

Chapter 4

Manufactured Home Community Regulation

4-0.000 Authority and Purpose.

Sections 251.04(3) and 254.69(2)(g) Wis. Stats. provide the Board of Health of the Eau Claire City-County Health Department the authority to adopt regulations to protect and improve public health. Section 101.935(2)(e) Wis. Stats. authorized the City-County Health Department to be designated an agent of the State Department of Safety and Professional Services for the purpose of establishing license fees; issuing licenses; making investigations or inspections of manufactured home communities; enforcing state laws governing these facilities; and enacting local regulations governing these facilities which may be more strict than state law.

4-0.010 Applicability.

The provisions of this regulation shall apply to the operator of any manufactured home community in the city or county of Eau Claire.

4-0.020 Enforcement.

The provisions of this regulation shall be administered by or under the direction of the health officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation.

4-0.030 Licenses.

- A. No person shall operate a manufactured home community without first obtaining a license from the City-County Health Department. The annual non-returnable and non-prorated license shall expire on June 30 following their issuance.
- B. Application. Application for licenses shall be made in writing to the Health Department or such other office as designated by the Health Department on forms provided, stating the name and address of the applicant and the address and location of the proposed manufactured home community.
- C. License Suspension and Revocation. Such licenses may be temporarily suspended by the Health Department Director for a violation of any provision of this regulation, or rules adopted by reference by this regulation, which creates an immediate danger to health. Such licenses may be revoked after repeated violations. The licensee shall have an opportunity for a hearing by the Board of Health as provided in section 4-0.060 of this regulation.

4-0.040 Fees.

Section 66.0628 Wis. Stats. provide the authority to set and impose fees for services.

A. License Fees.

- 1. The fees for the licenses shall be established by the Board of Health to cover part or all the cost of issuing licenses, making investigations, inspections, sampling, providing education, training and technical assistance, plus the cost required to be paid to the state for each license issued.

2. License Revision Fee. A fee shall be required, as established by the Board of Health, for a revision to a current license that does not result in a reclassification of licensure, including but not limited to, changes in the number of sites.
- B. Late and Penalty Fees.
1. A late fee shall be required, as established by the Board of Health, for each license if the renewal fee is not received on or before the license expires.
 2. Fees/payments received and returned by the financial institution for insufficient funds are subject to a fee, as established by the Board of Health.
 3. Operators found to be operating without a valid license shall be subject to an initial license fee as well as a penalty fee equal to that of the license fee.
- C. Preinspection Fees. Separate fees will be required for preinspections of new manufactured home communities or existing facilities for which a person intends to be a new operator. Such fees shall be established by the Board of Health.
- D. Reinspection Fees. Reinspection fees shall be established by the Board of Health.
1. A reinspection fee will be assessed for a second and each successive reinspection when a violation(s) of an order has not been brought into compliance by the owner and/or operator of the manufactured home community. The reinspection fee shall be established by the Board of Health.
 2. A reinspection fee will be assessed when an inspection pursuant to Wisconsin Statutes section 254.72 and/or 254.61(4) is unable to be completed due to: an establishment refusing entry to properly identified health department inspectors and/or the establishment is allowing members of the public, employees or management to engage in conduct or activities that are in violation of state, local or health department regulations for the protection of the health and safety of the general public and employees of the establishment.
 3. Reinspection Fees will be assessed for each and every reinspection required to be completed until such time as the inspection is able to be fully completed or the violation ceases to exist.
 4. A reinspection fee is due upon written demand from the Health Department. The Health Department may issue a demand for payment when a license renewal application is issued to the manufactured home community operator.
 5. The Health Department may not issue or renew a manufactured home community license unless the applicant pays all fees, which are due and payable under this regulation.

4-0.050 Regulations, Rules, and Laws adopted by reference.

The applicable laws, rules, regulations set forth in Chapter 254 Stats., 101.935(2)(e) Stats., SPS 326 of the Wisconsin Administrative Code, and all the provisions as set forth in the City of Eau Claire Code of Ordinances, Chapter 16.08, Housing Maintenance and Occupancy Code, which are incorporated in this regulation by reference and they shall be construed, read and interpreted as though fully set forth herein. The express provisions of this regulation shall control where more restrictive.

4-0.060 Appeals.

Appeals of Health Department orders shall be pursuant to Health Department policy adopted in conformance with the procedures for conducting appeals enumerated in Chapter 68, Stats. Copies of the appeal procedure shall be available at the Health Department.

4-0.070 Violation – Penalties.

Any person who violates or refuses to comply with any provision of this regulation shall be subject to a forfeiture of not less than \$100 nor more than \$1000 for each offense. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations that are prosecutable under sections 254.86, 254.88, 66.0417 and 101.935, Stats.

4-0.080 Effective Date.

All regulations and parts of regulations in conflict with this regulation are hereby repealed; and this regulation shall be in full force and effect immediately upon its adoption and publication as provided by law.

By order - Eau Claire City-County Board of Health

Dated this twenty-second day of February 2012.

Effective on publication date