

TOWN OF BLOOM

ORDINANCE NO. 2014-01

AN ORDINANCE RELATING TO THE USE OF RECREATIONAL MOBILE HOMES, CAMPERS, MOBILE HOMES OR MANUFACTURED HOMES FOR RESIDENTIAL USE IN THE TOWN OF BLOOM

The Town Board of Supervisors of the Town of Bloom, Richland County, does ordain as follows:

FINDINGS AND DECLARATION OF POLICY.

The Town Board of the Town of Bloom finds and declares that the unregulated use of recreational mobile homes, campers, mobile homes or manufactured homes for residential use within the Town pay pose a threat to the health, safety, morals and public welfare. Such use may result in unlawful deposit of human waste onto the land and into the waters of the Town, including both surface water and subterranean waters; can result in death, injury or property damage in the event of storms if not adequately secured to the ground; and is often accompanied by the accumulation of garbage, junk and debris, which in turn can produce unpleasant or noxious odors; can collect and conceal filthy deposits; can provide breeding areas for mosquitos and other obnoxious and/or disease carrying insects; can provide shelter for and thereby encourage infestation by undesirable rodents and other undesirable animal life; and can result in blighted properties which may negatively affect the value of other properties in the vicinity and which may result in significant and unnecessary costs to the public to clean up. The Town of Bloom hereby finds and declares that regulation of the use of such items for residential purposes is appropriate under the police power and other applicable laws. The Town of Bloom further declares that the use of any such item as a residence contrary to this ordinance constitutes a public nuisance.

SECTION I. AUTHORITY

As an exercise of the police power vested by law in the Town, the Town Board hereby elects to provides the authority for the town to regulate the location of mobile and manufactured homes, establish requirements for the maintenance of mobile and manufactured homes, and fix penalties it for violations of this ordinance.

SECTION II. DEFINITIONS

In this ordinance the following definitions shall apply:

1. "**Camper**" means a mobile living unit designed for recreational living which is either mounted upon and/or conveyed by a motor driven vehicle, or contained within and a part of a motor vehicle.
2. "**Manufactured home**" means 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 42 USC 5401 to 5425. [101.91(2)(am) Wis. Stats.] and, when placed on site:

1. Is fully assembled.
2. Is properly connected to a functioning privately owned wastewater treatment system (POWTS) which is in conformity with all State and County statutes, codes and ordinances including but not limited to those regulating waste disposal and with a code-conforming well or other code-conforming source of potable water.
3. Is installed in accordance with the manufacturer's instructions or a plan certified by a licensed architect or engineer so as to insure proper support for the home.
4. Has no tow bars or wheels attached to it.

In all respects, manufactured homes which are permanently placed over a basement or on a slab are subject to the same standards and regulations as site built homes.

3. "Mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit 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. [101.91(10) Wis. Stats.]

4. "**Permanently**" means a mobile housing unit which is maintained on a property for a time period exceeding one year.

5. "**Recreational mobile home**" means a vehicular unit designed as a temporary living quarters for camping, touring or recreational purposes.

6. "**Town Board**" means the Town Board of Supervisors of the Town of Bloom.

SECTION III. PERMIT FOR PLACEMENT OF RECREATIONAL MOBILE HOMES, CAMPERS, MOBILE HOMES OR MANUFACTURED HOMES FOR RESIDENTIAL USE

3.1 Except as provided in Section IV, no person, partnership, corporation, or other legal entity shall permanently maintain for residential use a recreational mobile home, camper, mobile home or manufactured home on a property within the Town of Bloom without a permit from the Town Board.

3.2 As conditions of receiving a permit, the property owner or occupant must show proof of all of the following:

(1) That the recreational mobile home, camper, mobile home or manufactured home is connected to a functioning privately owned wastewater treatment system (POWTS) which is in conformity with all State and County statutes, codes and ordinances including but not limited to those

regulating waste disposal and with a code-conforming well or other code-conforming source of potable water.

(2) Any mobile home or manufactured home permanently placed on a property for residential use must be properly secured to the ground and skirted all around its perimeter.

(3) Any recreational mobile home or camper permanently placed on a property for residential use must be properly secured to the ground.

3.3 Any recreational mobile home, camper or mobile home which is occupied for more than fourteen (14) days during any calendar year shall be presumed to be permanently maintained for residential use.

