



# City of West Allis

Ordinance: O-2016-0008

7525 W. Greenfield Ave.  
West Allis, WI 53214

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**File Number: O-2016-0008**

**Final Action: 3/15/2016**

**Sponsor(s):** License & Health Committee

An Ordinance to Repeal and Recreate Section 9.21 of the West Allis Revised Municipal Code Relating to Manufactured and Mobile Home Community Licenses.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 9.21 of the Revised Municipal Code of the City of West Allis is hereby repealed and recreated to read as follows:

## 9.21 MANUFACTURED AND MOBILE HOME COMMUNITY LICENSES.

(1) State Laws Adopted. Except as otherwise provided herein, Wisconsin Statute Sections 66.0435 and 101.935, Safety and Professional Services (hereinafter "SPS") Chapter 326, and SPS Section 302.33 of the Wisconsin Administrative Code, as related to manufactured and mobile homes, as they are from time to time amended, are hereby adopted and by reference made part of this Section as if fully set forth herein.

(2) License Required. No person shall construct, maintain, or operate a manufactured and mobile home community in the City without a license from the Common Council and the Health Commissioner. Only a person who complies with the requirements of this Section shall be entitled to receive and retain a license.

(3) License Application. A written application for the licenses required by this Section shall be filed with the City Clerk upon forms provided by the City Clerk. Initial license fees for both the community license and health license shall be paid at the time the application is filed. Renewal license fees shall be paid prior to the expiration of a license, and no person shall operate any manufactured and mobile home community until all renewal fees have been paid. Any renewal license fee paid on July 1 or later shall be subject to a late fee. A licensee or applicant shall notify the City Clerk in writing if any information listed in the application form has changed within ten (10) days of such change.

(a) Applications shall contain the following information:

1. Name, street address, phone number, date of birth, and email address of the person applying for the license. If the applicant is not an individual, the corporation name as registered with the Wisconsin Department of Financial Institutions, federal employer identification number, and names and addresses of the partners or the applicant's principal officers and registered agent.

2. The name, street address, phone number, and email address of the registered contact person for the manufactured and mobile home community.

3. A scale drawing of the manufactured and mobile home community prepared by a registered professional engineer, surveyor, or architect and certified by him or her as such. The drawing shall contain accurate dimensions of the community in feet; location and width of all roads and approaches, the method of ingress and egress from, and dimensions and locations of public highways; the complete electric service installation and the location of poles, wire service outlets, and lighting facilities; all snow storage areas and utility easements; a complete layout of unit spaces and number of square feet therein, together with the dimensions thereof; the location of the electric power distribution systems, water mains, or wells for water supply outlets for domestic water users; location of sanitary facilities, bathrooms, garbage disposal units, incinerators, sanitary sewers, sewer drain lines, and any other building or structure contemplated to be used by the applicant in connection with said business; and the location of required vehicle and supplementary parking spaces for vehicles, boats, and other towed vehicles. Each unit space shall bear a number in accordance with a numbering system approved by the Director of the Department of Building Inspection and Neighborhood Services. Every renewal application shall be accompanied by a scale drawing in accordance with the foregoing requirements for an original application when any changes have been made or are proposed which are not shown on previous submittals.

4. An affidavit that states that the applicant is the owner or lessee, manager, and operator of such manufactured and mobile home community; 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.

(4) Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a license issued under this Section shall be true.

(5) Investigation. The City Clerk shall notify the Fire Chief, Police Chief, Health Commissioner, and Director of Building Inspection and Neighborhood Services (hereinafter "Director") or their designees of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

(6) Granting of License. Licenses are to be granted subject to the following standards:

(a) All necessary equipment, roads, sanitary facilities, lighting facilities, water facilities, and other facilities that are required to operate such community shall be erected and installed.

(b) All necessary occupancy permits shall be obtained from the Department of Building Inspection and Neighborhood Services.

(c) Municipal sanitary facilities shall be available on the community's premises.

(d) The applicant shall pass a background check and pay the required record check fee.

(e) Compliance with the applicable ordinances of the City and State statutes, as well as payment of all outstanding obligations due the City.

(f) Compliance with all Health Department regulations and inspections, including the payment of any inspection fees.

(7) Transfer of License. Any license granted pursuant to this Section may be transferred to another person, subject to Common Council approval on the same basis as a new applicant, during the license year upon filing an application therefor and payment of a transfer fee in the sum of ten dollars (\$10). The applicant shall be subject to a background check and pay the required record check fee.

(8) License Year. License periods shall be for one (1) year, and shall commence as of the 1st day of July and shall expire on the 30th day of June of the following year.

(a) Licenses granted for the 2015-2016 license year shall be extended until June 30, 2016.

(9) Fees.

(a) License Fees. The annual license fee for a manufactured and mobile home community is two dollars (\$2) for each space located on the premises.

(b) Health Department Permit Fee. The annual permit fee shall be as listed in SPS Section 302.33(3). The plan examination and inspection fee shall be as listed in SPS Section 302.33(2).

(c) Monthly Permit Fee. Pursuant to Wis. Stat. Sec. 66.0435(3), each licensee shall pay a monthly permit fee as determined by the City Assessor. The community licensee shall be responsible for collecting the proper amount from each unit's owner or occupant. All fees shall be due to the City Treasurer on or before the tenth (10th) day of the month following the month for which such fees are due.

