

## MINIMUM DWELLING STANDARDS ORDINANCE NO1-97

The Town Board for the Town of Lanark, Portage County, Wisconsin, do ordain as follows:

**Section One. Title/Purpose.** This Ordinance is entitled Minimum Dwelling Standards. The purpose of this Ordinance is to create and maintain housing standards that will insure that dwellings placed or constructed within the Town of Lanark will compare favorably with each other and with existing homes located within the Township.

**Section Two. Authority.** This chapter is adopted under the authority granted by Sections 60.61, 61.35, 62.23(7) and 66.035 of the Wisconsin Statutes, together with any amendments thereto, and by the Town of Lanark's general authority pursuant to its adoption of Village powers pursuant to Sec. 60.10 Wis. Stats.

**Section Three. Adoption of Ordinance.** The Town Board of the Town of Lanark has by adoption of this Ordinance confirmed the specific authority, powers and duties noted in this Ordinance and has established by this Ordinance the means to regulate and control the placement and construction of housing within the Town of Lanark to accomplish the purpose set forth above.

**Section Four. Rules of Construction.** The rules of construction contained in this section shall be observed and applied throughout this Ordinance except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future and words used in the singular number shall include plural number and the plural the singular.
- B. The word shall is mandatory and not discretionary. C. The word may is permissive.

**Section Five. Definitions.** The following words and phrases and their definitions are hereby created and incorporated into this Ordinance.

- A. Gross floor area. "Gross floor area" is the total habitable space in a building or structure with respect to mobile homes and manufactured homes. Gross floor area shall not include any additions thereto which are made by the owner or occupant or which are not included by the manufacturer.
- B. Habitable space. "Habitable space" is a space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces or any space where the floor to ceiling height is less than seven (7) feet and similar areas are not considered habitable spaces.
- C. Manufactured homes. A "manufactured home" is a structure transportable in one or more sections which in traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on sight is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and which has been certified and labeled as a manufactured home under 42 U.S.C. Secs. 5401-5426 or Secs. 101.90-101.96 Wis. Stats. and Chapter ILHR 27 of the Wisconsin Administrative Code and is constructed on or after June 15, 1976.
- D. Mobile home. A "mobile home" is 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 and all appliances and all other equipment carrying a manufacturer's warranty.
- E. Dwelling. A "dwelling" is a building or portion of a building, a manufactured home, mobile home or a structure designed or used for residential occupancy, including single family dwellings, two family dwellings and multi-family dwellings, but not including hotels or lodging houses.
- F. Lot. The word "lot" shall include the words piece, parcel and plot and shall mean the division of land upon which a dwelling or other building is placed or constructed.

**Section Six. Minimum Standards for Dwellings.**

- A. Foundations.
  - 1. All dwellings shall be placed on an enclosed permanent foundation which does not extend more than twenty-four (24) inches above the exterior grade of the finished lot. Exception: When the grade of the lot slopes, only that portion of the foundation which is on the

- highest point of the lot must meet the requirements of this subparagraph 1.
  2. All dwellings shall be placed on an enclosed permanent foundation which does not extend less than forty-eight (48) inches below the exterior finished grade of the lot.
  3. All dwellings shall be placed on an enclosed permanent foundation, the front, back and side walls of which shall not be less than eight (8) inches in width.
- B. Minimum Floor Area. Every dwelling shall contain a minimum gross floor area of not less than seven hundred twenty (720) feet.
- C. Mobile Homes and Manufactured Homes. Mobile homes and manufactured homes shall not be more than eight (8) years old, or, in lieu of this requirement, an application for waiver of the same may be made to the Town Board by any person desiring to place, in the Town of Lanark, a mobile home or manufactured home which is eight (8) or more years old. The applicant shall furnish the following information to the Town Clerk for consideration by the Town Board:
1. Two color photographs not less than two and one-half inches by four inches showing the front and side on one of the photographs and the rear and opposite side on the other photograph.
  2. The statement of inspection from a licensed appraiser listing the estimated value of the mobile home or manufactured home or a statement of the purchase price if the mobile home or manufactured home has been purchased within the six months immediately preceding the date of application.
  3. The name, address and telephone number of the applicant and the legal description of the lot upon which the subject mobile home or manufactured home is to be placed.
  4. Any additional information deemed necessary by the Town Board for full evaluation of the mobile home or manufactured home.

