

CR 84-169

CERTIFICATE

STATE OF WISCONSIN)
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DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

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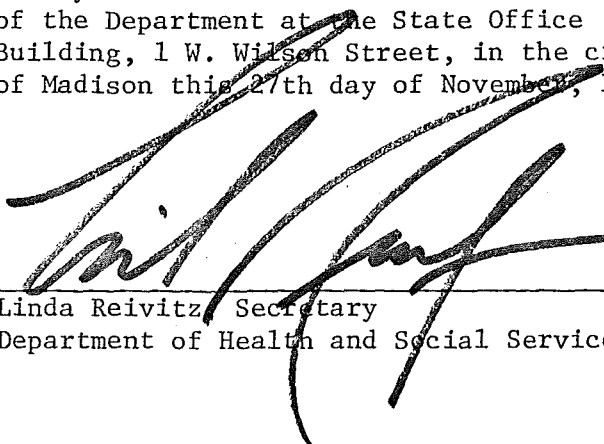
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Revisor of Statutes
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed rules relating to mobile home parks were duly approved and adopted by this Department on November 27, 1985.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison this 27th day of November, 1985.



SEAL:

Linda Reivitz, Secretary
Department of Health and Social Services

ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

REPEALING AND RECREATING RULES

To repeal and recreate HSS 177, relating to mobile home parks.

Analysis prepared by the Department of Health and Social Services:

This order repeals and recreates ch. HSS 177, the Department's rules for mobile home parks, to update and clarify them, put them into proper form, remove unnecessary language from the chapter, and make the rules consistent with the changes in the statutes brought about by 1983 Wisconsin Act 203.

Two or more mobile homes located together on land owned by the same party will comprise a mobile home park for purposes of the revised ch. HSS 177, even if the mobile homes, called units, are individually owned. Before being opened for public use a mobile home park must obtain a permit issued either by the Department or by a city or county designated by the Department as its agent. A permit signifies that the park complies with the requirements of this chapter which are enforced with the intention of protecting the public's health and safety by the Department or by its agent city or county. Currently 689 mobile home parks are regulated under ch. HSS 177. Requirements in the revised chapter cover the approval of plans for new or expanded parks, location of parks, minimum distance between the mobile homes and between mobile homes and other park facilities, width of streets within the park, spaces for parking, water supply, sewage disposal, solid waste disposal, and the cleanliness and orderliness of parks and of the individual mobile home sites within parks.

Pursuant to authority vested in the Department of Health and Social Services by s. 140.05 (3), Stats., the Department of Health and Social Services hereby repeals and recreates rules interpreting s. 50.575, Stats., as created by 1983 Wisconsin Act 203, and s. 140.05(1) and (17), Stats., as follows;

SECTION 1. HSS 177 is repealed and recreated to read:

CHAPTER HSS 177
MOBILE HOME PARKS

		<u>Page</u>
HSS 177.01	Authority and Purpose	2
HSS 177.02	Scope of Rules	2
HSS 177.03	Definitions	2
HSS 177.04	Permit	4
HSS 177.05	Plan Approval	4
HSS 177.06	Location	4
HSS 177.07	Physical Layout	5
HSS 177.08	Water Supply	6
HSS 177.09	Sewage Disposal	7
HSS 177.10	Plumbing	7
HSS 177.11	Garbage and Refuse	7
HSS 177.12	Management	8
HSS 177.13	Duties of Occupants	8
HSS 177.14	Enforcement	8

HSS 177.01 AUTHORITY AND PURPOSE. This chapter is promulgated pursuant to s. 140.05 (1), (3) and (17), Stats., in order to regulate mobile home parks for the purpose of protecting public health and safety.

HSS 177.02 SCOPE OF RULES. (1) APPLICABILITY. The provisions of this chapter apply to all operators of mobile home parks.

(2) APPROVED COMPARABLE COMPLIANCE. When strict compliance with a requirement of this chapter is impractical for a particular mobile home park, the department may approve a modification in that rule for that park if the department is provided with satisfactory proof that the grant of a variance will not jeopardize the health, safety or welfare of the public.

HSS 177.03 DEFINITIONS. In this chapter: (1) "Agent" means the city or county designated by the department to issue permits and make inspections of mobile home parks.

(2) "Approved" means acceptable to the department, based on its determination as to conformance with this chapter and good public health practices.

(3) "Basic unit" means a mobile home without hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

(4) "Department" means the department of health and social services.

(5) "Mobile home" means a structure, transportable in one or more sections, which is over 400 sq. ft. in area excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in it. In computing square footage, length is multiplied by width. In this subsection, "length" means the distance from the exterior of the front wall, that is, the wall nearest to the exterior of

the drawbar and coupling mechanism, to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. In this subsection, "width" means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

(6) "Mobile home park" or "park" means any plot or plots of ground owned by a person, state government or a local government upon which 2 or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the mobile homes work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.

(7) "Occupant" means any individual who resides in a mobile home.

(8) "Operator" means the owner of a mobile home park or a person designated by the owner to manage the park.

(9) "Person" means an individual, firm, trust, partnership, association or corporation.

