



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes - Final MOBILE HOME STUDY TASK FORCE

*ALD. TERRY WITKOWSKI, CHAIR*

*Dan Daniels, Ross Kinzler, and Tom Wessel*

*Staff Assistant, Tobie Black, 286-2231  
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Thursday, October 1, 2009

1:30 PM

Room 301-A, City Hall

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Meeting commenced at 1:38 p.m.

Other individuals in attendance:

Assistant City Attorney Bruce Schrimpf  
Ryan Guthrie, Pioneer Homes of Wisconsin  
Dr. Ted Medhin, Legislative Reference Bureau

**Present** 4 - Witkowski, Daniels, Kinzler and Wessel

**1. Review and approval of the minutes of the August 4th meeting.**

*On page three of the minutes, a reference to Chapter 264 should be changed to Chapter 246.*

*The minutes were accepted as corrected.*

**2. Discussion of the draft of the new manufactured home ordinance.**

*Atty. Schrimpf addressed his suggestions for the ordinance. He suggested incorporating the Common Council into the decision making regarding the issuance of mobile home park licenses. He said that there was a lot of focus on the Commissioner of Neighborhood Services, but if the effort is to deal with disorderly conduct, there needs to be a provision by which the Chief of Police initiates some sort of nuisance action. Then that information, along with information from Neighborhood Services, would be forwarded to the City Clerk. A hearing could be scheduled and the nuisance could lead to suspension or non-renewal. The information from the police department would be taken into account at the hearing.*

*Atty. Schrimpf said that nuisances would be filtered through the Department of Neighborhood Services or the Milwaukee Police Department because whatever complaints are coming in should be filtered through an agency that has been able to do an investigation. For example, the Milwaukee Police Department can file a nuisance letter that can be used by the Common Council. The Common Council is in an even better position to evaluate it if another agency, such as Neighborhood Services, can also become involved in investigating nuisance complaints.*

*Atty. Schrimpf said that if the ordinance regulating Licensed Dwellings were revisited, he would approach it differently because when a council member receives a*

*complaint, the council member is put in a difficult position because he or she reports the complaint as well as gives input into whether a license should be denied. The council member also does not have an opportunity to filter these complaints through another agency, such as the police department. Atty. Schrimpf also said that he and Ms. Turk did not suggest a system by which the local alderman could initiate the complaint.*

*Ald. Witkowski said that he cannot generally follow up on complaints himself because he does not have the authority to do so, and he said that he does not vote on items on which he has had input or about which he has testified.*

*Atty. Schrimpf said that if an alderman sits on the Licenses Committee and receives these complaints, there is an issue because of the vote that the alderman has on a body of five members as opposed to on the Council, which has 15 members. He said that if the council member recused himself from voting at the Licenses Committee meeting but then votes at the full Common Council, the problem can be avoided. He also said that the issue needed to be raised as a caution, but that it would not necessarily derail any disciplinary action.*

*Mr. Wessel said that the Department of Neighborhood Services is limited by the building code and that the police department is limited by the law. He said that an adjustment to the ordinance that he has proposed allows the council member, if he or she has received complaints, to bring forward social issues at the manufactured home community and object to the license on that level.*

*Ald. Witkowski said that being able to bring the licensee to the License Committee is a way of making the community and the Common Council aware of the seriousness of the problems at the manufactured home community. Mr. Wessel said that the council could issue the license, but send the Department of Neighborhood Services out six months later to ensure that problems have been corrected.*

*Atty. Schrimpf urged that sections q-4 and q-5 should be tied in a little more with the nuisance procedure so the police department gets involved. He also said that usage of the word "facility" is fine as long the term is clearly defined as being "manufactured home community". This way, the term it remains parallel with the term used in state statutes.*

*Atty. Schrimpf addressed the section of the ordinance proposed by Mr. Wessel regarding disciplinary actions such as non-renewal and revocation. He said that even though the procedures for all of them are the same, he would urge that the actions of renewal, non-renewal, suspension and revocation should be clearly defined since revocation applies only to a license that is in effect at the time. Renewal only applies to an expiring license that, if not renewed, ends.*

*Mr. Kinzler said that he was worried about using discretion with regard to complaints about the mobile home park by "any interested person". Mr. Wessel said that the intent of that was to open up the process to a constituent that might have a complaint. Mr. Kinzler said he was concerned that there would be a low threshold if any single person could trigger the disciplinary process. He suggested that the ordinance put the decision in the hands of the chair of the Licenses Committee if there were sufficient written objections received at least forty-five days before the expiration of the license. Mr. Kinzler also suggested filtering the objections or complaints through the office of the local council member.*

*Mr. Daniels said that if a manufactured home community's owner is not managing the community's problems, the operator could then have to explain what action he or she*

*is taking at a hearing for revocation of the license. If a police investigation reflects that the same types of complaints are occurring at a park and the owner is working against solutions, the owner would be liable.*

