

No. 576, A.]

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CHAPTER 563

AN ACT to repeal 60.279 and 110.095 (4), to amend 59.97 (1) (d), 85.67 (6), 110.09 (1), (4) and (6) and 110.095 (1), (2), (5) and (6); to repeal and recreate 85.01 (4) (em) and (en) and 85.06 (23); and to create 66.058, 70.112 (6), 85.10 (45), 85.445 and 110.09 (5m) of the statutes, relating to mobile homes and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.97 (1) (d) of the statutes is amended to read:

59.97 (1) (d) Trailer camps, or tourist camps and motels or both *and mobile home parks*.

SECTION 2. 60.297 of the statutes is repealed.

SECTION 3. 66.058 of the statutes is created to read:

66.058 MOBILE HOME PARKS. (1) DEFINITIONS. For the purposes of this section:

(a) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.

(b) "Licensing authority" means the city, town or village wherein a mobile home park is located.

(c) "Park" means mobile home park.

(d) "Person" means any natural individual, firm, trust, partnership, association or corporation.

(e) "Mobile home" is that which is designed to be transported by any motor vehicle upon a public highway and designed, equipped and used for sleeping, eating and living quarters, or is intended to be so used.

(f) "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.

(g) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.

(h) "Unit" means a mobile home unit.

(i) "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.

(j) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(2) LICENSE AND REVOCATION OR SUSPENSION THEREOF. (a) It shall be unlawful for any person to maintain or operate within the limits of any city, town or village, any mobile home park unless such person shall first obtain from the city, town or village a license therefor. All such parks in existence upon the effective date of this section shall within 90 days thereafter, obtain such license, and in all other respects comply fully with the requirements of this section except that the licensing authority shall upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the city, town or village or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

(b) In order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using or occupying trailers, mobile homes, trailer camps or mobile home parks for living, dwelling or sleeping purposes, the city council in every city, the village board in every village and the town board in every town is hereby authorized and empowered to establish and enforce by ordinance reasonable standards and regulations for every trailer and trailer camp and every mobile home and mobile home park; to require an annual license fee to operate the same and to levy and collect special assessments to defray the costs of municipal and educational services furnished to such trailer and trailer camp, or mobile home and mobile home park, and limit the number of units trailers or mobile homes that may be parked or kept in any one camp or park, and may also limit the number of licenses for trailer camps or parks in any common school district. The power conferred on cities, villages and towns by this section is in addition to all other grants and shall be deemed limited only by the express language of this section.

(c) In any town in which the town board adopts an ordinance regulating trailers under the provisions of this section and has also adopted and approved a county zoning ordinance under the provisions of s. 59.97, the provisions of the ordinance which is most restrictive shall apply with respect to the establishment and operation of any trailer camp in said town.

(d) Any license granted under the provisions of this section shall be subject to revocation or suspension for cause by the city council, village board or town board that issued such license upon complaint filed with the clerk of such city, village or town signed by any law enforcement officer, health officer or building inspector after a public hearing upon such complaint, provided that the holder of such license shall be given 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. Any holder of a license which is revoked or suspended by the governing body of any city, village or town may within 20 days of the date of such revocation or suspension appeal therefrom to the circuit court of the county in which the trailer camp or mobile home park is located by filing a written notice of appeal with the city, village or town clerk, together with a bond executed to the city, village or town, in the sum of \$500 with 2 sureties or a bonding company approved by the said clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

(3) LICENSE AND PERMIT FEES; COURT REVIEW. (a) The licensing authority shall have the power to exact from the licensee an annual license not less than \$25 and not more than \$100 for each 50 spaces or fraction thereof within each mobile home park within its limits, except that where the park lies in more than one municipality the amount of the fee shall be such fraction thereof as the number of spaces in the park in the municipality bears to the entire number of spaces in the park.

(b) The licensing authority may collect a fee of \$10 for each transfer of a license.

(c) In addition to the license fee provided for in pars. (a) and (b), each licensee is hereby required to collect from each occupied mobile home occupying space or lots in his mobile home park in the city, town or village a monthly parking permit fee equal to actual cost of services furnished by the school district, which cost shall be determined by the county or city superintendent of schools whichever may have jurisdiction and the cost of the municipal services which shall be determined by the governing body of the city, town or village and in both cases charged to the park every year payable monthly for maintenance, debt retirement, operation of schools and general administrative costs including, without limitation because of specific enumeration herein the following: fire

protection, police protection, sewage disposal, garbage collection, and health services, in lieu of personal property tax. The amount of such parking permit fee that may be levied against each mobile home park shall be determined after a public hearing as hereinafter provided. The monthly parking permit fee shall be paid by the licensee on or before the tenth of the month following the month for which such parking permit fee is due; provided, that the licensee of a mobile home park or trailer camp shall not be required to collect for any space occupied by a mobile home accompanied by an automobile, if said mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any 12 months or if the occupants of the mobile home are nonresident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the licensing authority from qualified nonresident tourists or vacationists in lieu of permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee.

