

p. Renewal Of Manufactured Home Community Licenses.

p-1. Application for the renewal of a license issued under this section shall be made to the commissioner upon forms provided by the commissioner. The commissioner shall refer the application to the chief of police, commissioner of health and concerned common council member. After report from the chief of police and the commissioner of health that the applicant still meets all licensing qualifications, the commissioner shall issue a license. city clerk on forms provided therefor.

p-2. Application for renewal shall be made no later than 90 days prior to the expiration of a license. An applicant shall be notified on the renewal form that a license may lapse if application for renewal is not made at least 90 days prior to expiration of the license. In the event any license lapses, no activities for which a license is required shall be conducted at the dwelling facility until the common council grants and the commissioner issues another license for the licensed dwelling facility.

The city clerk shall refer all applications for license renewal to the chief of police, to the commissioner of neighborhood services and the commissioner of health for their review. If the chief of police and, when applicable, the commissioner of neighborhood services and commissioner of health indicate that the applicant still meets all of the licensing qualifications, the application shall be referred to the common council for approval.

p-3. If the chief of police, commissioner of health or commissioner of neighborhood services has any objection to renewal of the license, he or she shall notify the licensing committee at least 60 days prior to the expiration of the license. The committee shall hold a hearing concerning the objection prior to recommending any action to the common council such that common council action can be completed before the expiration of the current license of the licensee. This provision is inapplicable if the application for renewal is late under the terms of subd. 2.

p-4. Objection.

A written objection to the renewal of the license may be filed with the city clerk by any interested person provided that the objection is filed at least 45 days prior to the date on which the license expires and sets forth specific charges against an applicant which could form a basis for nonrenewal of the license. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application, except as provided in par. e, shall be forwarded to the licensing committee for a hearing on whether the application should be recommended for approval or denial to the common council.

~~p~~-4. Any objection to renewal of a license issued under this section shall be based on reasons specified in par. q.

q. Causes for Revocation, ~~Suspension~~ and Nonrenewal of Licenses. A license issued under this section may be revoked, ~~suspended~~ or denied renewal for cause by the common council for any of the following reasons:

q-1. A conviction of the licensee, the licensee's agent, manager, operator or any other employe for keeping a gambling house or house of prostitution or for any violation of law, the circumstances of which are substantially related to the circumstances of the operation of the licensed ~~dwelling~~ facility.

q-2. The licensed ~~dwelling~~ facility is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise, undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interest(s) of the surrounding neighborhood.

q-3. The conviction of the licensee, local representative of the licensee or the officers or directors of a corporation, or any employe for any felony, misdemeanor or civil forfeiture the circumstances of which substantially relate to the operation of the licensed ~~dwelling~~ facility.

q-4. The police department receives calls for service at the licensed dwelling facility for such reasons and in such numbers as to indicate the ~~dwelling~~ facility constitutes a threat to the health, safety, convenience or property interest(s) of the surrounding neighborhood.

q-5. The licensed ~~dwelling~~ facility is in violation of this code or has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

q-6. The licensed ~~dwelling~~ facility is operated in such a manner that it constitutes a public or private nuisance or that conduct on or by the residents and guests of the licensed premises has had a substantial adverse effect upon the health, safety, convenience or property interest(s) of the immediate neighborhood.

q-7. The licensed building, structure or licensed ~~dwelling~~ facility does not conform or has not conformed in all respects to the building and zoning code, the Wisconsin Administrative Code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such building, structure or premises.

q-8. The licensee, any employe, resident or guest of a resident of the licensee has had persons who, while going to, remaining at, or leaving that premises, violates any laws of the United States, state of Wisconsin or ordinances of the city.

q-9. The licensee, any employe, resident or guest of a resident of the licensed dwelling facility has had persons who have generated nuisances or engaged in disorderly conduct or disturbance of the peace while going to, remaining at or leaving the licensed dwelling facility.

q-10. The license was procured by fraudulent conduct or false statement of a material fact.

q-11. The licensed dwelling facility is incapable of housing more residents than can be conveniently and appropriately housed and has an adverse effect on the public health safety, welfare or property interest(s) of the adjoining property owners.

