

(5) Evacuation Procedures: Develop clear procedures for evacuation, including assembly areas, routes, tracking, and assistance for residents with special needs.

(6) Shelter-in-Place: Define protocols for situations when evacuation is not possible, including shelter areas and guidelines for securing homes.

(7) Training and Drills: Conduct regular training sessions and drills for staff and residents, evaluating and updating the plan based on lessons learned.

(8) Coordination with Local Authorities: Maintain relationships with local emergency management agencies, fire departments, and law enforcement for a coordinated response.

(c) Plan Maintenance and Review: Regularly review and update the plan, ensuring accuracy of contact information, evacuation routes, and shelter areas.

5.36.070 Annual License Fees.

(a) License Period. The license period shall be for one year, commencing on the 1st day of June and expiring on the 30th day of May of the following year. A renewal application shall be filed no later than April 1st of each year.

(b) An annual license fee of \$100 shall be charged to each applicant granted a license for each 50 spaces or fraction thereof. The full license fee shall be charged for the full year or fraction thereof.

(c) Transfer of License. A license granted under this section may be transferred to another person during the license year upon filing an application and payment of a transfer fee of \$10,000.

(d) Bond or Letter of Credit. Each application for an original or renewal license shall be accompanied by a surety bond or letter of credit in the sum of \$1,000 for each 50 mobile homes or fraction thereof. The bond or letter of credit shall guarantee the collection by the licensee of the monthly parking permit fee and payment of such fee to the City Treasurer and the payment by the licensee of any fine or forfeiture, including legal costs, imposed upon or levied against such licensee for a violation of any provision of this section.

(e) Additional Information Required. Each licensee shall provide the following information to the City Clerk on of each year for each occupied mobile home in the park:

(1) Name and address of the owner and occupant (if different from the owner);

(2) Lot and block on which the mobile home is parked and permit number allocated;

(3) Number of occupants;

(4) Number of children attending grade, middle and high school during the current school year;

5.36.080 Minimum Park Standards.

(a) All parks shall comply with the standards set forth in this section, the Zoning Ordinance for the City, the Wisconsin Administrative Code, and the Wisconsin Statutes.

(b) An existing park operating as a nonconforming use under the Zoning Ordinance may be licensed provided it complies with the minimum standards set forth in this section, the applicable Zoning Ordinance of the City, the Wisconsin Administrative Code, and the Wisconsin Statutes.

(c) All mobile home parks shall be maintained in a clean, orderly, and sanitary condition at all times.

(d) Supplemental spaces for parking of automobiles, boats, camping trailers, and other vehicles owned by park occupants may be provided in the park in an area other than the lot spaces provided for mobile home parking. Parking of such equipment, except for 2 automobiles, on any mobile home space is prohibited.

(e) It shall be required to remove the wheels and/or hitch of mobile homes in mobile home parks. The construction of permanent piers, posts, or other structures to support the unit is not allowed. However, stabilizing equipment and skirting made of noncombustible material and manufactured specifically for skirting purposes are permitted.

(f) No business shall be conducted in any mobile home, mobile home park, or mobile home space unless approved as a conditional use under the Zoning Ordinance for the City.

(g) Must comply with city ordinance 19.57 – General performance standard

5.36.090 Driveway Requirements

- (a) Driveways are required for each mobile home. All driveways within the mobile home park shall be designed and constructed to provide safe and efficient access to the mobile home spaces.
- (b) The width of driveways shall be a minimum of 12 feet.
- (c) Driveways shall be constructed with concrete or asphalt, to ensure proper functionality and minimize dust emissions.
- (d) Any alterations or modifications to driveways must receive prior approval from the mobile home park management and comply with applicable building codes and regulations.
- (e) Driveways shall be regularly inspected by the mobile home park management to enforce compliance with these requirements and address any violations or non-compliance.

5.36.100 Internal Roads

- (a) Adequate drainage shall be provided along the roads to prevent water accumulation and ensure safe driving conditions.
- (b) Roads shall be properly marked with visible signage or markings to indicate name, direction of traffic flow, parking areas, and any other relevant information for drivers within the mobile home park.
- (c) Lighting shall be installed along the roads to ensure visibility during nighttime hours.
- (d) Roads shall be regularly inspected and maintained by the mobile home park management to address any damages, potholes, or other safety hazards.
- (e) Minimum turning radii of 15 feet shall be provided at the intersections of roads to allow for safe and easy maneuverability of vehicles.
- (f) Any obstructions, such as trees, shrubs, or utility poles, shall be kept clear from the roads to ensure unobstructed access.
- (g) The maximum grade or slope of roads shall comply with local regulations and standards to ensure safe navigation for vehicles.
- (h) Emergency access s shall be clearly designated and maintained to provide unimpeded access for emergency vehicles at all times.
- (i) All roads or lanes in any mobile home park shall have a width of 20' and shall be surfaced with bituminous concrete or similar material with no parking allowed or a width of 28' with parking allowed. The roads shall be maintained in good condition and be artificially lighted at night with an average of at least 0.5 foot-candles. They shall be unobstructed and provide convenient access to public highways.

5.36.110 Water and wastewater

- (a) No park shall be laid out, constructed, or operated without city water and sanitary sewer facilities. No wastewater shall be thrown or discharged upon the surface of the ground.

