



Legislation Details (With Text)

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Title: A substitute ordinance relating to manufactured homes and manufactured home communities, and campgrounds.

Sponsors: ALD. WITKOWSKI

Indexes: MOBILE HOME PARKS

Attachments: 1. Recording of the Zoning Code Technical Committee Meeting, 2. Zoning Meeting Letter, 3. Notice Published on 2-19-10 and 2-26-10, 4. City Plan Commission Letter.pdf, 5. Fiscal Note, 6. Hearing Notice List, 7. Early Sign Letter, 8. Notice Published on 4-16-10

Date	Ver.	Action By	Action	Result	Tally
2/9/2010	0	COMMON COUNCIL	ASSIGNED TO		
2/12/2010	0	LICENSES COMMITTEE	REFERRED TO		
2/19/2010	0	CITY CLERK	PUBLISHED		
3/25/2010	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/25/2010	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
3/29/2010	0	LICENSES COMMITTEE	SUBSTITUTED	Pass	3:0
3/29/2010	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:0
3/29/2010	0	LICENSES COMMITTEE	RECONSIDERED	Pass	3:0
3/29/2010	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	3:0
3/31/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
3/31/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/1/2010	1	CITY CLERK	DRAFT SUBMITTED		
4/7/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
4/13/2010	1	COMMON COUNCIL	PASSED	Pass	15:0
4/16/2010	1	CITY CLERK	PUBLISHED		
4/16/2010	1	MAYOR	SIGNED		

091396
Substitute 1

ALD. WITKOWSKI

A substitute ordinance relating to manufactured homes and manufactured home communities, and campgrounds.

60-65 rp
64 rc
80-10-1 am
80-10-2-c rn
80-10-2-c cr
80-10-2-d rn
200-08-13.5 cr
200-08-13.7 cr
200-33-26.5 cr
200-33-62 rp
200-33-63 rn
246 rc
261-103-5-a am
261-103-6-a am
295-201-360 am

This ordinance updates provisions related to what were previously known as mobile homes and trailer house communities and are now referred to as manufactured homes and manufactured home communities. It clarifies that manufactured home communities are subject to provisions relating to chronic nuisance premises, updates the adoption of state and local codes and details fees associated with these homes and communities.

Provisions related to licensing are clarified and include renewal, non-renewal and revocation, including procedures and causes for non-renewal or revocation. Applications for renewal shall be made on or before the date set by the city clerk for renewal. Applications for renewal shall be referred to the chief of police, the commissioner of neighborhood services, the commissioner of health and the district common council member for review. If the chief of police, commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets all of the licensing qualifications and the district common council member has no objections, the application shall be referred to the common council for approval.

Denial of renewal or revocation proceedings may be instituted by the commissioner of health, commissioner of neighborhood services or the police chief. Causes for non-renewal or revocation include the following: conviction of the licensee or their employees or agent related to the operation of the manufactured home community; the community is operated in a manner that has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood; the community has not conformed in all respects to the building and zoning code, the Wisconsin administrative code, and all other laws relating to the construction, maintenance, use or occupancy of such building, structure or premises; and the community has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

Requirements of manufactured homes are detailed along with the responsibilities of the licensee and owners and occupants. Responsibilities of the licensee include the following: maintaining all records pertaining to the community; maintenance of an illuminated sign containing the statement that the premise is a licensed facility and contact information for the operator and licensee in case of emergency; maintenance of an orderly and clean community; the placing of not more than one unit on a site; proper numbering of all units; proper illumination of the premises; observation of fire prevention rules and laws; and, every licensee or operator being available at reasonable hours of the day to city officials. Manufactured home owners and occupants are responsible for the registration and maintenance of their site and unit and shall obey all orders from the city and comply with all federal, city and state health and safety regulations.

Provisions for enforcement of licenses and penalties for failure to comply are also included.

This ordinance also revises ch. 64, which addressed certain campgrounds and mobile home parks provisions, to address only campgrounds. It adopts state code and campground provisions.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-65 of the code is repealed.