*Mr. Kinzler suggested replacing the phrase with language indicating that a license would be referred to the Licenses Committee at the advice of the City Attorney or upon recommendation of the local council member or if the license holder no longer meets the requirements of the license. So citizen input would be a consideration, but not an automatic trigger for revocation. He also said that he agrees that non-renewal is less serious than suspension or revocation of a license.*

*Mr. Wessel stated that non-renewal or revocation hold the same consequences for a manufactured home community. He also said that a new licensee would have to get involved either way to allow the community to remain in operation.*

*The committee agreed unanimously to change the language eliminating a reference to "interested party" and replacing it with "at the advice of the city attorney or upon recommendation of the local alderman or if the license holder no longer meets the requirements of the license".*

*Mr. Kinzler said that the language in the ordinance is not inclusive enough without mentioning the Commissioner of Neighborhood Services or the local council member, in consultation with the City Attorney. He also said that "any interested party" should be deleted from paragraph 9-b as well. Mr. Wessel said that in section p-3, the Department of Neighborhood Services is given the power in the ordinance to refer issues to the Licenses Committee sixty days in advance of the expiration of the license. Mr. Kinzler suggested adding the language in reference to local council member, in consultation with the City Attorney, to 9-b.*

*There was no objection to changing the language in section 9-b.*

*Mr. Kinzler also said that the word "licensed dwelling facility" should be stricken from the ordinance and that the term "manufactured home community" should be used exclusively. The committee agreed.*

**3. Review of revisions proposed for Chapter 246 at the August 4th meeting, including responsibilities of occupants and posting of licenses.**

*Mr. Schrimpf recommends that a procedure of how a non-renewal, suspension and denial can be initiated be added to the chapter. But the legal criteria that will trigger any of these will be the same. He also said that a sworn complaint is required for a revocation, with dates and circumstances.*

*Mr. Kinzler suggested in that in section 9-b, the words, "upon its own motion" be eliminated and the paragraph be titled "Revocation"only. If the paragraph is then duplicated with "upon its own motion" still in the text, it would be appropriate for the procedure regarding non-renewal or suspension of a license. This would leave a more stringent standard for revocation.*

*There was no objection to the change.*

*Mr. Daniels asked what Atty. Schrimpf could foresee prompting a revocation. Ald. Witkowski said that if a licensee has been called in front of the Licenses Committee and presented plans to address the problems at the mobile home park community yet the problems remain the same, it would seem appropriate to initiate a revocation*

hearing. Atty. Schrimpf agreed.

Mr. Kinzler said that a total indifference of the licensee and lack of response to the city in any way would justify a revocation. He also said that some sort of receivership of the park should follow a revocation or non-renewal to deal with the remaining residents in the community. Atty. Schrimpf said the ordinance, in that case, would have to specify that the City Attorney's office is authorized to go to court to file a petition for a receivership of the property. Mr. Kinzler said that a speedy receivership hearing would allow the business to continue and would allow the continuation of residents paying rent and of taxes being paid.

Mr. Daniels said that laying out completely the consequences of a non-renewal or revocation and the resulting receivership would prevent the panic of residents.

Mr. Wessel said that in Chapter 246-3, the reference to Comm 20.41, Wis. Adm. Code, should actually be Comm 21.40. The reference to Comm 27 should be removed as well because, according to Mr. Kinzler, Comm 27 has been repealed.

Regarding camping units, Mr. Wessel mentioned the previous task force discussion of limiting the time they could be parked on the community grounds. He said that in Department of Health Services Code Section 178.03 (17), it does say that a temporary dwelling is a dwelling occupied no more than four continuous months in a twelve month period. He said that this definition will set the limits on the amount of time the camping units can remain in the park.

Mr. Wessel said that in 246-5-7, the term "Recreational Mobile Home Vehicle" should be "Mobile Recreational Vehicle" as it is in Wis. State Stats. 66.04.35. Mr. Wessel also said that in 246-17 (2), signage with a contact name and number on any kind of sign that is impervious to the weather should be required for posting the license.

Atty. Schrimpf suggested putting language in the code that would require that identification of a certain type be posted on a sign of a certain size at every entrance into the community. Mr. Kinzler said that there should be a sign with the legal name of the community, contact number and something identifying the mobile home park as a licensed mobile home community.

Atty. Schrimpf said that officers would know that they would have to fill out a form PA-33 to be filed with the License Investigation Unit when they arrive at a mobile home community if they encounter signage indicating that the park is a licensed facility. He also suggested adding a requirement that the information on the sign be kept current and that the sign be no smaller than a certain size. There were no objections.

Mr. Daniels suggested putting the signage size requirement in square footage in the text. Also, Mr. Kinzler suggested putting the option of posting the license or alternatively posting a sign with contact information and proof that the park is a licensed facility in the chapter. There were no objections.

