

**ORDINANCE NO. 35**

**MOBILE HOME ORDINANCE #2**

Pursuant to Section 140.05(17) and 140.05(21), Wisconsin Statutes, The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain Ordinance No. 35 as follows:

Section 1. Purpose and Intent.

The purpose and intent of this Ordinance is to promote the health, safety, prosperity, aesthetics, and general welfare of the people of the Town of Geneva, and to license and regulate mobile home parks so as to protect the health of residents and transients, secure safety from disease and pestilence, and provide for the administration and enforcement of this Ordinance and provide penalties for its violation.

Section 2. Interpretation.

The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in their interpretation and administration.

Section 3. Severability

If any Section, Provision, or Portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4. Adoption of Regulations.

The provisions of Chapter H 77, Wisconsin Administrative Code, regulating mobile home parks, are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited in said Chapter H 77 is required or prohibited by this Ordinance.

Section 5. Licenses; Fees.

The Town Board may grant annual local licenses under the conditions and restrictions contained in this Ordinance and upon payment of the appropriate annual local license fee hereinafter provided.

The application for a license shall be in writing signed by the applicant on a standard form provided by the Town Clerk and shall state the name of the mobile home park, the name of the owner, the location of the park, the mailing address, the total number of mobile home park sites, the fee submitted, name of former owner and former name of park, if any, and whether or not presently licensed. In the event a license is granted by the Board, the same shall be issued by the Clerk.

The local annual license fees shall be as follows:

<u>Number of Sites</u>	<u>Fee</u>
1 - 25	\$10.00
26 - 50	\$20.00
51 - 100	\$30.00
Over 100	\$40.00

Licenses shall expire on June 30 in each license year beginning on June 30, 1982.

Section 6.       Inspections

At least one sanitary inspection per year shall be conducted and the Town Inspector, within 30 days after completing the inspection, shall submit a copy of the report thereof to the Town Board and to the State Department of Health and Social Services on forms provided by the Department.

Section 7.       Submittals to Department.

A copy of this Ordinance and the name of the Town Inspector from time to time shall be submitted to the State Department of Health and Social Services. The Town Inspector, annually during the month of April, shall submit to the Department a list of all mobile home parks within the Town of Geneva.

Section 8.       Suspension or Revocation.

- A.     Upon complaint made in writing under oath by any resident of the Town that any licensed person has violated or permitted a violation of any provision of this Ordinance, the Town Board shall issue a summons signed by the Clerk directed to any peace officer of the Town, commanding the person so complained to appear before them at the next regular Town Board meeting or at a special meeting to answer said complaint. Such summons shall be served at least three (3) days before the time at which such person is commanded to appear and may be served either personally or upon the person in charge of the park to which such license relates.
  
- B.     If such person shall not appear as required by the summons, the complaint shall be taken as true; and if the Board shall deem its allegation sufficient the license shall be revoked, and notice thereof shall be given to the person whose license is so revoked; but if such person shall appear and deny the complaint, each party may produce witnesses and be heard by Counsel. If upon such hearing the Board shall find the complaint to be true, the license shall be suspended for not less than ten (10) days or more than ninety (90) days or revoked, and if untrue the proceeding shall be dismissed without costs to the accused, and if the complaint be found by the Board to be malicious and without probable cause, the cost shall be paid by the complainant, and the Board may require security therefor before issuing the summons as aforesaid. When a license is revoked, it shall be so entered of record by the Clerk, and no other license shall be granted to such person within twelve (12) months of the date of its revocation, nor shall any part of the money paid for any license so revoked be refunded.

Section 9.       Penalty.

Any person who operates a mobile home park without a license or who violates any term or provision of this Ordinance shall forfeit not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution thereof, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

Section 10.      Effective Date.

This Ordinance shall be in effect from and after June 30, 1981, upon passage and posting or publication as provided by Law.

THE TOWN BOARD OF THE TOWN OF GENEVA,  
WALWORTH COUNTY, WISCONSIN

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Joe Deignan, Chairman (Signature on File)

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Tim Lockwood, Supervisor (Signature on File)

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James W. Walsh, Supervisor (Signature on File)

ATTEST:

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Alice Schumacher, Clerk (Signature on File)

Adopted: June 5, 1981

Posted: June 6, 1981