

ORDINANCE # 130.1

**Manufactured and Mobile Home
Community Ordinance**

This ordinance shall take effect after its passage and posting as provided by law.

Adopted July 12, 2012 by the Town Board of the Town of Tainter, Dunn County, Wisconsin. Page II contains a complete adoption history.

__signature on file_____
Randy Valaske, Chairman

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Jody Albricht, Supervisor

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Judith M Albricht, Clerk
Witness

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**Town of Tainter
Dunn County, Wisconsin
Town Highway Ordinance**

Section 1 - Introduction

1.1 Title/Purpose

This Ordinance is entitled the Town of Tainter Manufactured and Mobile Home Community Ordinance. The purpose of this Ordinance is to regulate by license or permit the construction, installation, operation, and maintenance of manufactured and mobile home communities to allow the Town to monitor the development of property within the Town in order to assure the proper assessment and taxation of and assessment of fees upon property within the Town and to assure the provision of fire and other emergency services of residents within the Town.

1.2 Authority

The Town Board of the Town of Tainter has the specific authority under ss. [66.0119](#), [66.0435](#), [101.645](#), [101.647](#) and [101.935](#), Wis. stats., and the Town's Village Powers under s. [60.22](#), Wis. stats., to adopt and enforce this Ordinance.

1.3 Adoption of Ordinance

The Town Board of the Town of Tainter, by this Ordinance, adopted on proper vote with a quorum and by a roll call vote by a majority of the Town Board present and voting provides the authority to regulate, license or permit certain parking, installation, or construction of certain dwellings in the Town.

1.4 Policy

The Town Board recognizes that manufactured and mobile home communities allow for effective, affordable housing for the citizens of the Town. Said Board also recognizes that manufactured and mobile home communities, by virtue of persons living in very close proximity to each other, create unique concerns regarding safety and health of all of the occupants.

1.5 Relationship to Other Laws

This ordinance supplements Wis. Stat. [66.0435](#), which covers manufactured and mobile home communities and provides additional regulation beyond this ordinance. The adoption of this ordinance does not preclude the Town Board from adopting any other ordinance, or providing for the enforcement of any other law or ordinance, or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

1.6 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.7 Severability

If any provision of this ordinance or 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.

1.8 Repeal

All other Town ordinances or parts of ordinances in effect when this ordinance is adopted which conflict or are inconsistent with this ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Effective Date

This ordinance shall take effect upon passage and adoption by the Town Board and posting as provided by law. The Town Clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. Stats.

Section 2 - General Provisions

2.1 Applicability

This Ordinance applies to any person, partnership, corporation, or other legal entity involved in the construction, installation, operation, and maintenance of manufactured and mobile home communities.

2.2 Exemptions

None.

2.3 Disclaimer

- A. **Multiple Jurisdictions.** All persons reviewing the provisions of this ordinance should be aware that the Town of Tainter is only one of a number of governmental bodies that may have jurisdiction in the Town. The Town cannot make any representations on behalf of any other government body.
- B. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the Town should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this ordinance.

2.4 License and Permit Provisions

- A. No person shall conduct or cause any activity or use enumerated in this Ordinance without a license or permit required in this Ordinance.
- B. Application for a license or permit under this Ordinance (or a renewal thereof) shall be made to the Town Clerk on a form furnished by the Town. The application shall contain such information as may be required by the Town Board.
- C. All license or permit fees imposed under this Ordinance shall be collected by the Town Clerk and paid into the Town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant.
- D. A license or permit under this Ordinance may be issued by the Town Clerk upon approval of the Town Board. If the Town Board, or its designee, has reason to believe that the applicant is not a fit person to be granted the license or permit, that the conduct, use or activity is not in compliance with Federal or State law or regulations or any County, Extraterritorial or Town ordinance, or that the parcel for the conduct, use or activity is not suitable, the license or permit may be denied. If the license or permit is denied, an appeal may be made by the applicant in writing to the Town Clerk within 5 days after the date of the denial. Upon receipt of a written appeal, the Town Clerk shall set a public hearing before the Town Board not less than 10 days after receipt of the written appeal and provide written notice of the hearing to the appellant. At the hearing, the appellant shall be entitled to be represented by counsel. After hearing the evidence, the Town Board may confirm or reverse the denial. The determination of the Town Board shall be final.