(d) Each city, town or village shall make preliminary determination of the amount of the per mobile home parking permit fee to be levied against a mobile home park, and shall give notice of hearing on said proposed parking permit fee to be held in the hall of the city, town or village where any interested person shall have an opportunity to be heard.

1. The clerk of said city, town or village shall post a notice of said hearing in at least 3 public places within the city, town or village, one posting of which shall be in a conspicuous place on each mobile home park property. At least one week shall intervene between the date of posting of such notice and the time of the meeting. The city, town or village may at such meeting, or at an adjourned meeting, confirm or change the proposed parking permit fee and upon final determination of the amount of the parking permit fee shall post a notice on each mobile home park property stating the amount of the parking permit fee as finally determined.

2. If the owner of any parcel of land affected by such determination feels himself aggrieved thereby, he may within 20 days after the date of posting such determination appeal to the circuit court of the county, notice thereof to be served upon the clerk of the city, village or town and by executing a bond to the city, town or village in the sum of \$500 with 2 sureties or a bonding company to be approved by the clerk conditioned for the faithful prosecution of such appeal and the payment of all costs adjudged against him. The clerk, in case such an appeal is taken, shall make a brief statement of the proceedings had before the board, with its determination thereon and shall submit the same with all relevant papers to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in the court. An appeal brought under this section shall not be construed to prevent during the pendency of such appeal, the collection of any such monthly assessment currently or subsequently to become due.

3. This section shall not apply where a mobile home park is owned and operated by any county under the provisions of s. 59.076.

(e) If a mobile home is permitted by local ordinance to be located outside a licensed park, the monthly parking permit fee shall be paid by the owner of the mobile home, the same as and in the manner provided for licensees, provided that nothing contained in this subsection shall prohibit the regulation thereof by local ordinance.

(4) APPLICATION FOR LICENSE. Original application for mobile home park license shall be filed with the clerk of the licensing authority. Applications shall be in writing, signed by the applicant and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the mobile home park.
- (c) The complete plan of the park.

(5) PLANS AND SPECIFICATIONS TO BE FILED. Accompanying and to be filed with an original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable city, town or village ordinances and provisions of the state board of health. The clerk after approval of the application by the governing body and upon completion of the work according to the plans, shall issue the license.

(6) RENEWAL OF LICENSE. Upon application by any licensee and after approval by the governing body of the city, town or village and upon payment of the annual license fee, the clerk of the city, town or village 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 city, town or village.

(7) TRANSFER OF LICENSE; FEE. Upon application for a transfer of license the clerk of the city, town or village after approval of the application by the governing body shall issue a transfer upon payment of the required \$10 fee.

SECTION 4. 70.112 (6) of the statutes is created to read:

70.112 (6) MOBILE HOMES. Every mobile home as defined in s. 66.058.

SECTION 5. 85.01 (4) (em) and (en) of the statutes are repealed and recreated to read:

85.01 (4) (em) *Mobile homes*. Each resident mobile home shall be registered with and titled by the motor vehicle department and shall be charged a flat fee of \$5 if such mobile home is 25 feet or less in length, and \$10 if over 25 feet in length.

(en) *Mobile home brakes*. All new mobile homes manufactured or sold in this state shall be equipped with brakes approved by the motor vehicle department, designed of a capacity sufficient to bring to a stop such vehicle and mobile home within a distance of 50 feet when operated at a speed of 20 miles per hour. No person shall drive any mobile home unless the propelling vehicle may stop within the distance and manner specified herein.

SECTION 6. 85.06 (23) of the statutes is repealed and recreated to read:

85.06 (23) LAMPS ON MOBILE HOMES. Mobile homes operated on a highway shall be equipped with a combination tail lamp and stop lamp, controlled and operated from the driver's seat of the propelling vehicle.

SECTION 7. 85.10 (45) of the statutes is created to read:

85.10 (45) MOBILE HOMES. A unit designed to be transported by any motor vehicle upon a public highway and designed, equipped and used for sleeping, eating and living quarters, or is intended to be so used.