(b) Individual water service connections provided for direct use in an independent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide twenty pounds pressure per square inch and capable of furnishing a minimum of one hundred twenty-five gallons per day per space.

5.36.120 Storage Building or Container.

(a) One storage building or container is permitted on a space. The licensee must apply for a building permit and provide a sketch of the unit space showing dimensions, the location and dimensions of the mobile home, and the proposed location and dimensions of the storage building or container. The building permit fee schedule in the Municipal Code applies.

(b) The floor of the storage building or container shall be constructed of metal, cement, concrete, bituminous concrete, gravel, or masonry mortar jointed.

(c) The storage building or container shall be located within the rear 1/4 of the space area with a minimum setback of 5' to the rear and side boundaries of the unit space.

(d) An open space of not less than 3 feet shall be provided between the storage building or container and the nearest wall of the mobile home on the space.

(e) Each building permit for the construction of a storage building or container shall be limited to the construction and maintenance of such storage building in conjunction with the mobile home currently on the space. The permit shall terminate if the mobile home is replaced. An expired permit may be reinstated upon the replacement of the mobile home if the storage building or container complies with all the aforementioned provisions.

5.36.130 Applicability of plumbing, electrical and building codes

All plumbing, electrical, building, and other work on or at any park licensed under this chapter shall be in accordance with the ordinances of the city and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this chapter grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

5.36.140 Waiver.

The Common Council may waive any minimum construction standards and requirements of a mobile home park or the construction requirements and standards of mobile homes if compliance with this section would result in prohibitive construction costs or other hardships, provided that such waiver would not constitute a hazard to public health, safety, or welfare.

5.36.150 Monthly Permit Fee.

(a) In addition to the license fee provided herein, each licensee is hereby required to collect from each mobile home occupying a space in the park a monthly parking permit fee which shall be charged against the owner of the mobile home. The amount so levied against each mobile home shall be payable by the licensee to the City Treasurer on or before the tenth of the month following the month

for which said parking permit fee is due, whether or not collected by the licensee from the mobile home owner.

(b) Exemptions. No exemptions from the required monthly parking permit fee shall be permitted except as provided in Section 66.0435(3)(c), Wis. Stats.

(c) The procedure for the determination of the amount of the monthly parking permit fee shall be as set forth in Section 66.0435, Wisconsin Statutes.

(d) The licensee required to collect the monthly parking permit fee under subsection 5.36.150 (a) of this section may deduct, for administrative expenses, 2% of the monthly fees collected.

5.36.160 Fire Code

(a) Fire Code Compliance: Adhere to fire code requirements, including Chapter 2.24 City of Whitewater Municipal Ordinances, Wisconsin Administrative Code SPS 314 and Wisconsin Statute 101.14.

(b) Fire department access roads shall have an unobstructed width of not less than 20 ft and an unobstructed height of 13ft 6in.

(c) Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

(d) Turning radius of a fire department access road shall be as approved by the Whitewater Fire Department.

(e) Turns in fire department access roads shall maintain the minimum road width.

(f) The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

(g) Hydrant spacing. Hydrants shall be placed at each internal road intersection and at intermediate points between intersections. Spacing may range from 400 feet to 500 feet depending on fire flow and size of main installed.

5.36.170 Bus Stops

(a) Bus Stop Locations: Collaborate with the school district and transportation authorities to identify suitable bus stop locations.

(b) Accessibility: Ensure bus stops are accessible with features like wheelchair ramps and sidewalk connectivity.

(c) Clearances and Sight Lines: Maintain adequate clearance, remove obstructions, and assess visibility regularly.

(d) Coordination with School Transportation: Communicate with the school district to align bus stops with their requirements, consider feedback, and make adjustments.

(e) Emergency Preparedness: Incorporate bus stops into the emergency plan, establish protocols, and review them regularly.

5.36.180 Revocation of License.

(a) Any license granted under this section may be revoked or suspended by the Common Council if the holder violates any provisions of this section, the Building Code of the City, or any local rule or regulation of the Fire Chief, Health Officer, or the Wisconsin Department of Health and Social Services.

(b) Proceedings for revocation or suspension of a license shall be initiated upon a complaint filed with the City Clerk, signed by any law enforcement officer, Fire Chief, Health Officer, or Building Inspector. The holder of the license shall receive written notice of a public hearing at least 10 days in advance and shall have the right to appear and be heard at the hearing regarding the revocation of the license. If the license is revoked or suspended by the Council, the licensee may appeal the decision to the Circuit Court of Walworth County within 20 days of the revocation or suspension by filing a written notice of appeal with the City Clerk and providing a surety bond to the city in the amount of \$500, guaranteeing the prosecution of the appeal and the payment of costs that may be adjudged against them.

Ordinance introduced by Council Member Brown, who moved its adoption.

Seconded by Council Member Dawsey-Smith.

AYES: Allen, Brown, Dawsey- Smith, Gerber, Hicks, Schreiber, Stone

NOES:

ABSENT:

ADOPTED: July 18, 2023

John Weidl

John Weidl, City Manager

Karri Anderberg

Karri Anderberg, City Clerk