- E. All annual licenses or permits issued under this Ordinance shall display the expiration date.
- F. All licenses or permits issued under this Ordinance shall be displayed upon the parcel or, if carried on the person, shall be displayed to any officer of the Town upon request.
- G. It shall be a condition of holding a license or permit under this Ordinance that the licensee or permittee fully comply with all Federal or State law or regulations, County, Extraterritorial or Town ordinances. Failure to do so shall be cause for revocation of the license or permit.
- H. All licenses or permits issued under this Ordinance are personal and are not transferable except by written approval of the Town Board.
- I. Any license or permit issued under this Ordinance may be revoked for cause by the Town Board. Any licensee or permittee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the Town Board. At the hearing, the licensee or permittee shall be entitled to be represented by counsel. The hearing shall require a Class I Notice under s. [985.07](#), Wis. stats., prior to hearing, with the costs for publication and public hearing paid by licensee or permittee to the Town Clerk prior to publication. After hearing the evidence, the Town Board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension. The determination of the Town Board shall be in writing, shall state the reasons for the Board's action, and shall be final.

2.5 Penalty Provision

The Town of Tainter Citation Ordinance lists violation costs, fees, assessments, and surcharges necessary to enforce this ordinance. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit the amount listed in the Town of Tainter Citation Ordinance. Each time a violation occurs or each day that a condition exists in violation of this ordinance shall be considered a separate offence. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Section 3 - Definitions

3.1 Word Usage

For the purposes of this ordinance, words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and directs actions or provisions that must be followed.

3.2 Definitions

- A. For the purposes of this ordinance, the following definitions revise, supplement, or are in addition to definitions contained in the Wisconsin Statutes.
1. **Camping Unit.** Means any portable device, no more than 400 square feet in area, used in the town as a temporary or seasonal dwelling, including but not limited to a camping trailer, motor home, bus, van, truck, or tent.
 2. **Community.** Means a manufactured and mobile home community.
 3. **County.** Means Dunn County, Wisconsin.
 4. **Driveway.** Means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any highway or Private Road, and will provide service to a residence, business, recreational site, or other similarly appropriate use.
 5. **Emergency vehicle.** Means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.
 6. **Existing Manufactured and Mobile Home Community.** A manufactured and mobile home community existing in the Town on the effective date of this ordinance that has paid to the Town the monthly Parking Permit Fee, as required under the prior Town ordinance, in the 6 month period immediately prior to the effective date of this ordinance.
 7. **Highway.** Means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in Wis, Stat. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (11).
 8. **Manufactured and Mobile Home Community.** Means a facility in the Town where 3 or more of any combination of mobile homes, manufactured homes, or camping units are installed or parked on a parcel for dwelling or sleeping purposes regardless of whether any charge is made for the accommodation, unless waived in writing by the Town Board.
 9. **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 and includes any additions, attachments, annexes, foundations, and appurtenances.

Manufactured Home does not include a camping unit.

10. **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, all appliances and all other equipment carrying a manufacturer's warranty, and any additions, attachments, annexes, foundations, and appurtenances. Mobile Home does not include any camping unit.
11. **Motor Home.** Means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
12. **New Manufactured and Mobile Home Community.** Any manufactured and mobile home community that was not licensed by the Town on the effective date of this ordinance or any existing manufactured and mobile home community that has not paid to the Town a monthly Parking Permit Fee, as required under the prior Town ordinance, in the 6 month period immediately prior to the effective date of this ordinance.
13. **Temporary or Seasonal Dwelling.** Means any dwelling, cabin, shack, cottage, manufactured home, mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the Town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreational, camping, hunting, fishing, or travel on a temporary or seasonal basis. "Temporary or seasonal dwelling" does not include any of the following:
 - a. A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.
 - b. A mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.
 - c. Any hotel, tourist rooming house, motel, inn, or bed and breakfast as defined in s. [254.61](#), Wis. stats.
 - d. Any structure or dwelling constructed or installed and in compliance with the One- or 2-Family Dwelling Code adopted under Chapter 101, Wis. stats.
 - e. A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connection to properly service the projected occupants of these facilities, as determined in writing by the Town Board, and with sufficient and proper minimum sleeping room square

footage and total square footage to properly service the projected occupants as determined by the Town Board or its designee.

