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ORIGINAL

ORDINANCE NO. 3-70  
AN ORDINANCE OF THE TOWN OF VIENNA  
REGULATING MOBILE HOMES

The Town Board of the Town of Vienna, Wisconsin, pursuant to the authority granted by sec. 66.058 of the Wisconsin Statutes, do ordain as follows:

Every and all previous ordinances relating to and regulating Mobile Homes are hereby repealed, and Ordinance No. 3-70 is created to read as follows:

Section 1. Mobile Homes Restricted.

From and after the effective date of this ordinance, no mobile home regardless of whether placed on foundation or other permanent base, shall be located, used or occupied by any person (natural individual, firm, trust, partnership, corporation or association) at any place in the Town of Vienna except as provided herein.

Section 2. Present Mobile Home User Exception.

Present users of mobile homes shall be entitled to continue for as long as permission had been obtained under the previous ordinance to locate, use and occupy the mobile home presently used and occupied by such user, provided, however:

- a) that no previous grant of permission to locate a mobile home is renewable,
- b) that the use is for residential purposes only,
- c) that this exclusion shall not apply to any replacement mobile home acquired by or intended to be acquired by the present user, and shall not apply after any interruption whatsoever of the present use,
- d) that this exclusion shall apply only to the present user of the mobile home, and shall not apply to the transferee, tenant, subtenant or person other than the present user,
- e) that this exclusion is specifically limited to the specific location in the Town of Vienna where the present mobile home of the present user is located.

- f) that the exclusion is conditioned upon compliance with regulations established by this or amendatory ordinances and the State of Wisconsin and its agencies, and further conditioned upon payment of the parking permit fee as established by this or amendatory ordinances.

### Section 3. Other Exceptions.

The following uses of mobile homes shall also be permitted: (a) the parking of one unoccupied mobile home in a garage or in the rear yard of a residential premise provided that no living quarters shall be maintained and no business practiced in or conducted in or from the mobile home while so parked; (b) the use of a mobile home as a "lunchwagon", or by contractors or builders for operational headquarters or storing supplies provided that no living quarters shall be maintained and such use is temporary; and (c) the use of a mobile home as emergency living quarters when a residence has been so destroyed as to make it unlivable provided that such use cannot in any event exceed six months.

### Section 4. Monthly Parking Permit Fee.

(a) The Town of Vienna shall collect from each occupied mobile home in the Town of Vienna a monthly fee computed as follows: Beginning October 1, 1970, the town assessor shall determine the total fair market value of each occupied mobile home in the Town of Vienna, the fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the Town of Vienna. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The parking permit fee shall first be reduced by the credit allowed under sec. 77.63. The total annual parking fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking fee. The fee shall be applicable to occupied mobile homes moving into the Town of Vienna at any time during the year.

(b) A new fee rate and a new evaluation shall be established by each October 1 beginning in 1971 and shall continue for that year.

(c) The monthly parking permit fee shall be paid by the owner of the mobile home, the occupant, or the owner of the land on which it stands.

(d) The Town of Vienna shall retain 10% of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district in which the mobile home is located, within 20 days after the

end of each month, such proportion of the remainder of the fees collected in the preceding month and the credit allowed under sec. 77.63 as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the Town of Vienna.

(e) Failure to timely pay the monthly parking permit fee shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Wisconsin Statutes.

Section 5. Penalties for Violation of Ordinance.

Any person violating any provision of this ordinance shall upon conviction forfeit not less than \$10 nor more than \$100 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until the payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

Section 6. Severability and Conflict.

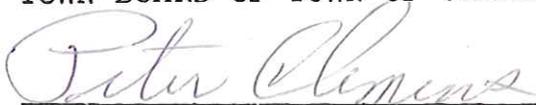
(a) If any section, subsection, sentence, phrase, clause or any portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and the balance of the ordinance shall remain in full force and effect the same as if such invalid or unconstitutional portion had not been inserted herein.

(b) This ordinance shall be interpreted so as not to conflict with or be less restrictive than any applicable state law or county ordinance or any rule or order of any authorized state agency regulating mobile homes and any provision of this ordinance which shall be found to be in conflict with and/or less restrictive than any such other applicable law, ordinance, rule or order, shall give way thereto. If any valid requirement of this ordinance is more restrictive than any other applicable law, rule or order of the State of Wisconsin, or any of its agencies, conflict shall not be deemed to exist between this ordinance and such other law, order, ordinance or rule, but in such case the specific provisions of this ordinance shall control.

Section 7. Effective Date.

This ordinance shall be in full force and effect from and after posting thereof.

TOWN BOARD OF TOWN OF VIENNA

  
Chairman

Edward Kallenberg  
Supervisor

Dwight E. Ziegler  
Supervisor

Attest:

Dorothy Bostad, Clerk

PASSED: November 3, 1970

POSTED: November 4, 1970