Part 2. Chapter 64 of the code is repealed and recreated to read:

CHAPTER 64 CAMPGROUNDS

TABLE

- 64-1 Adoption of State Code
- 64-3 Definition
- 64-5 Enforcement

64-1. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. DHS 178, Wis. Adm. Code, as amended.

64-3. Definition. In this chapter, “department” means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

64-5. Enforcement. The department shall enforce the provisions of this chapter where applicable.

Part 3. Section 80-10-1 of the code is amended to read:

80-10. Chronic Nuisance Premises.

1. FINDINGS. The common council finds that any premises >> including a manufactured home community << that has generated 3 or more calls for police service for nuisance activities has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The common council further finds that premises owners, and other parties conducting business activities upon the premises, that chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of the community. The common council therefore directs the chief of police and the commissioner of neighborhood services, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.

Part 4. Section 80-10-2-c and d of the code is renumbered d and e.

Part 5. Section 80-10-2-c of the code is created to read:

2. DEFINITIONS.

c. "Manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located.

Part 6. Section 200-80-13.5 and 13.7 of the code is created to read:

200-08. Definitions.

13.5. CAMPGROUND means any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel of land is represented as a campground.

13.7. CAMPING UNIT means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Part 7. Section 200-33-26.5 of the code is created to read:

200-33. Fees.

26.5. MANUFACTURED HOMES. a. License Fee, Manager. Applications for licenses or renewals shall be filed with the city clerk and shall state the total number of authorized available spaces. The application shall be accompanied by a fee computed at \$100 for each 50 spaces or fraction thereof in the existing or proposed community. The licensee shall file a plat of the manufactured home community with the city clerk.

b. Manufactured Home Occupant. There is imposed on each owner of a nonexempt, occupied manufactured home a monthly parking permit fee determined in accordance with s. 66.0435(3), Wis. Stats. The licensee of a manufactured home community shall be liable for the monthly parking permit fee for any home occupying space in the manufactured home community as well as the owner and occupant, and it shall be the responsibility of the licensee to collect the proper amount from each manufactured home owner or occupant of each manufactured home, and to pay to the city the parking fees on or before the 10th of the month following the month for which such fees are due, in accordance with s. 66.0435(3)(c)5., Wis. Stats.

c. Notice of New Homes. Licensees of a manufactured home community shall furnish information to the city comptroller, the commissioner of assessments and the commissioner of neighborhood services on homes added to their park within 5 days after arrival, on forms furnished by the city in accordance with s. 66.0435(3)(c) and (e), Wis. Stats.

d. Reporting Requirements. Pursuant to s. 66.0435 (c) and (e), Wis. Stats., each licensee of a manufactured home community and each owner of land occupied by a manufactured home shall on or before January 10 and July 10 of each year report to the city treasurer the presence of a manufactured home in the community or on the property.

e. Exemption. If a licensee or land owner believes that an exemption should be granted under s. 66.0435(3)(cm), Wis. Stats., the licensee or landowner shall forward to the administrative review appeals board the basis for the exemption, and after reviewing the information the board may grant the exemption consistent with s. 66.0435(3)(cm), Wis. Stats., and shall forward a copy of the exemption to the city treasurer and the comptroller.

f. Audit. The licensee of every manufactured home community shall at least once each year make available to the city comptroller such records as the city comptroller deems necessary in order to satisfy audit requirements.

g. Change in Licensee. Manufactured home community licenses are not transferable. Any change in licensee shall require the filing of a new application and payment of the appropriate fee pursuant to s. 200-33-26.5.

h. Late Fee. There shall be a late fee of \$25 if a renewal application is filed after the date specified by the city clerk for renewal.

Part 8. Section 200-33-62 of the code is repealed.

Part 9. Section 200-33-63 of the code is renumbered 200-33-62.

Part 10. Chapter 246 of the code is repealed and recreated to read:

CHAPTER 246

MANUFACTURED HOMES AND MANUFACTURED HOME COMMUNITIES

246-1. Purpose. The common council finds that in order to protect and promote public health, morals, safety and welfare, to conserve the taxable values of lands and buildings, to preserve the appropriate character of each area within the sound principles of zoning and to comply with s. 66.0435, Wis. Stats., it is necessary to provide for the licensing, regulation, permits and fees for the location and operation of manufactured homes and manufactured home communities within the city.

