

Ordinance: No. 2004.01 Dwelling Regulations

The Town of Mercer Board of Supervisors do ordain as follows:

1. **Purpose and Authority:** To ensure that all dwellings in residential neighborhoods meet a minimum construction, placement, and architectural standard while providing an alternative means of affordable home ownership for the residents of the Town of Mercer pursuant to Wisconsin Statutes 60.61, 60.62 and 61.35.
2. **Definitions:**
 - 2.1 **Single Family Dwelling.** A single family dwelling is any structure used or intended to be used for the habitation of one family on a temporary or permanent basis, including but not limited to, framed homes and manufactured homes.
 - 2.2 **Manufactured Homes.** A Manufactured Home is a structure or structures certified and labeled as a manufactured home under 42 U.S.C. 5401 to 5426, after June 15, 1976, and indicating it has met the construction and safety standards of the U.S. HUD standards.
 - 2.3 **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 a wall of rigid, un-collapsible 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, as defined in Wisconsin Statutes 101.91.
 - 2.4 **Mobile Home Park (MHP).** Any plot or plots of ground upon which two or more units occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodations.
 - 2.5 **Recreational Vehicle.** A Vehicle, as defined under WI Statute 340.01 (33m) and (48r), designated as a temporary in-transit dwelling for recreation, travel or vacation use, including but not limited to, motor homes, travel trailers, campers, whether motorized or towed.
 - 2.6 **Temporary Dwelling.** The use of one of the above referenced dwellings on a seasonal, part time or limited basis such that it does not constitute your primary residence.
3. **Permitted Use:**
 - 3.1 Mobile homes shall be allowed only in Mobile Home Parks.
 - 3.2 Single family dwellings, placed or occupied on an individual lot, requires a land use permit and shall:
 - a. Be occupied only as a single-family dwelling
 - b. Be in conformance with all established zoning and setback requirements.
 - c. Shall have a minimum width of not less than 22 feet as measured at all points perpendicular to the length of the house.
 - d. Any such dwellings that are less than 22 feet in width as measured at all points perpendicular to the length of the home, shall only be permitted upon obtaining a Conditional Use Permit from the Town Board prior to construction and/or placement. In reviewing such permit application, the Town Board shall consider the appropriateness of such application based on the location of the proposed dwelling and the size of the property on which it is to be located.
 - e. Roof must be a gable or hip roof of at least three (3) twelve (12) or greater and is constructed of shingles or other material customarily used for conventionally built, single-family dwellings.
 - f. Be served by water supply and sewage disposal system meeting established requirements.
 - 3.3 **Recreational Vehicles**, licensed through a State Department of Motor Vehicles, may be permitted as a temporary dwelling no more than one hundred twenty (120) days in one twelve month calendar period, under the following conditions:
 - a. A Town Permit must be obtained from the Town Clerk prior to the placement of a recreational vehicle on the property.
 - b. An Iron County Sanitary Permit must be obtained and sanitary facilities required therein be installed.
 - c. Said permit application shall state the type of Recreational Vehicle, Registration number, Sanitary Permit number and proposed facilities, location of unit, length of stay, including the requesting starting date of 120 day period and other information deemed necessary by the Town Clerk.
4. **Non Conformity.** All non conforming recreational vehicles, mobile homes, and/or single family dwellings existing as of the date of enactment of this Ordinance, located on the individual lots, shall be permitted to remain in place, but provided they may not be replaced unless to conform with the requirements of this

ordinance. Notwithstanding the above, any non conforming recreational vehicle or mobile home, must obtain a permit, as detailed above in section 3.3 (c), within 12 months of the passage of this ordinance in order to have continued protection under this section. Further, any mobile home or recreational vehicle shall be removed when unoccupied for a period in excess of twelve (12) consecutive months, provided that the Town Board may grant exceptions to this provision if the dwelling is damaged by fire or other Acts of God by granting a Conditional Use Permit. In reviewing such permit application, the Town Board shall consider the appropriateness of such application based on the location of the dwelling and the size of the property on which it is located.

5. **Temporary Accessory Use.** In the event of destruction of an existing single family residence by accident or Act of God, or while a new single-family residence is being constructed, a recreational vehicle and/or mobile home (temporary unit) may be permitted to be placed on site where there is sufficient room to accommodate the unit and still permit safe reconstruction/construction of a single family dwelling. Such a temporary unit shall not be required to conform to the site requirements of this ordinance, except those detailed in Section 3.3(b) above, but shall be permitted only so long as good faith efforts are underway to complete reconstruction/construction of the original dwelling or a new dwelling, not to exceed twenty-four (24) months, at which time the temporary unit shall be removed. A permit must be issued by the Town of Mercer prior to moving the unit onto the property. Permit application shall be made to the Mercer Town Board. Required information on the permit application shall be location and type of temporary unit, sanitary facilities, reconstruction schedule, site plan and other information as required by the Town Board.
6. **Penalties.** Violators of this ordinance, upon conviction, shall incur a fine in the amount of twenty-five dollars (\$25.00) per day for the first five (5) days of violation, increasing to a maximum penalty of five hundred dollars (\$500.00) thereafter. If in noncompliance for more than 30 days, the Town of Mercer has the authority to remove the unit in violation at the owner's expense.
7. **Variances.** Any deviation from the above regulations will require a request for variance from, and the approval of, the Mercer Town Board of Supervisors.
8. **Enforcement.** This ordinance shall be enforceable by the Town Board or its designee.
9. **Effective Date.** This Ordinance shall take effect and be in force from the date of passage, and publication or posting as provided by law, and shall repeal and replace Mercer Ordinance 2002.3.
10. **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Mercer would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be effected thereof.

Moved by Supervisor James Lambert, seconded by Supervisor Jeff Stenberg
5 Supervisors voting Aye. 0 Supervisors voting Nay.

Ordinance declared adopted this 18th day of March 2004.