#### **9. PROCEDURE FOR NON-RENEWAL, REVOCATION, SUSPENSION OF LICENSES.**

a. Proceedings. Denial of renewal, ~~suspension~~ or revocation proceedings may be instituted by the commissioner of health, the commissioner of neighborhood services, the chief of police, any resident or neighbor of the licensed dwelling facility, any city resident, any building owner affected by the activity of the licensed dwelling facility, or by the licensing committee or a common council member. Written charges shall be verified and filed with the city clerk by the person bringing the complaint. Written charges relating to renewal of a license shall be verified and filed no later than 60 days prior to the expiration of the license.

b. ~~Revocation or Suspension~~. Any license issued under this section may be revoked ~~or suspended~~ for cause by the common council. ~~Suspension or r~~Revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

d. Evidence and Committee Recommendation. Notwithstanding the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including the following:

d-1. A conviction of the licensee, the licensee's agent, manager, operator or any other employe for keeping a gambling house or house of prostitution or for any violation of law, the circumstances of which are substantially related to the circumstances of the operation of the licensed dwelling facility.

d-2. The licensed dwelling facility is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise, undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood.

d-3. The conviction of the licensee, agent of the licensee or the officers or directors of a corporation, or any employe, for any felony, misdemeanor or civil forfeiture the circumstances of which substantially relate to the operation of the licensed dwelling facility.

d-4. The police department receives calls for service at the licensed dwelling facility for such reasons and in such numbers as to indicate the dwelling facility constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood.

d-5. The licensed dwelling facility is in violation of this code or has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

d-6. The licensed dwelling facility is operated in such a manner that it constitutes a public or private nuisance or that conduct on or by the residents and guests of the licensed premises has had a substantial adverse effect upon the health, safety, convenience or property interests of the immediate neighborhood.

d-7. The licensed building, structure or licensed dwelling facility does not conform or has not conformed in all respects to the building and zoning code, the Wisconsin Administrative Code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such buildings, structure or premises.

d-8. The licensee, any employe, resident or guest of a resident of the licensee has had persons who, while going to, remaining at, or leaving that premises, violate any laws of the United States, state of Wisconsin or ordinances of the city.

d-9. The licensee, any employe, resident or guest of a resident of the licensed dwelling facility has had persons who have generated nuisances or engaged in disorderly conduct or disturbance of the peace while going to, remaining at or leaving the licensed dwelling facility.

d-10. The license was procured by fraudulent conduct or false statement of a material fact.

d-11. The licensed dwelling facility is incapable of housing more residents than can be conveniently and appropriately housed and

has an adverse effect on the public health, safety, welfare or property interests of the adjoining property owners.

~~e. Effective Date of Non Renewal. Suspension Period. Licenses shall be suspended for not less than 5 calendar days nor more than 120 calendar days and Non renewal shall take effect 60 days following the final action of the common council.~~

f. Effective Date of Revocation.

Revocation of a license shall take effect 60 days following the final action of the common council.

#### **10. REQUEST TO SURRENDER A**

**LICENSE.** In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on revocation or ~~suspension non renewal~~, the licensee shall request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the ~~suspension~~, revocation or nonrenewal hearing.

#### **11. DISQUALIFICATION FOR LICENSE.**

a. Whenever a license is revoked or denied it shall be so entered of record by the city clerk and the department and no other license shall be granted to such person within 12 months of the date of its revocation or denial, nor shall any part of the money paid for any license so revoked be refunded.

b. If the license was revoked for a reason relating to the fitness of the location, no other license for a licensed dwelling facility at that location shall be granted within 12 months from the date of the revocation of the license.

**12. PENALTIES.** a. Any person who violates sub. 2 shall, upon conviction, be subject to a forfeiture of \$2,500 to \$5,000, together with the costs of prosecution, and in default of payment thereof to imprisonment in the house of correction or county jail of Milwaukee County for a period of not less than 45 days nor more than 90 days.

b. Any person who violates any provision of this section other than sub. 2 shall, upon conviction, be subject to the penalties provided in s. 200-19.