246-3. Adoption of State and Local Codes. 1. STATE CODE. Except as otherwise provided in this chapter, the city of Milwaukee adopts as part of this code s. Comm 21.40, and ch. Comm 26, Wis. Adm. Code, as amended.

2. ELECTRICAL CODE. All electrical installations shall be in compliance with ch. Comm 16, Wis. Adm. Code, as amended, and ch. 222.

3. HOUSING CODE. The provisions of ch. 275 shall apply to every manufactured home and every manufactured home community.

246-5. Definitions. In this chapter:

1. LICENSEE means any person licensed to operate and maintain a manufactured home community under this chapter.

2. MANUFACTURED HOME means either a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425, or a mobile home, unless a mobile home is specifically excluded under the applicable statute. It does not include a mobile recreational vehicle as defined in sub. 5.

3. MANUFACTURED HOME COMMUNITY means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. It does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

4. MOBILE HOME means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in section 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. It 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.

5. MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, measures 400 sq. feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel or seasonal use.

6. SITE means a plot of ground within a manufactured home community designed for and designed as the location for only one unit.

7. TEMPORARY DWELLING means a dwelling occupied no more than 4 continuous months in a 12-month period.

8. UNIT means one manufactured home, mobile home or mobile recreational vehicle subject to this chapter.

246-7. Manufactured Home Community Licenses.

Any person desiring to continue operating or to establish or maintain a manufactured home community on any premises in the city shall file a written application with the city clerk on forms furnished for such purposes. If the application is made by a person other than the owner of the premises, it shall be accompanied by a duly verified affidavit of the owner that the proposed manufactured home community is authorized by the owner and that the person making the application is authorized to make the application. The application shall be accompanied by the license fee as set forth in s. 200-33-

26.5.

246-9. License and Monthly Parking Permit Fees. 1. ISSUED BY CITY CLERK. Manufactured home community licenses shall be issued by the city clerk after approval by the common council for a period of one year commencing on July 1 and ending upon June 30 of the following year. It shall be renewable by the common council annually upon the filing of a renewal application with the city clerk and approval. Prior to the issuance of the first manufactured home community license and prior to each renewal, the licensee shall file an affidavit executed before a notary public with the city clerk. The individual submitting the affidavit shall state that he or she is the owner or lessee, manager and operator of such manufactured home community, and that he or she shall be responsible for the proper upkeep, maintenance and sanitary condition of the premises, and that he or she shall keep the premises, buildings and all equipment in a state of good repair, and in full compliance with all laws and applicable ordinances.

2. LICENSE FEE (MANAGER). See s. 200-33-26.5.

3. MONTHLY PARKING PERMIT FEE. See s. 200-33-26.5.

4. CHANGE IN OWNERSHIP. Any change in ownership, operation and management of any manufactured home community for which a license was issued shall be registered with the city clerk immediately and a new affidavit, as required in sub. 1, and an application for a new license by the new owner, operator and manager shall be filed within 10 days after such change.

246-11. Renewal of Manufactured Home Community Licenses.

1. RENEWAL OF LICENSES. Application for renewal of a manufactured home community license shall be made to the city clerk on forms furnished for such purposes and shall be accompanied by the fee specified in s. 200-33.

2. TIMELINESS OF RENEWAL APPLICATIONS. Application for renewal shall be made on or before the date set by the city clerk for renewal. An applicant shall be notified on the renewal form that a license may lapse if application for renewal is not made by the date specified by the city clerk for renewal. If a renewal application is filed after the date specified by the city clerk for renewal a late filing fee shall be imposed pursuant to s. 200-33-26.5. If the application for renewal is not made by the date set by the city clerk, the common council shall be under no obligation to consider the renewal application prior to the license expiring. In the event any license lapses, no activities for which a license is required shall be conducted at the manufactured home community until the common council grants and the city clerk issues another license for the manufactured home community.

