



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

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Thursday, May 28, 2009

10:00 AM

Room 303, City Hall

Meeting commenced at 10:13 a.m.

Present 4 - Witkowski, Daniels, Kinzler and Wessel

1. Review and approval of the minutes of the April 30th meeting

Minutes were approved as written.

2. Discussion of the memo prepared by Task Force member Ross Kinzler regarding issues affecting the regulation of mobile home parks

Mr. Kinzler presented his memo regarding issues affecting the regulation of mobile home parks. He explained how the tax structure works and how it relates to the value of a mobile home park.

Mr. Kinzler said that the homes are taxed not as real property but under a special provision of state statute as a monthly permit fee. The taxes are paid monthly and in advance, so there is a cash flow advantage to taxing under the statute. The way mobile home parks are taxed, twenty percent of the revenue shifts from the county to the city and to the school district. The distribution of taxes is different than it would be if the homes were being taxed as personal property, but the amount of taxes collected is the same.

Mr. Kinzler says the way the city is collecting tax on manufactured homes is to the best advantage of the city.

Regarding the temporary but not continuous presence of RVs, Mr. Kinzler said that RVs would be permitted in mobile home park communities because of the broad terminology used in the Chapter 246 to define a mobile home. He also questioned whether the city wants to keep that as a permissible use when the ordinance is changed.

Mr. Kinzler said there is language that could go into the revised ordinance that would give the city more ability to give direct orders to owners of mobile homes to make code corrections. He thinks that the ability of city staff to deal with problems could be expanded depending on what issues are important to the city, such as prohibition on building things that would require city permits. Mr. Kinzler says that the way the ordinance is currently written, any order to correct would have to go to the landowner, not the mobile home owner.

Mr. Kinzler obtained a spreadsheet from the Department of Commerce detailing all the title transactions from the last six months. He said that it could be compared to the spreadsheet Mr. Wessel received from the Assessor's office to see which homes appear on the lists, which would help identify problem properties.

3. Discussion on the legality of the gifting of mobile homes

Mr. Kinzler said that state law prohibits anyone from selling mobile homes without being licensed by the State of Wisconsin to do so.

Mr. Kinzler says that something of value is changing hands when mobile homes are gifted. The department says that the casual or occasional gifting of mobile homes is allowed. Mr. Kinzler said that if the practice is ongoing, it is technically selling, but that there is only a violation if the city has asked the seller to stop the practice. Mr. Kinzler also said that the gifting currently moves the responsibility for upkeep of the property from the property owner to the resident of the property.

Mr. Daniels said that the gifting of homes is an unusual practice and can saddle the resident of the property with repairs that they may not be able to take care of.

Mr. Wessel said that one of the mobile home park owners has gifted mobile homes to residents while orders from Neighborhood Services were pending and the orders then became the problem of the residents. He also said that the law requires that new owners be notified of pending orders by the seller. But the practice of gifting personal property may not be regulated in the same manner.

Mr. Kinzler said that if the gifting of mobile homes that have pending orders is a regular practice and not an occasional occurrence, then it would be "the business of selling", which requires a license.

Mr. Daniels said that there is a lot of work and money involved in disposing of mobile homes, so gifting problem trailers is a way of avoiding the requirements of the mobile home park owner. He also said that it is an unusual practice.

4. A discussion on Chapter 64 of the Milwaukee Code of Ordinances versus Chapter Comm 26 of the state administrative code

Mr. Wessel said that Code Enforcement uses Chapter 246. Mr. Kinzler said that all of the chapter numbers in paragraph one need to be updated. He also said that the Health Department no longer participates in yearly inspections of the mobile home park property.

Ald. Witkowski asked Ms. Turk to investigate whether DNS is charged with inspecting the mobile home parks in a different part of the code of ordinances.

Mr. Kinzler asked if Chapter 64 is needed at all. Ms. Turk said that other than the Adoption of State Code, the material covered in chapter 64 could be transferred into Chapter 246. Mr. Kinzler said that the regulations for campgrounds are addressed in the state code and since Chapter 64-01-1 could be transferred to 246, Chapter 64 could be then be done away with and updated references to the current code could be made.

Mr. Wessel said that the requirements for the physical layout of a mobile home park, addressed in 64-07, do not apply to the mobile home parks annexed into the City of

Milwaukee. If there was an expansion of one of the parks, it would be regulated by State Administrative Code, Comm 26. Mr. Wessel said that the city has been delegated as the agent for the state with regards to enforcement.

Mr. Wessel said that he will check Chapter 295 to see if there are any zoning districts where a change in the physical layout of the park would be allowed without going through the Board of Zoning Appeals first and where it is a permitted use.

In Chapter 246-8-2, DNS is charged with enforcement of the requirements of Chapter 246.

Ms. Turk said that Chapter 64-01-2 needs to be moved elsewhere if it is needed. Mr. Kinzler asked if there was an agreement between the city and the state over the use of State Fair Park as the only campground. Ms. Wessel said that he would find out if that were the case.

Ms. Wessel said that Chapter 246-8-2 instructs the Department of Neighborhood Services to enforce the provisions of Chapter 64. Therefore, moving Chapter 64-01-1 into Chapter 264 would make it the responsibility of Neighborhood Services.

**Recommendation to move Chapter 64-01-1 to Chapter 246 and to eliminate Chapter 64. The recommendation was adopted by a unanimous vote.*

Mr. Kinzler suggested going through Chapter 246 eliminating provisions that are duplicated in Comm 26. Regarding Chapter Comm 26 of the state administrative code, Mr. Kinzler said that the parts that pair off with Chapter 246 are in the first two pages.