- f. Any dwelling unit used for temporary or seasonal habitation more than 90 days in any calendar year.
- 14. **Town.** Means the Town of Tainter in Dunn County, Wisconsin.
- 15. **Town Board.** Means the board of supervisors for the Town of Tainter, Dunn County, Wisconsin and includes any designee of the board authorized to act for the board.
- 16. **Town Clerk.** Means the clerk of the Town of Tainter, Dunn County, Wisconsin.
- 17. **Town Highway.** Means any Highway other than a state or county highway in the Town of Tainter.
- 18. **Wis. stats.** Means the Wisconsin Statutes, including successor provisions to cited statutes.

Section 4 – Manufactured and Mobile Home Communities

4.1 Restrictions

- A. No person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community in the Town unless the owner of the land occupied by the manufactured and mobile home community or the operator of the manufactured and mobile home community has been issued a Town Manufactured and Mobile Home Community License by the Town Clerk and has fully paid the annual license fee under s. [66.0435 \(3\) \(a\)](#), Wis. stats., due the Town for the calendar year.
- B. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a manufactured and mobile home community in the Town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code that are adopted as part of this ordinance by reference, any Dunn County zoning ordinance, any Town comprehensive plan, this ordinance, and any other applicable Town ordinances.
- C. Monthly municipal permit fees.
 1. Except as provided in paragraph 2 below, no person, after the effective date of this ordinance, may install, operate, park, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured home or mobile home in any manufactured and mobile home community in the Town without timely payment of the monthly municipal permit fee as determined under s. [66.0435 \(3\) \(c\)](#), Wis. stats. The manufactured and mobile home community licensee shall collect and timely pay the fee to the Town Clerk, pursuant to s. [66.0435 \(3\) \(c\)](#), Wis. stats. Any manufactured and mobile home community operator or owner who collects monthly municipal permit fees may deduct for administrative expenses 2 percent of the monthly fees collected prior to payment to the Town Clerk. Fees shall be paid by the owner or operator to the Town Clerk by the 10th day of the month following the month for which the permit fee is due. The manufactured and mobile home community licensee is liable for the monthly municipal permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under ch. 799, Wis. stats., to collect the fee from the owner and occupant of the unit.
 2. Per s. [66.0435 \(3\) \(c\) 1.](#), paragraph 1 does not apply to any of the following:
 - a. A recreational mobile homes as provided under s. [66.0435 \(3\) \(cm\)](#).
 - b. Manufactured and mobile homes that constitute improvements to real property under s. [70.043 \(1\)](#).
 - c. Recreational vehicles as defined in s. [340.01 \(48r\)](#).
 - d. Camping trailers as defined in s. [340.01 \(6m\)](#).