3. RENEWAL PROCEDURE. The city clerk shall refer all applications for license renewal to the chief of police, the commissioner of neighborhood services, the commissioner of health and the district common council member for their review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets all of the licensing qualifications and the district common council member has no objections, the application shall be referred to the common council for approval.

4. PROCEEDINGS. Denial of renewal or revocation proceedings may be instituted by the commissioner of health, the commissioner of neighborhood services or the chief of police pursuant to s. 66.0435 (2) (d), Wis. Stats. Written objections regarding the renewal of any license may be filed with the city clerk by any person bringing an objection. The city clerk shall notify the district common council member of any objections and forward the objections to the appropriate city agency for verification. After investigation and conducting any required inspections, the commissioner of health, the commissioner of neighborhood services or the chief of police may initiate denial of renewal or revocation proceedings by filing a written complaint to the renewal of the license with the city clerk no later than 45 days prior to the expiration of the license.

5. CAUSES FOR NON-RENEWAL OR REVOCATION OF A LICENSE. A license issued under this chapter may be denied renewal or revoked for any of the following:

a. The conviction of the licensee, the licensee's agent, manager, operator, the officers or directors of the corporation or any other employe for keeping a gambling house or house of prostitution, or for any violation of law in which the circumstances are substantially related to the operation of the manufactured home community.

b. The manufactured home community is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise or 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.

c. The police department receives calls for service at the manufactured home community for reasons and in numbers as to indicate the manufactured home community constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood, or that the premise has been declared a chronic nuisance premise as defined in s. 80-10.

d. The manufactured home community 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 manufactured home community has had a substantial adverse effect upon the health, safety, convenience or property interests of the immediate neighborhood.

e. The manufactured home community 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.

f. The manufactured home community has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

g. The license was procured by fraudulent conduct or false statement of a material fact.

246-13. Procedure for Non-Renewal or Revocation of Licenses.

1. 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 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.

2. EVIDENCE AND COMMITTEE RECOMMENDATION. In addition to the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including the reasons listed in ss. 246-11-5 and 246-17.

3. EFFECTIVE DATE OF NON-RENEWAL. Non-renewal shall take effect 60 days following the final action of the common council.

4. EFFECTIVE DATE OF REVOCATION. Revocation of a license shall take effect 60 days following the final action of the common council.

5. 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 non-renewal or revocation, 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 non-renewal or revocation hearing.

6. DISQUALIFICATION FOR LICENSE. a. Whenever a license is not renewed or revoked it shall be entered into record by the city clerk and no other license shall be granted to such person within 12 months of the date of its nonrenewal or revocation, nor shall any part of the money paid for any license be refunded.

b. If the license was not renewed or revoked for a reason relating to the fitness of the location, no other license for a manufactured home community at that location shall be granted within 12 months from the date of the nonrenewal or revocation of the license.

246-15. Manufactured Home Requirements.

1. Unless otherwise provided in this chapter, no person shall park, place, keep or abandon any manufactured home on any street, alley, highway, other public place or on any premises or tract of land within the city.

2. No owner, tenant or lessee of any premises in the city shall do the following:

a. Keep, place or maintain thereon or to permit the keeping, placing or maintenance of any manufactured home, vehicle originally designed as a manufactured home or other vehicle, which is used or which is to be used for an office or for the display or sale of merchandise.

b. Use or permit the use of any manufactured home, vehicle originally designed as a manufactured home or other vehicle on any premises for business, religious, educational, restaurant, commissary, shop, storage, office purposes or any other commercial purpose.

3. Installation or occupation of manufactured homes shall be permitted in manufactured home communities and upon other premises only after first securing a license, all permits required in this chapter and upon paying the fees prescribed. No license shall be issued until all requirements of this chapter and all other ordinances, laws and applicable regulations have been complied with.

4. Alteration, expansion or intensification of continuous non-conforming manufactured homes are governed by s. 295-415. Existing units may be replaced by the installation of new manufactured homes or the relocation of existing units to vacant sites provided that the installation conforms to the parameters of the premise's current manufactured home community license and all requirements of this chapter and all other ordinances, laws and applicable regulations have been complied with.