(10) "Rear yard" means the area adjacent to each of the narrow ends of the basic unit.

(11) "Side yard" means the area on either side of the basic unit.

(12) "Site" means a plot of ground within a mobile home park designed for placement of one mobile home.

(13) "Street" means the paved or surfaced portion of a roadway between curbs.

HSS 177.04 PERMIT. (1) APPLICATION. Before a mobile home park is opened for public use, the operator shall obtain a permit from the department or its agent by application made upon a form furnished by the department or its agent.

Note: To obtain a copy of the application form, write: Bureau of Environmental Health, P. O. Box 309, Madison, Wisconsin 53701.

(2) ACTION BY THE DEPARTMENT. Within 30 days after receiving a completed application, the department or its agent shall either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing, for the denial.

HSS 177.05 PLAN APPROVAL. Plans and related specifications and calculations for a new or expanded mobile home park shall be submitted by the owner or operator to the department or its agent for examination in relation to this chapter and for approval before work is begun on the park. After the initial approval, no change in plans or specifications which is affected by any provision of this chapter may be made unless the change is approved and dated by the department or its agent.

Note: It is recommended that owners and operators consult the Department of Industry, Labor and Human Relations as well as local building and zoning regulations before commencing construction or modification.

HSS 177.06 LOCATION. (1) Every mobile home park and mobile home within the park shall be located on a well-drained area, and shall be properly graded to prevent the accumulation of storm or other waters.

(2) No mobile home park or mobile home within the park may be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

HSS 177.07 PHYSICAL LAYOUT. (1) SITES. (a) Each site shall be clearly delineated on the plans submitted to the department or its agent for approval.

(b) The basic unit shall be so located on a site that there is at least a 10 foot side yard clearance from other basic units and a 10 foot rear yard clearance between basic units. The clearance requirements shall be exclusive of a parking area.

Note: The 10 foot clearance requirement applies to all 4 sides of the basic unit, that is, to both of the side yards and both of the rear yards. "Rear yard" is defined in s. HSS 177.03(10) as the area adjacent to each narrow end of the basic unit.

(c) No basic unit may be located closer than 10 feet to:

1. Any building such as a pump house, the office building for the park, a laundry building or a recreational building, except a garage belonging to the site;

2. Any property line of the park; or

3. The right of way line of a street within the park.

(2) PARKING. Parking spaces in a ratio of one and one-half for each site shall be provided and maintained in good condition.

(3) STREETS. For a 2-way street within the park, the width shall be at least 32 feet if parking is permitted on both sides of the street; 24 feet if parking is permitted on one side of the street; and 18 feet if parking on the street is prohibited. A one-way street shall be at least 24 feet wide if parking is permitted on both sides; 18 feet wide if parking is permitted on one side; and 14 feet wide if parking on the street is prohibited. Streets shall be graveled or paved, maintained in good condition, have natural drainage and be adequately lighted at night.

(4) EXISTING MOBILE HOME PARKS. (a) Mobile home parks which before the effective date of this chapter either complied with existing codes or were in existence prior to 1962 shall be allowed to operate

without being in compliance with subs. (1), (2), and (3) unless the department determines that non-compliance endangers the health or safety of occupants.

(b) Any mobile home park expansion shall be in accordance with subs. (1), (2) and (3) and other applicable parts of this chapter.

(c) Any modification of a mobile home park which existed prior to 1962 relating to the size of basic units, the separation between basic units, or the placement of basic units on a lot in relationship to streets and other buildings shall be permitted by the department unless the department determines that the modification endangers the health or safety of occupants. Any modification of a mobile home park which did not exist prior to 1962 shall be in accordance with subs. (1), (2) and (3) and other applicable parts of this chapter.

HSS 177.08 WATER SUPPLY. (1) PUBLIC UTILITIES. When a public water supply is available to the mobile home park, connection and use are required.

(2) PRIVATE WELLS. A private well is permitted as a source of water when a public water facility is not available to the premises. The well shall be located on the premises and shall be constructed and the pump installed in accordance with ch. NR 112, rules governing well drilling and pump installation. Whenever safe water cannot be obtained consistently from a well constructed in apparent compliance with ch. NR 112, as evidenced by unsafe laboratory reports, the well shall be reconstructed or a new well constructed in accordance with the requirements of the department of natural resources. However, if the reconstruction or new construction is determined to be impractical or is found to be ineffective, the use of the well shall be discontinued and water transported on a temporary basis from a source and in a manner approved by the department.

(3) SAMPLING FREQUENCY. The water supply shall be sampled at least annually for microbiological and chemical contamination in accordance with ch. NR 109.

(4) BOTTLED WATER. Bottled and packaged potable water, if used, shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

HSS 177.09 SEWAGE DISPOSAL. (1) PUBLIC UTILITIES. When public sewage facilities are available to the mobile home park, connection and use are required.

(2) PRIVATE SEWAGE DISPOSAL. (a) Private sewage disposal systems as defined in s. 145.01 (12), Stats., are permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and shall be designed, constructed and operated in accordance with s. 144.245, Stats., and chs. ILHR 82 and 83.