SECTION IV. PERMIT; EXCEPTION FOR CERTAIN EXISTING MOBILE HOMES

4.1 Any property owner/occupant wishing to permanently place a recreational mobile home, camper, mobile home or manufactured home on a property for residential use within the township must apply for a permit from the Town Board. Such application must include proof of legally sufficient sanitation facilities, the existence of skirting where applicable required by this ordinance and securing of the unit to the ground where required.

4.2 The Town Board may, in its discretion, grant or deny a permit. The decision to grant or deny a permit shall consider compliance with the various elements of this ordinance. The Town Board may impose such conditions upon a permit as it deems reasonable to carry out the intent of this ordinance. Any permit issued by the Town Board shall be signed by the Town Chairman and Clerk, and shall specify any applicable conditions.

4.3 The fee for a permit issued by the Town Board shall be determined by the Town Board annually. Each permit shall expire on December 31 following its issuance. Permit holders shall be required to seek renewal of any such permit annually, and no permit will extend beyond December 31 of the year in which it was issued.

4.4 Any mobile home or manufactured home which has been permanently placed on a property and is connected to a functioning privately owned wastewater treatment system (POWTS) which is in conformity with all State and County statutes, codes and ordinances and with a code-conforming well or other code-conforming source of potable water as of the date of the passage of this ordinance shall not be required to apply for a permit, nor a renewal permit so long as its placement does not change and its wastewater treatment system and well or other code-conforming source of potable water remain in good working order.

SECTION V. TOWN AUTHORITY

5.1 Whenever any Town Supervisor shall find any recreational mobile home, camper, mobile home or manufactured home parked upon any real property within the Town of Bloom which is used or maintained for residential use without the appropriate permit, or in violation any conditions placed upon

the permit or otherwise in violation of this ordinance, such Supervisor or the Town Clerk shall notify the owner and/or occupant of the property on which such a unit is located of the violation of this ordinance. If violation is not corrected, either by removal of the camper or mobile home or by issuance of a permit, within 45 days, the Town Chairman or other authorized official may cause a citation to be issued to the owner and/or occupant of the property on which the violation is occurring or may direct the town's attorney to commence an action by summons.

5.2 Once a citation has been issued, a separate offense occurs each day or part of a day on which such recreational camper, recreational mobile home, mobile home or manufactured home continues to be located and used for a residence in violation of this ordinance on the premises named in the citation.

5.3 A permit may be revoked at any time by the Town Board, after a hearing at which it has been found the permit holder has failed or refused to comply with ordinances or other regulations or conditions restricting or relating to the maintenance of the camper, mobile home or manufactured home that was previously permitted. A hearing may be held by the Town Board upon its own motion or upon a complaint, in writing, and signed by a complainant. Such motion or complaint shall state the nature of the alleged failure to comply with ordinances, regulations; or permit conditions. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days before the date of the hearing.

SECTION VI. PENALTY PROVISIONS

6.1 Forfeiture. Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this ordinance may be prosecuted for such violation and shall, upon conviction, forfeit to the Town of Bloom not less than \$100.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. Where the owner of real estate upon which a violation of this ordinance exists is not the occupant of the real estate, as where the occupant is a renter, either the owner or the occupant or both may be prosecuted for a violation of this ordinance.

6.2 An action to impose a forfeiture may be commenced either by a citation issued by the Town or by a complaint filed by the Town's attorney.

6.3 Other Remedies. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this ordinance the Town of Bloom may, in circumstances deemed appropriate by the Town Board, proceed by court action against any violation or violator of this Chapter for abatement of a nuisance, injunction or other legal remedy available to the Town.

6.4 Remedies not Exclusive. An action seeking other remedies shall not be deemed waived by the Town by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be

deemed a waiver of or a bar to a proceeding for other remedies, including removal and disposition pursuant to Section V.

SECTION VII. SEVERABILITY

If any provision of this ordinance is adjudged invalid or unconstitutional, or if its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION VIII. REPEAL OF PRIOR ORDINANCE.

This ordinance supersedes Town of Bloom Ordinances No. 2007-6 and 2009-5, except that any condition or use in existence as of the effective date of this ordinance which was in violation of the former ordinances and which also is in violation of the terms of this ordinance shall not be validated by enactment of this ordinance.

SECTION IX. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Bloom on January 21st, 2014

Vote: For X Against _____

Calvin Brown
Town Chairman

Stuart A. Mills
Town Supervisor

Charles D. Davis
Town Supervisor

ATTEST:

Nelly Schuniger
Town Clerk