5. The installation of new manufactured homes and the relocation of existing units in manufactured home communities, after the effective date of this code [city clerk to insert date], shall require a manufactured home occupancy permit be obtained prior to the unit being occupied. Installation of new units, including the placement of units on foundations or other support systems and the connection of plumbing and electrical systems, shall be performed by a licensed manufactured home installer as required by s. 5.327(1) Comm. Wis. Adm. Code and s. 101.96, Wis. Stats.

6. Separate applications for building, plumbing, electrical and similar permits required by this code and any applicable codes shall be filed in accordance with s. 200-26.

7. No person shall open to public patronage or rent units of land to any person or permit any person to occupy units of land or any part of the premises for the parking, placing or keeping of any manufactured home in or upon the premises before all of the requirements of this chapter have been complied with and a current license for the use of the premises has been issued.

8. The regulations of this chapter shall not apply to manufactured homes used for purposes other than dwelling or

sleeping purposes by:

- a. The city of Milwaukee, county of Milwaukee, state of Wisconsin, and the United States of America, and all political subdivisions.
 - b. Public utilities and contractors in connection with excavation, construction, alteration, or demolition work.
9. A maximum of 3 mobile recreational vehicles, as defined in s. 246-5-7, shall be allowed in a manufactured home community at one time as a temporary dwelling. Each mobile recreational vehicle shall be located on an approved site and shall be in compliance with all requirements of this chapter and all other ordinances, laws and applicable regulations. The duration of stay of a mobile recreational vehicle in a manufactured home community shall not exceed 4 continuous months in a 12-month period.

246-17. Responsibilities of Licensee. Every person licensed to operate and manage a manufactured home community shall be responsible for:

1. Maintaining all records pertaining to the management, operation and supervision of the manufactured home community.
2. The maintenance of an illuminated sign measuring no less than 8 square feet containing the statement that the premise is a licensed facility and contact information for the operator and licensee in case of emergency.
3. The maintenance of an orderly and clean manufactured home community and the maintenance of all streets, roadways or thoroughfares necessary as fire lanes of a manufactured home community free and clear of all refuse, rubbish, snow, ice or other materials or objects.
4. The placing of not more than one unit on one site.
5. The numbering of all units, which numbers shall correspond to the number shown in the registry signed by each new arrival, permitting such person to occupy a given site.
6. The proper illumination on the licensed premises of all streets, roadways, private driveways, entrances and exits to and from premises, and all buildings used by transient persons, from 1/2 hour after sunset to 1/2 hour before sunrise on the succeeding day.
7. The confinement of all dogs and other domestic animals as directed by the commissioner of health, his or her designated representative, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding.
8. The prompt reporting to the police department of any violation of an ordinance or other law committed on the premises.
9. The prohibition of the installation of additional flues in any unit to be used in connection with cooking or heating equipment, unless such installation is first approved by the commissioner of city development.
10. The observing of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water, sewer and electric street lighting systems in good serviceable condition, clean, sanitary and in good repair; and the keeping of the entire premises clean and sanitary so as to minimize obnoxious odors, flies, mosquitoes, vermin or other insects.
11. Every licensee or operator shall be available at reasonable hours of the day to staff of the department of neighborhood services, health department, fire department and police department. The manufactured home community operator or a designee shall be available in the community, in close proximity to the community or via electronic means during reasonable hours.

246-19. Responsibilities of Owners and Occupants. All manufactured home owners and occupants of manufactured homes in a manufactured home community shall comply with ch. Comm 26.19, Wis. Adm. Code, as amended, including, but not limited to, registration and maintenance of their site and unit. In addition, owners and occupants of manufactured homes in a manufactured home community shall obey all orders from the city and comply with all federal, city and state health and safety laws and regulations.

246-21. Enforcement. 1. **RIGHT OF ENTRY.** For the purpose of securing enforcement of this chapter, the commissioner of neighborhood services and commissioner of health and their respective duly authorized representatives shall have the right and are empowered to enter upon any premises licensed as a manufactured home community, any premises for which application for a manufactured home community license has been made, or any premises whereon units have been placed, located or are about to be placed and located, or maintained, to inspect the same, and all facilities and accommodations connected for compliance with this chapter.