(10) Responsibilities of Licensee. Every person licensed to operate and manage a manufactured and mobile home community shall be responsible for:

(a) Maintaining all records pertaining to the management, operation, and supervision of the manufactured and mobile home community for the current licensing year and previous two licensing years.

(b) The maintenance of an orderly and clean manufactured and mobile home community and the maintenance of all streets, roadways, or thoroughfares necessary as fire lanes of a manufactured and mobile home community free and clear of all refuse, rubbish, snow, ice, or other materials or objects.

(c) 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.

(d) The proper illumination on the licensed premises of all streets, roadways, private driveways, and entrances and exits to and from the premises from 30 minutes after sunset to 30 minutes before sunrise on the succeeding day.

(e) The prompt reporting to the Police Department of any violation of an ordinance, statute, or other law committed on the premises that the licensee knew or should have known about.

(f) The observation of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water systems, sewer systems, 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, rodent harborage, flies, mosquitoes, vermin, or other insects.

(g) The maintenance of a register of all owners and occupants of manufactured and mobile homes located in the manufactured and mobile home community.

(11) Availability of Licensee. The licensee's registered contact person shall, during reasonable hours, be available in the community, in close proximity to the community, or via electronic or telephonic means.

(12) License Condition. The licensee shall appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee.

(13) Revocation of License.

(a) Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or non-renewed for the following causes:

1. The making of any material false statement in any application for a license.
2. The violation of any applicable provisions of this Section.
3. The violation of any of the applicable provisions of Wisconsin Statute Sections 66.0435 and 101.935, SPS Chapter 326 and SPS Section 302.33 as related to manufactured and mobile homes, as they are from time to time amended; the violation of any City building and zoning code, health code, or any other ordinance or law relating to the construction, maintenance, use, or occupancy of the premises.
4. The failure to conduct the licensed activity at the authorized location for a period of thirty (30) consecutive days, unless such thirty-day period shall, for good cause shown, be extended by the Common Council.
5. The operation of the premises in such a manner that it constitutes a public and private nuisance, is designated a chronic nuisance premises under Section 18.04 of this Code, or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience, or prosperity of the immediate neighborhood.
6. The failure to pay any tax or forfeiture as provided in Section 1.08(9)(a) and (b).

(b) Commencement of Proceedings. Suspension, revocation, or non-renewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion or upon

written charges made and filed with the City Clerk by the Health Commissioner, Police Chief, Director, or any resident of the City of West Allis.

(c) Procedure. The procedure shall be the same as in Section 9.02(20)(d)-(h), except that the summons and complaint shall be served on the licensee no later than 10 days prior to the hearing.

(d) Disqualification for License.

1. Whenever a license is not renewed or is revoked, the City Clerk shall enter it into record, 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.

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

(e) Appeal. Within 20 days of the date of the revocation or suspension, the licensee may appeal the decision to the circuit court by filing a written notice of appeal with the City Clerk, together with a bond executed to the City, in the sum of \$500 with 2 sureties or a bonding company approved by the City Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the licensee.

(14) Penalties.

(a) Every person convicted of a violation of any of the provisions of this section, except for (9)(c), shall for each offense be punished by a forfeiture of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), together with the cost of prosecution; in default of payment of such forfeitures and costs, by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of such forfeiture and costs, but not in excess of the number of days set forth in Section 800.095(1)(b)(1) of the Wisconsin Statutes. Each and every day constitutes a separate offense. Additionally, where appropriate, legal or equitable actions may be commenced to enjoin any person from violating any of the provisions of this Section.

(b) Every person convicted of a violation of (9)(c) shall for each offense be punished by a forfeiture of twenty-five dollars (\$25), together with the cost of prosecution; in default of payment of such forfeitures and costs, by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of such forfeiture and costs, but not in excess of the number of days set forth in Section 800.095(1)(b)(1) of the Wisconsin Statutes. Each failure to report constitutes a separate offense. Additionally, where appropriate, legal or equitable actions may be commenced to enjoin any person from violating any of the provisions of this Section.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

**PASSED AS AMENDED**

3/15/2016

**APPROVED AS AMENDED**

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*Monica Schultz*

**Monica Schultz, City Clerk**

**Dan Devine, Mayor**

**Notice of Newly Enacted  
Ordinance**

Please take notice that the City of West Allis enacted O-2016-0008, an Ordinance to repeal and recreate Section 9.21 of the Revised Municipal Code Relating to Manufactured and Mobile Home Community Licenses on March 21, 2016. The recreated ordinance adopts the state laws relating to manufactured and mobile homes, creates conditions for the licenses, requires investigation of applicants, changes the license year, changes the fees for each license, creates responsibilities for licensees, requires licensees to be available during reasonable hours, allows for City inspection of the premises and records, sets forth revocation causes and procedure, and raises the penalties for most violations.

The full text of O-2016-0008 may be obtained at the City of West Allis clerk's office, 7525 West Greenfield Avenue, and through the website at

[www.westalliswi.gov](http://www.westalliswi.gov). Clerk's  
phone: 414-302-8220.

Monica Schultz, City Clerk

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Patti Guerrero  
Patti Guerrero

State of Wisconsin

County of Milwaukee

Subscribed and sworn before me this 31 day of MARCH, 2016.

Donna Laird

Notary Public State of Wisconsin

My Commission Expires

DONNA LAIRD  
NOTARIZED  
COMMISSION  
EXPIRES 3-31-16  
10-01-16