Mr. Wessel said that in 246-13, the word "solely" should be removed if there is to be anything added regarding tenant responsibility. Mr. Wessel and Mr. Kinzler agreed that in 246-17-5, the words "units" should be used and the term "units of land" should be deleted.

Mr. Wessel also said that in 246-21-2(B), under "Inspection", the language should say "shall notify the licensee and/ or the occupant in writing".

*Atty. Schrimpf said that in 246-21-1, chief of police should be deleted from this section since the text applies to "premises", which could mean an individual unit. Mr. Wessel suggested changing the term "premises" to "licensed manufactured home community grounds". Atty. Schrimpf said that if chief of police was removed, the rest of the text could remain as-is.*

*The task force elected to keep all of Atty. Schrimpf's additions to Chapter 246.*

*Mr. Kinzler referenced Chapter 80-10-1 and said that he was concerned about the "3 or more call for police service" language in the chapter for a community of over 200 units.*

*Ald. Witkowski said that there would be a list of documented nuisance complaints in order for a mobile home park community to be declared a nuisance. Mr. Daniels said the mobile home park would be held to the same standard of single family homes with regard to calls for police service. Ald. Witkowski said the standard also applies to apartment buildings and hotels.*

*Atty. Schrimpf posed the question: if an abatement plan is submitted and there is another police call, can a charge that results from the latest call be appealed? Mr. Wessel said that the charge can be appealed and can be reviewed at the Administrative Review Appeals Board.*

*Ald. Witkowski said that it is up to the discretion of the police as to whether a park owner can be charged for a call after an abatement plan has been filed. The police have to decide whether the park owner is putting in action the abatement plan when the most recent call was received.*

*Mr. Daniels said that the lease at the mobile home park covers protocol of residents filing complaints with him as a park owner. He said that he can notify a problem person that he or she is in violation of the lease, but he can only evict.*

*Atty. Schrimpf said that in the case of a manufactured home community, the license to operate is being put at risk with the issuance of a nuisance designation letter. If a nuisance abatement letter is issued to a hotel, there is not a license that is being put in jeopardy.*

*Mr. Daniels asked what, in the case of a domestic situation in which one of the actors calls the police continually, he is able to do since the situation is something that he cannot control. Mr. Kinzler said that if the conduct of the actors does not affect the other residents of the mobile home community, there is nothing that Mr. Daniels can do as an owner. Mr. Daniels said that it seems unfair that calls in these types of situations could result in a nuisance property designation.*

*Ald. Witkowski said that the objective of the police department in issuing the nuisance designation letter is not punishment but prevention. He said that since, as Atty. Schrimpf said, the police department and the City Attorney's office do not often issue a nuisance designation, the concern about a nuisance designation due to calls, such as domestic calls, would not be an issue.*

*Mr. Kinzler suggested including the language "residential and commercial lessees" after the words "that premises owners" in 80-10-1. Ald. Witkowiak said that he was not in support of the change and thought that the "reasonable man standard" for interpreting the ordinance would prevent the situation about which Mr. Daniels is concerned. The language was not added.*

**4. Discussion of the remaining business of the Task Force.**

*The members discussed the position paper by Mr. Wessel on the occupancy permit requirements for manufactured homes in manufactured home communities.*

*Mr. Wessel said that the Department of Neighborhood Services is in favor of making an occupancy permit a requirement for each individual manufactured home in a manufactured home community. The department would have the discretion to issue orders directly to the manufactured home owner.*

*Mr. Kinzler suggested issuing an occupancy permit for existing homes that would be more of a registration than an occupancy permit and a new occupancy permit would be issued for new homes that are added to the community. He said that he is concerned about the fee structure for obtaining the occupancy permit.*

*Mr. Wessel said that existing problems with units that had not been caught previously would now be discovered by a full inspection of a unit for the purpose of obtaining an individual occupancy permit. He said that he would not want to issue an occupancy permit to one of the older units without being able to do an interior inspection.*

*Mr. Wessel said that if orders needed to be issued on the resident of a unit, the city would have to ask the mobile home community owners for the information on who is living in each unit.*

*Ald. Witkowski asked if there could be an occupancy permit requirement applied to only rental units. Atty. Schrimpf said that for the purpose of requiring an occupancy permit, which would be to make sure that a unit is inhabitable, there cannot be a difference made in the law between rental units and owner-occupied units.*

*The task force decided not to act on the suggestion by the Department of Neighborhood Services to issue occupancy permits to individual manufactured home units.*

**5. General discussion of issues affecting mobile home parks.**

*There was no general discussion.*

**6. Set next meeting agenda**

*The review and approval of the minutes.*

*Final approval of changes made to Chapter 246.*

**7. Set next meeting date(s)**

*November 20th at 1:30 p.m.*

**Meeting adjourned at 3:57 p.m.**  
**Staff Assistant Tobie Black**