2. **INSPECTION.** a. The commissioner shall inspect every licensed manufactured home community at such intervals as he or she deems necessary to ascertain if it is clean and sanitary and is in compliance with this chapter as well as the provisions of other applicable sections of the code relating to health, sanitation, building maintenance and zoning.
b. If upon inspection the condition of the premises or any manufactured home or building is found to be in violation of any applicable provisions of any section of the code, the commissioner shall notify the licensee and may notify the occupant in writing to correct the existing violation or violations within a reasonable period of time. If the licensee or occupant fails

to do so the commissioner shall proceed to enforce the department's order or orders in the same manner prescribed in the code.

- 3. COMPLIANCE.** a. If the licensee fails to comply with any lawful order issued by the commissioner after a written notice is served, the commissioner may make written complaint to the licensing committee of the common council, which shall hold a public hearing after the licensee shall have had 10 days' written notice. If cause is shown, the licensing committee may recommend revocation and the council may revoke the license. After revocation, the license shall not be issued until the licensee has met all the requirements for the issuance of a new license pursuant to 246-13-6.
- b. If the commissioner shall find it necessary for the proper protection of the health of the community, he or she may order the use and occupancy of any unit or manufactured home community modified or vacated until its condition is made satisfactory and in conformity with all applicable regulations.
- c. Nothing in this chapter shall limit or be construed to limit the powers of the commissioner to summarily abate any nuisance or to enforce any applicable provisions contained in the code.
- d. If the chief of police determines that the mobile home park or any residence therein is the source of nuisance abatement letters or determinations of guilt of violations of any law or section of the municipal code, the chief of police is authorized to seek denial, revocation, or nonrenewal of any license issued under this section.
- 4. RECORDS.** The commissioner shall keep detailed records of all inspections made.

246-23. Discrimination. No licensee shall deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any manufactured home community due to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identify or expression, past or present membership in the military service, familial status, or an individual's affiliation with, or perceived affiliation with, any of these categories.

246-25. Penalty. 1. Any person who violates s. 246-15-3 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 more than 90 days.

2. Any licensee or property owner who fails to comply with the provisions of s. 66.0435(3)(c) and (e), Wis. Stats., shall forfeit no more than \$25 for each offense. Each failure to report shall constitute a separate offense.

3. Any condition existing or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be summarily abated as such by proper officers of the city.

4. Any person violating any of the provisions of this chapter, except s. 246-15-3, shall upon conviction thereof be subject to penalties as provided in s. 200-19.

246-27. Severability. The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional, or if the application of any provision of this chapter to any person or circumstance is held to be in valid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the unconstitutional provision or application. It is declared the intent of the common council that this chapter would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.

Part 10. Section 261-103-5-a and 6-a of the code is amended to read:

261-103. Festival Permits.

5. PERMIT APPLICATION. a. **Filing of Application.** Any person, group, organization or association desiring to hold a festival shall make written application and file same in duplicate with the commissioner of city development at least 30 working days prior to the event. In the case of a special event campground, the applicant shall also obtain a campground permit from the department of neighborhood services in accordance with ~~[s. 64-01-2 of this code and]~~ ch. DHS 178, Wis. Adm. Code.

6. STANDARDS FOR SPECIAL EVENT CAMPGROUNDS. All special event campgrounds shall meet the following standards:

a. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ~~[s. 64-01-2 of this code and]~~ ch. DHS 178, Wis. Adm. Code. The permit

application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy shall be obtained in accordance with s. 200-42. In addition to the campground permit, and the festival permit required by this section, other permits and licenses, including but not limited to an alcohol beverage license or a food dealer license, may be required for campground operations.

Part 11. Section 295-201-360 of the code is amended to read:

295-201. Definitions.

360. MANUFACTURED HOME means ~~[[a structure which is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to required utilities. This term includes a mobile home, but does not include a mobile recreational vehicle]]~~ >>either a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425, or a mobile home, unless a mobile home is specifically excluded under the applicable statute. It does not include a mobile recreational vehicle as defined in s. 246-5-5<<.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

MET

2/10/10

LRB09333-2

Clerical correction -- jro -- 4/14/10