3. Per s. [66.0435 \(9\)](#), the Town shall assess monthly municipal permit fees at the rates under s. [66.0435](#), on recreational mobile homes and recreational vehicles, as defined in s. [340.01 \(48r\)](#), except recreational mobile homes and recreational vehicles that are located in campgrounds licensed under s. [254.47](#), recreational mobile homes that constitute improvements to real property under s. [70.043 \(1\)](#), and recreational mobile homes or recreational vehicles that are located on land where the principal residence of the owner of the recreational mobile home or recreational vehicle is located, regardless of whether the recreational mobile home or recreational vehicle is occupied during all or part of any calendar year.
- D. Any licensed manufactured and mobile home community operator or owner of land on which a manufactured and mobile home community is located shall timely notify the Town Clerk of information requested in writing by the Town Clerk, including the number of all mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the manufactured and mobile home community. This information shall be provided by the owner of the land or the operator of the manufactured and mobile home community within 5 days after written request from the Town Clerk. The information requested shall be on a form provided by the Town Clerk.
 - E. No person may in any manufactured and mobile home community in the Town create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the manufactured and mobile home community.
 - F. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community unless the manufactured and mobile home community meets the following minimum construction, installation, and maintenance standards for the community and for every mobile home, manufactured home, or camping unit to be installed or maintained in the manufactured and mobile home community:
 1. The potential for septic systems to contaminate the underlying water tables increases in densely populated areas. Therefore, manufactured or mobile home lots smaller than the minimum lot size standards imposed by the Town of Tainter Subdivision Ordinance are subject to the following restriction:
 - a. After the effective date of this ordinance, any existing manufactured and mobile home community shall not construct any new, individual (private) septic systems serving a single mobile home, manufactured home, or camping unit unless the septic system meets the standards of a sewage treatment facility, such as a recirculating sand filter system or other Town approved treatment system which meets or exceeds the treatment capability of a recirculating sand filter system. This does not preclude the repair or reconstruction of a private septic system in an existing manufactured and mobile home community.
 - b. After the effective date of this ordinance, any new manufactured and mobile home community shall connect all mobile homes, manufactured homes, or camping units to either a municipal sewer system or to a private shared sewage

treatment facility, such as a recirculating sand filter system or other Town approved treatment system which meets or exceeds the treatment capability of a recirculating sand filter system.

- c. Individual holding tanks which are pumped when full are allowed in lieu of individual septic systems.
- 2. All roads or Town Highways in a manufactured and mobile home community shall be constructed to Town standards established in the Town of Tainter Highway Ordinance.
- G. No existing manufactured and mobile home community may be occupied at any one time by more than 50 mobile homes, manufactured homes, or camping units, or a combination thereof, installed, maintained, or parked in the manufactured and mobile home community. No new manufactured and mobile home community may be occupied at any one time by more than 20 mobile homes, manufactured homes, or camping units, or a combination thereof, installed, maintained, or parked in the manufactured and mobile home community. No other buildings or structures are to be constructed, installed, or used in the manufactured and mobile home community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the Town Board.
- H. The Town reserves the right to place special charges or special assessments on the land where the manufactured and mobile home community is located to defray the costs to the Town of services and materials furnished to the manufactured and mobile home community.

4.2 License Application and Issuance

- A. Prior to issuing a Manufactured and Mobile Home Community License (or renewal thereof), a current, Town approved, Community Plan shall be on file with the Town.
- B. A Manufactured and Mobile Home Community License shall expire one year after the date of issuance. This license may be renewed under the provisions of this ordinance for additional periods of one (1) year.
- C. Prior to issuing a renewal license, all delinquent Monthly municipal permit fees must be paid in full.
- D. The license application shall include name and address of the owner in fee of the tract if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the community and make the application, and such a legal description of the premises, upon which the community is or will be located as will readily identify and definitely locate the premises.
- E. The Town Clerk shall collect from the Licensee for each manufactured and mobile home community an annual fee of \$100.00 and \$10.00 for each transfer of a license as per Statute 66.0435(3)(a) and (b), Wisconsin Statutes. A license is effective from January 1st (or the date of issue for new license applications issued after January 31st) thru December 31st of the same year. Annual license renewal application and fee is due by November 30th of the year preceding the license

effective date to allow license application approved at the December Town Board Meeting.

4.3 Community Plan

Any new community plan or change to an existing Town approved community plan shall require the approval of the Town Board. Community plans follow the same application, submission, mapping, review, and approval processes and requirements that are found in Section 4 of the Town of Tainter Subdivision Ordinance. Community plans containing less than 5 lots follow the minor subdivision process while those 5 lots or over follow the major subdivision process.