Chapter 246-2 is unique to the ordinance and is not addressed in Comm 26. Mr. Wessel said that using a trailer as an office on mobile home park property may be permissible under zoning codes. Mr. Kinzler said that he doesn't believe that any part of chapter 246-2 is needed as it is probably addressed under Chapter 295.

Mr. Kinzler also said that there are various parts of Chapter 246 that are covered by Comm 26. Mr. Daniels said that 246-3-3 is somewhat obsolete since it refers to mobile homes as they used to be constructed. Mr. Kinzler said that 246-4 should stay and be updated and 246-5 and 246-6 should also stay.

Mr. Daniels said that Chapter 246-7-1 most likely was added to deal with campgrounds. Mr. Kinzler said that Comm 26.19 has a simpler provision than 246.7.1. Chapter 246.7-2 needs to remain because of posting requirements.

Mr. Wessel said that 246-7-17 requires that licensees occupy a trailer on the premises and shall be in direct charge and management of the mobile home community. He said that contact information for licensees should be displayed on the premises if a licensee does not maintain a physical presence at the mobile home park. However, Chapter Comm 26.18 said that the licensee only needs to be within close distance of the park.

Mr. Daniels said that 246-7-2 needs to be updated regarding requirements for posting information. Mr. Kinzler said that it would need to include a sign requirement, not a license posting requirement.

Mr. Wessel said that there are a number of situations that could occur at the parks in which the mobile home park licensee information would need to be accessed directly at the park, be it on a sign on the property or by information on a bulletin board. Mr. Daniels said that a sign could be put up on the property with contact information

instead of a license being displayed on a bulletin board or in a case.

Mr. Wessel said that he would have to check regarding the posting of licenses on the properties.

Ms. Kinzler said that 246-7-3, 246-7-5 and 246-7-6 are not in Comm 26, so they need to remain in Chapter 246. This was also the case for 246-7-8, -9, -14 and -15. Mr. Kinzler also suggested that 246-7-16 is very similar to 246-3, so the two could perhaps be lumped together instead of being two different paragraphs. He also suggested modifying the language of 246-7-17 to use language from Comm 26.18.

Mr. Wessel said that all of 246-8 is specific to the responsibilities of the City of Milwaukee and is not in Comm 26, so it needs to stay.

Mr. Kinzler said that he referenced the municipal code of Appleton, pg. 758, Section 11.28 regarding the duties of occupants. He recommended taking some language from the Appleton code regarding duties of occupants and adding it to Chapter 246.

At the end of 246-8-6, there is a definition section that could be dispensed with since definitions will have to be addressed at the beginning of the chapter. Mr. Kinzler said that he would give Ms. Turk language on definitions.

Returning to Chapter 246-1, Mr. Kinzler said that 246-1-3 and -3 are not needed, and 246-1-5, -6 and -7 should be kept, but will need to be rewritten. He also said that the word trailer should be replaced with "manufactured mobile home".

Regarding 246-2-9, Mr. Daniels said that this section no longer pertains and is covered by the Department of Commerce State Code Comm 21.40.

Mr. Wessel said that he would check with Zoning on 246-2 on whether any of that section is needed. Mr. Kinzler said that he would give Ms. Turk rewrites of 246-1.

Ald. Witkowski said that he would request that Asst. City Attorney Bruce Schrimpf appear at the next meeting to discuss the licensing of the mobile home parks. Ald. Witkowski said that the opinion of the city attorney's office is that there is currently no provision for taking away a mobile home park license.

Mr. Wessel said that under 246-8-2c, revocation or suspension is allowed under certain circumstances. Ald. Witkowski said that there would be a discussion with Mr. Schrimpf.

5. Discussion about the municipal code provisions relating to campgrounds and the parking of RVs and pop up trailers

Mr. Wessel said that RVs are currently regulated by the zoning code. Popup trailers are parked primarily on campgrounds.

Mr. Kinzler said that there should be language in the ordinance restricting one RV per trailer space. Mr. Wessel said that the zoning code restricts RVs to one per parcel.

The definition of what's allowable is the fifth wheel RV and busses that are self-contained. Mr. Daniels said that the typical stay of RVs on their properties is a month or two.

Ald. Witkowski said that he would like the language "monthly basis" added to the

ordinance to prevent mobile home parks from turning into campgrounds with RVs staying short periods.

6. Discussion of how the handling of code violations at mobile home parks can be coordinated between the park owners and city departments and of the penalties imposed on the owner of a mobile home versus the owner of a mobile home park by the municipal code

This topic was previously discussed.

7. Discussion of alternatives to the current process of licensing mobile home parks

Assistant City Attorney Bruce Schrimpf is invited to the next meeting to discuss licensing of mobile home parks.

8. General discussion of issues affecting mobile home parks

There was no general discussion at the meeting.

9. Set next meeting agenda

A review of the adjustments to Chapter 246.

Discussion with Assistant City Attorney Bruce Schrimpf and Deputy City Clerk Jim Owczarski with regard to licensing.

Follow up reports of members on assigned topics.

Ald. Witkowski said that he would ask the council for an extension for the task force to perform its duties.

10. Set next meeting date(s)

Next meeting is set for Thursday, June 25th at 1:00 p.m.

Meeting adjourned at 12:00 p.m.

Staff Assistant Tobie Black