**Section Seven. Consideration of Application.** The Town Board shall consider the information furnished by the applicant in accordance with Sec. 6(C) at the regular Town meeting subsequent to the receipt of said information. If upon evaluation of the mobile home or manufactured home the Town Board determines that the mobile home or manufactured home will compare favorably to other housing that would be allowed on the lot, and with other homes within the Township, the Town Board shall notify the applicant that the requirement of Sec. 6(C) has been waived. If the Town Board determines that the mobile home or manufactured home will not compare favorably to other housing that would be allowed on the lot or with other homes within the Township, the Board shall notify the applicant that the requirement of Sec. 6(C) will not be waived. All such notices shall be provided to the applicant within thirty (30) days from the date of the town meeting during which the application was considered.

**Section Eight. Non-Conforming Use.**

- A. Non-Conforming Use. The lawful non-conforming dwellings existing at the time of the adoption of this Ordinance may be continued although the dwelling does not meet minimum standards set forth herein. However, such dwellings shall not be extended, enlarged, reconstructed, moved or structurally altered without the written approval of the Town Board.
- B. Board Approval. Town Board approval may be obtained by any person desiring to extend, enlarge, reconstruct or structurally alter a non-conforming use dwelling. Any such person shall provide the following information to the Town Clerk for consideration by the Town Board:
1. A complete description of the extension, enlargement, reconstruction or structural alteration for which approval is sought, together with any applicable blue prints or plans.
  2. A statement as to when the extension, enlargement, reconstruction or structural alteration will commence and when it will be completed.
  3. A statement of inspection from a licensed appraiser listing the estimated value of the mobile home or manufactured home, or a statement of the purchase price if the mobile home or manufactured home has been purchased the six months immediately preceding the date of the application.
  4. Two color photographs not less than two and one-half inches by four inches showing the front and side of the non-conforming use dwelling on one of the photographs and the rear and opposite side on the other photograph.
  5. The name, address and telephone number of the applicant and a legal description of the lot upon which the subject non-conforming use dwelling is located.
  6. Any such further information which may be required by the Town Board.

**Section Nine. Consideration of Application.** The Town Board shall consider the information furnished by the applicant in accordance with Sec. 8(B) at the regular town meeting subsequent to the receipt of said information. If upon evaluation of the information, the Town Board determines that the proposed extension, enlargement, reconstruction or structural alteration will compare favorably to other housing that would be allowed on the lot, and with other homes within the Township, the Town Board shall notify the applicant that Town Board approval has been given. If the Town Board determines that the extension, enlargement, reconstruction or structural alteration will not compare favorably to other housing that would be allowed on the lot, or with homes within the Township, the Town Board shall notify the applicant that Town Board approval has not been obtained. All such notices shall be provided to the applicant within thirty (30) days from the date of the town meeting during which the application was considered.

**Section Ten. Right to Appeal to Town Board.** Any person aggrieved by a decision of the Town Board under this Ordinance may apply to the Town Board within ninety (90) days of the decision for a reconsideration of the same. The Town Board shall notify the applicant as to whether or not it has reconsidered its decision within thirty (30) days of the town meeting. The Town Board may at the town meeting, subsequent to the application reconsider its decision under this Ordinance. Any person applying for such reconsideration shall be entitled to the following:

- A. Representation by legal counsel.
- B. The right to subpoena witnesses by the Town Chair of the Town of Lanark issuing subpoenas to compel attendance of witnesses.
- C. The right to present and cross-examine witnesses.

**Section Eleven. Penalties.** Any person who shall violate any of the provisions of this Code shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) together with the costs of prosecution 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 exceeding ninety (90) days.

Each violation and each day a violation continues or occurs shall constitute a separate offence.

Dated this 13th day of January, 1997.