



# 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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Tuesday, August 4, 2009

1:30 PM

Room 301-A, City Hall

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Meeting commenced at 1:33 p.m.

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

**1. Review and approval of the minutes of the June 25th meeting.**

*Typographical errors and an incomplete sentence in the minutes were corrected.*

*Minutes were approved as corrected.*

**2. Review of the proposed adjustments to Chapter 80-10 of the Milwaukee Code of Ordinances by Legislative Reference Bureau Analyst Mary Turk.**

*Ms. Turk said that she requested an opinion from the City Attorney. The opinion stated that Chapter 80-10 does include mobile homes. She said that in the definition section under Chapter 80-10 she would add the definition of premises as it is listed in 200-8-70 and put in a reference to including mobile home parks or whatever the final agreed upon term is used.*

*Mr. Daniels asked how the three or more calls to the licensed premise rule applies to a mobile home park. Ms. Turk said that the entire mobile home park counts as a premise. Mr. Schrimpf said that 80-10 is not completely understood by some in the police department. He also said that it is not a weapon that is used frequently and there is a fairly intricate procedure for declaring a property a nuisance. Mr. Schrimpf also said that 80-10 has limits in application because there are only a few people in the police department that understand it very well; he also said that rarely are there only three calls to the police before the premise is declared a nuisance.*

*Ald. Witkowski said that a problem mobile home park had multiple police calls and was still not declared a nuisance property. So, the police department does not liberally apply the nuisance property designation. He also said that "manufactured home community" is the term that will appear in the amended ordinance.*

*On page 233 of Chapter 80-10, Mr. Kinzler said that adding a subset to section three using the term "manufactured home community procedure" would be preferable. Ms. Turk said that the owner or renter of an individual mobile home would not be held responsible in the same way a mobile home park owner would.*

*Mr. Daniels pointed out that in the City Attorney's opinion, the term "common ownership or control" is used. He said that the mobile home park is different, like a*

*condominium, where there are elements of ownership throughout. Ms. Turk said that in a condominium situation, there is strictly ownership and not a rental situation.*

*Mr. Daniels said that he has evicted people who do not conform to the rules of the mobile home park. He said that he documents the warnings given to the individual mobile home renters and that the process is very transparent. Ald. Witkowski asked if Mr. Daniels has ever lost an eviction case in court. Mr. Daniels said that he has lost on a couple of cases, but there are not a lot of issues otherwise.*

*Mr. Kinzler said that expanding the definition of a mobile home community does not address the issue of a chronic problem tenant. He said that he wants to give the police and park owners the tools to deal with specific problem tenants and the restrictions associated with evictions. Dealing with a problem property would be helped by changes in 80-10, not problem tenants.*

*Ald. Witkowski said that it forces the property owner to manage problem tenants on his or her properties.*

*On page 233 of Chapter 80-10(a-2), Mr. Kinzler said that the description of the nuisance activities that have occurred at the premises is easier to make with a specific mobile home but not with a property. Ald. Witkowski said that the police would be getting details about specific mobile homes that are causing problems. Mr. Schrimpf said that at a minimum the police would have the specific names of people with whom they made contact during police calls.*

*Ald. Witkowski said that the police generally respond to specific trailer numbers. He also said that the police used to require three separate calls to individual trailers, not the trailer park itself. Mr. Kinzler said that he wants to give the park owners the tools, such as an abatement letter from the city regarding a specific trailer, to execute an eviction and not have a judge declare the term "premises" too vague. Mr. Kinzler would like the language "Including individual addresses where applicable" in 80-10 added in section a-2 where "premises" is referenced.*

*Mr. Daniels questioned some of the things in 80-10 that are classified as nuisance activities. Mr. Kinzler said that cumulative offenses more than individual offenses are grounds for evictions that will stand up in court. Mr. Daniels said that if the mobile home park owners had a letter from the city that deems a tenant as a nuisance it would be easier for the park owners to perform an eviction.*

*Ald. Witkowski said that a property does not just emerge as a problem; it has basically been a nuisance property that has become a burden to the neighbors. He also said that most nuisance property designations are corrected with a meeting of the property owner with the police. Mr. Wessel said that police are very specific about details like apartment or unit numbers when they issue a nuisance premise letter to a property owner.*

*Ms. Turk said that a specific problem address is already part of the record when police are responding to calls for service. Mr. Kinzler said that if there is not enough detail in the abatement letter to the property owner, an eviction would be more difficult for the property owner. Ald. Witkowski said that being specific about problem property during nuisance abatement is present policy and procedure and that additional language is not required in the ordinance.*

*Mr. Schrimpf pointed out that the standard of proof for finding cause for eviction and declaration of nuisance property is higher in the case of a mobile home park than in the case of a commercial property because the mobile home park is someone's*

residence.

*Ms. Turk said that she would include, under definitions, the definition of premise as it is outlined in 200-8-70 and she would put "including manufactured home communities" in the ordinance.*

*The committee members unanimously voted to recommend amendment of the ordinance to include the definition of premise and to include the term "manufactured home communities".*

*Referencing the city attorney's letter, Mr. Kinzler corrected it, saying that Comm 95-13-3 is now Comm 26.18(3) and that Comm 95-16-2 is now Comm 26-19(2).*

### **3. General discussion of issues affecting mobile home parks.**

*Ms. Turk said that Mr. Wessel worked from the original Chapter 246 and not from the document that was amended by Ms. Turk, so the two documents differ. She said that the best thing would be to work from the changes made by Mr. Wessel to Chapter 246.*