- A. Original community plans on file with the Town on the effective date of this ordinance shall be grandfathered. However, any change to the community plan after the effective date of this ordinance must be approved in accordance with this ordinance.
- B. Every mobile home or manufactured and mobile home community shall be located on a well-drained area, and the premises shall be properly graded to prevent the accumulation of storm or other waters. No mobile home or manufactured and mobile home community shall be located in an area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.
- C. Mobile home lot space shall be numbered and clearly defined; it shall consist of a minimum of 5, 000 (50 x 100) square feet and a width which provides 10' clearance from the lot line on the front, both sides and the rear of mobile homes and all other structures.
- D. The community shall be so arranged that all lot spaces shall face or abut to a driveway of not less than 15 feet in width, providing easy access from all units to a public street. Such driveway shall be maintained in good condition.
- E. All mobile homes shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable noncombustible material approved by the Town of Tainter Building Inspector and shall be of a permanent color or painted to match the appropriate mobile home so as to enhance the general appearance thereof.
- F. All roads or Town highways shall be constructed to Town Highway Ordinance standards.
- G. A performance bond, or other Town approved means of financial assurance may be required for Community Plan approval.

4.4 Management

It is the duty and responsibility of the person in charge, together with the licensee, to:

- A. Maintain a tenant register which is complete with the following information and open at all times to inspection by state and federal officers as well as to a member of the Town Board.
 - 1. Names and addresses of all occupants

2. Number of school age children
 3. Dates of entrance and departure of the mobile home
 4. List of dogs, owners and lot numbers
- B. Maintain the community in a clean, orderly and sanitary condition at all times.
1. It is the responsibility of the community owner to make provisions for the regular collection of all solid waste generated by the community.
 2. Every mobile home unit shall have a substantial fly-tight and water-tight garbage receptacle from which the contents shall be removed and disposed of in a sanitary manner under the direction of the community custodian at least once per week.
- C. Maintain and plow of all streets.
- D. Notify all residents of storm shelter locations and evacuation procedures.
- E. Ensure the provisions of this ordinance are enforced and complied with, and that any violations of this ordinance or other violations of the law are immediately brought to the attention of the proper authorities.
- F. Report to the County Health Officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
- G. Collect monthly municipal permit fees as provided for in Section 4.1C.1 of this ordinance. Maintain a ledger showing the names of the persons paying said service charges, the amount and the date paid.

4.5 Inspection and Enforcement

The Town's designated Building Inspector will perform all required inspections, such as those required by [Wis. Stat. 101](#), and Town ordinances. For inspections that require an inspector to hold a specific inspection license which the Town Building Inspector does not hold, Town Board approval of the licensed inspector must be obtained before such licensed inspector conducts the inspection. Any such inspections are restricted to only those inspections for which the Town Building Inspector does not hold a license.

Section 5 – Application and License Forms

5.1 Application for Manufactured and Mobile Home Community License

I, _____, of _____, _____, [insert mailing address] apply for [a license or renewal of a license] to maintain and operate a manufactured and mobile home community at _____ [legal description] in the Town of Tainter, Dunn County, Wisconsin; attached hereto and incorporated herein by reference, is the complete plan and specification of the park.

Dated this _____ day of _____, 20__.

[Signature of applicant]

5.2 Manufactured and Mobile Home Community License

STATE OF WISCONSIN

Town of Tainter

Dunn County

Application having been properly filed by _____, of _____ [insert mailing address], for a license to maintain and operate a manufactured and mobile home community at _____ [legal description] in the Town of Tainter, Dunn County, Wisconsin, and it appearing that the plans and specifications comply with all applicable Town ordinances, statutes, and rules of the State of Wisconsin, Department of Commerce and that the Town Board has approved the application and that all work on the park has been completed according to the plans, and the applicant having paid the required fee of \$ 100.00, a manufactured and mobile home community license is issued to _____, of _____, to maintain and operate a manufactured and mobile home community at the place above described for the term of January 1, 20__ to December 31, 20__. [Annual license renewal application and fee is due by November 30th of the year preceding the license effective date to allow license application approved at the December Town Board Meeting.](#)

Dated this _____ day of _____, 20__.

[Signature of Town Clerk]