SECTION 8. 85.445 of the statutes is created to read:

85.445 MOBILE HOMES; WIDTH, LENGTH, HEIGHT AND SPECIAL PERMIT. It shall be unlawful for any person to operate a towing vehicle, having attached a mobile home in excess of 45 feet and having a combined length of over 60 feet, a realistic body width of over 8 feet and a height of over 12½ feet on the highways of this state, except that it shall be unlawful to operate a towing vehicle having attached a mobile home having a combined length in excess of 45 feet during the hours of 12:00 noon to 12:00 midnight on Sundays, New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas days, and except that the state highway commission may issue general state-wide permits for the movement of mobile homes in excess of the legal length to licensed mobile home transport companies, licensed mobile home manufacturers and dealers and in the ordinary course of their business and may issue special permits for the movement of over-length mobile homes to owners of mobile homes, but any such permit shall be issued only upon condition that the permittee comply with standard requirements, limitations, and other criteria generally required by s. 85.33, with the objective of obtaining the result in the operation of any mobile home under permit in a manner which will not impede major traffic on the highways and with safety in the movement of any mobile home as it may affect other users of the highways and only between sunrise and sunset on days other than Saturday, Sunday and holidays, and over such roads as are approved by said authorities. The distance between mobile home axle centers shall not be less than 34 inches.

SECTION 9. 85.67 (6) of the statutes is amended to read:

85.67 (6) MOBILE HOME COUPLING. Whenever a * * * *mobile home* is used in connection with a motor vehicle upon the highway it shall be attached by a coupling so that * * * *it* will follow in a direct line with the propelling vehicle, without side-swing or wobble and in addition shall be coupled with stay chains or cables to the vehicle by which it is drawn which chains or cables shall be of sufficient size and strength to prevent parting from the drawing vehicle * * * *if* the regular coupling * * * *breaks* or * * * *becomes* otherwise disengaged. The couplings shall conform to the regulations of the motor vehicle department.

SECTION 10. 110.09 (1) and (4) of the statutes are amended to read:

110.09 MOBILE HOME DEALERS REGULATED. (1) No person shall manufacture, sell or distribute * * * *mobile homes* in the state of Wisconsin unless first licensed to do so by the motor vehicle department as herein provided.

(4) Upon payment of a fee of \$2 the motor vehicle department shall register and issue dealer license plates for * * * *mobile homes* owned by a licensee, and such * * * *mobile home* bearing such license plates may be lawfully operated upon the public highways of * * * *the state*. Such registration shall expire on December 31 of each year.

SECTION 11. 110.09 (5m) of the statutes is created to read:

110.09 (5m) Any person who shall violate any provision of this section shall be fined not less than \$25 nor more than \$100 for each offense.

SECTION 12. 110.09 (6) of the statutes is amended to read:

110.09 (6) The department may suspend or revoke a license for any failure of the licensee to comply with statutory law governing * * * *mobile home* dealers or the rules and regulations of the department or to meet the standards set forth in sub. (3); but no order suspending or revoking a license shall be made before a hearing at which the licensee shall be given opportunity to be heard.

SECTION 13. 110.095 (1), (2) and (5) of the statutes are amended to read:

110.095 MOBILE HOME SALESMEN REGULATED. (1) No person shall engage in the business of selling * * * *mobile homes* in this state without a license therefor from the state motor vehicle department. If a * * * *mobile home* dealer acts as a * * * *mobile home* salesman he shall secure a * * * *mobile home* salesman's license in addition to the license for engaging as a * * * *mobile home* dealer.

(2) Applications for * * * *mobile home* salesman's license and renewals thereof shall be made to the motor vehicle department on such forms as it shall prescribe and furnish and shall be accompanied by the annual license fee of \$2. The application shall require such pertinent information as the motor vehicle department shall require. Licenses shall expire, unless sooner revoked or suspended, on December 31 of each year and application for renewal licenses shall be made by December 15 next preceding expiration of the current license year.

(5) The provision of s. 218.01 (3) relating to the denial, suspension and revocation of a motor vehicle salesman's license shall apply to the denial, suspension and revocation of a * * * *mobile home* salesman's license so far as applicable.

SECTION 13k. 110.095 (4) of the statutes is repealed.

SECTION 13m. 110.095 (6) of the statutes as amended by chapter 61, laws of 1953, is amended to read:

110.095 (6) The provisions of s. 218.01 (3) (f) and (5) shall apply to this section, * * * *mobile home* sales practices and the regulation of cabin trailer mobile home salesmen, as far as applicable.

Approved July 14, 1953.