*Ms. Turk pointed out that Chapter 246 could not list the definition of a manufactured home community as corresponding to State Statute 101.91 if the task force wants to change the definition to include a property with up to but no more than three self-contained recreational vehicles parked on the property for a period of time not exceeding ninety days. Mr. Kinzler said that the word "unit" could be defined and then could be used describe the objects that are being regulated. Mr. Wessel expanded the definition of the word "unit" so it could be used throughout the ordinance and the definitions would not have to be repeated in the ordinance.*

*Ms. Turk said that the definition of a manufactured home has a specified meaning under state statutes and the phraseology about recreational vehicles cannot be added to it. Mr. Kinzler said that the wording regarding recreational vehicles should be taken out of the definition of a manufactured home and added to the definition of a mobile recreational vehicle. This would leave a clean definition of a manufactured home.*

*Mr. Wessel said that adding the definition of campgrounds, which limits the number of recreational vehicles to three units without requiring a campground license, would eliminate a need to include the reference to recreational vehicles in the rewritten ordinance. He said that a reference to the time limit of no more than 90 days for the parking of recreational vehicles could be put into Chapter 246-8.*

*Ms. Turk asked Mr. Kinzler to look through Chapter 246 and make a note of each instance in which the term "unit" should be used. Mr. Kinzler agreed.*

*Mr. Daniels said that the restriction regarding a restriction on the number of automobiles per mobile home is outdated. Mr. Kinzler said that the reference to automobiles should be stricken entirely from the ordinance and the wording "site needs a plot of ground in the manufactured community designed for one manufactured home" should be added.*

*Mr. Wessel said the definition of a manufactured home does not include the definition of pop-up trailers. Therefore, Mr. Schrimpf said that the ordinance should include language that says "not including a mobile recreational vehicle as defined in Milwaukee Code of Ordinances 295-2".*

*In Chapter 246-4, Mr. Kinzler said that the word "etcetera" should be eliminated from the ordinance.*

*Regarding Chapter 246-4,-5, and -6, Ms. Turk said that it seems that these sections were written long ago, are difficult to decipher and no longer apply. She requested that the committee members look over these sections for discussion at the next meeting. Ms. Turk also mentioned that there was discussion of having a two-tiered license time period and said that that change would have to be included in Chapter 246-4 through -6.*

*Mr. Kinzler asked Mr. Schrimpf if a year-long license could be issued with a requirement for an inspection at six-months. Mr. Schrimpf said that it is possible. Mr. Wessel said that the License Committee would have to generate a request for a six-month inspection, whether separately or as a condition of the license when it is issued, and the park owner would be charged for the city going out for the inspection. Mr. Schrimpf said that there is a rigorous fee structure set up by the state, so that would put a restriction on license fees. He said that charges would need to be listed specifically as reinspection fees.*

*Mr. Daniels asked what would trigger the consideration of a six-month inspection. Mr. Schrimpf said that it is necessary for the safety of the park and the cost could be declared as a reinspection fee, not a license fee. Mr. Wessel said that the issuance of the license with the six-month provision would only occur if the mobile home park licensee had to appear in front of the License Committee upon renewal of the license. He also said that Comm 2 allows the city to charge for the six-month re-inspection since it is the result of a complaint, which is what will be generated by the License Division's decision.*

*Mr. Schrimpf said that Section 246-6 is of dubious legality because the Wisconsin Supreme Court ruled that a type of license cannot be singled out for money owed to the municipality totaling one hundred dollars or more. Ms. Turk suggested that this section be eliminated from the ordinance.*

*Mr. Kinzler said that 246-3(5) is not needed because any building would have to meet whatever code was applicable to it, regardless of what is detailed in this chapter. Mr. Wessel agreed that it could be deleted.*

*Mr. Kinzler also said that in 246-7(4), the text should just say "no more than one manufactured home on one plot of land" and eliminate mention of an automobile.*

*Concerning responsibility of occupants being addressed in the ordinance, Mr. Kinzler referenced his September 15 memo to the task force. He suggested that a reference to obeying all orders from the city and complying with all federal, city and state health and safety regulations be added to the ordinance, since they were not referenced in Comm 26.19 ("Duties of Occupants")*

*Per Mr. Wessel, a slip-by-slip occupancy permit would allow enforcement against a specific resident, not just the mobile home park owner. An occupancy permit per unit would be the responsibility of the occupant, not the mobile home park owner. However, the mobile home park owner would be liable when dealing with tenants who do not own the mobile homes.*

*Mr. Wessel said that he would consult the zoning enforcement section of Neighborhood Services to see if this occupancy permit system is possible.*

*Ms. Turk said that licensing in general needs to be addressed in the revised*

*ordinance. Ald. Witkowski said that he would like to discuss changes to what would trigger a licensing hearing.*

*Mr. Wessel mentioned that the task force still needs to add language regarding the requirements for the posting of licenses. Mr. Kinzler said that Chapter 246-7(2) mentions a posting requirement and Mr. Wessel said that what is acceptable and what is not with regard to posting the license needs to be defined and should be added to 246-7(2).*

*Mr. Schrimpf said that the task force has to deal with what lets a police officer know that the mobile home park is a licensed premise and that the police report should be written accordingly. The License Division will have to generate more than one physical license to allow for posting of the license in more than one location.*

**4. Set next meeting agenda**

*For the next meeting, the task force will be discussing*

- A discussion about the feasibility of having occupancy permits by unit*
- A discussion on licensing*
- A review of revisions made at today's meeting, including responsibilities of occupants and requirements for license posting*
- A review of the ordinance drafted by Mary Turk*

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

*The next meeting is scheduled for Thursday the 17th of September at 1:30 p.m.*

**Meeting adjourned at 3:30 p.m.**

**Staff Assistant Tobie Black**