(b) Failed on-site private waste disposal systems shall be replaced or rehabilitated. A failed system has the meaning prescribed for "failing private sewage system" in s. 144.245 (4), Stats.

HSS 177.10 PLUMBING. (1) GENERAL. All plumbing shall meet the requirements of chs. ILHR 82 and 83 that are applicable to mobile homes and mobile home parks.

(2) WATER CONNECTION. A separate water service shall extend to each site.

HSS 177.11 GARBAGE AND REFUSE. (1) All garbage not disposed of through a garbage disposal unit connected with the sewage system shall be kept in separate, leakproof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(2) Garbage cans shall be maintained in a clean and sanitary condition.

(3) The use of wooden or paper containers for garbage is prohibited.

(4) Fly-tight containers with covers shall be used for cans, bottles, and other rubbish. The contents shall be disposed of as often as necessary to prevent overflow. If a local ordinance requires the separation of garbage and rubbish, the requirement shall be followed.

HSS 177.12 MANAGEMENT. (1) AVAILABILITY. The operator or a designee in charge of the mobile home park in the absence of the operator shall, during reasonable hours, be available in the park or in close proximity to the park.

(2) REGISTRATION OF OWNERS. The operator shall keep a register of all owners of mobile homes located in the mobile home park, and shall permit the department or its agent to inspect the register at all reasonable times and upon reasonable notice.

(3) MAINTENANCE. The operator shall maintain the mobile home park in a clean, orderly and sanitary condition at all times.

(4) COMMUNICABLE DISEASE CONTROL. The operator shall cooperate with local health officers in all cases of persons or animals infected or suspected of being infected with any reportable communicable disease under s. HSS 145.03(2).

Note: The only reportable communicable disease that could infect animals is animal rabies.

HSS 177.13 DUTIES OF OCCUPANTS. All owners and other occupants of mobile homes in a mobile home park shall:

(1) Register with the operator; and

(2) Maintain their site in a clean, orderly and sanitary condition at all times.

HSS 177.14 ENFORCEMENT. (1) ACCESS. An authorized employe or agent of the department, upon presenting proper identification, shall be permitted to enter any mobile home park at any reasonable time for the

purpose of inspecting the mobile home park to determine compliance with this chapter. The department's authorized employe or agent shall be permitted to examine the records of the mobile home park, including mobile home park registration records.

(2) ENFORCEMENT POLICY. (a) Notification. If upon inspection of a mobile home park the authorized employe or agent of the department finds that the mobile home park is not planned, operated or equipped as required by this chapter, the employe or agent shall, except as provided under par. (b), notify the operator in writing and shall specify the changes required to make the mobile home park conform to the standards established in this chapter and the time period within which compliance shall take place. If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, or any extension of time granted for compliance, the department may issue an order suspending or revoking the permit to operate the mobile home park. The suspension or revocation order shall take effect 15 days after the date of issuance unless a request for a hearing has been received under sub. (3).

(b) Order to deal with an immediate danger to health. Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a mobile home park or of equipment used on the premises creates an immediate danger to health, an authorized employe or agent of the department may, pursuant to s.50.575, Stats., acting as the designee of the administrator of the department's division of health, and without advanced written notice, issue a temporary order to remove the immediate danger to health. That order shall take effect on delivery to the operator or other person in charge of the mobile home park. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment,

requiring the premises to cease other operations or methods of operations, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the temporary order, the department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The department shall then schedule and hold the hearing required under s.50.575(3), Stats., unless the immediate danger to health is removed or the order is not contested and the operator and the department mutually agree that no purpose would be served by a hearing.

Note: Under s.50.575, Stats., the temporary order is effective for 14 days and may be extended for another 14 days to permit the department to complete its examination. The order expires at the end of the 14-day or 28-day period unless it is terminated by the department by notice to the operator within that period, or is kept in effect beyond that period, pending a hearing, by department notification to the operator. The hearing is to be held by the department no later than 15 days after the notice is served on the operator unless the department and the operator agree on a later date, and the department must issue a final decision on the matter within 10 days after the hearing.

(3) APPEAL BY THE OPERATOR. Any operator aggrieved by an order of the department under this chapter, except for an order issued pursuant to s. 50.575, Stats., and sub. (2) (b), may request a hearing under this subsection to challenge the order. A request for a hearing under this subsection shall be submitted to the department's office of administrative hearings and shall be received by that office within 15 days after issuance of the order. Procedures for the hearing shall be in accordance with ch. 227, Stats. After the hearing, the department shall affirm, set aside or modify the order. The final decision of the department may be appealed to the circuit court as provided in ch. 227, Stats.

Note: The mailing address of the office of administrative hearings is P.O. Box 7875, Madison, Wisconsin 53707.

(4) LOCAL ENFORCEMENT. Notwithstanding subs. (2) and (3), if an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 50.535(2)(g) and 66.124, Stats., which shall supersede subs. (2) and (3).

The repeal and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.026 (1), Stats.

Department of Health and
Social Services

By: 

Linda Reivitz
Secretary

Date: November 27, 1985

SEAL:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

Linda Reivitz
Secretary

November 27, 1985

Mailing Address:
Post Office Box 7850
Madison, WI 53707

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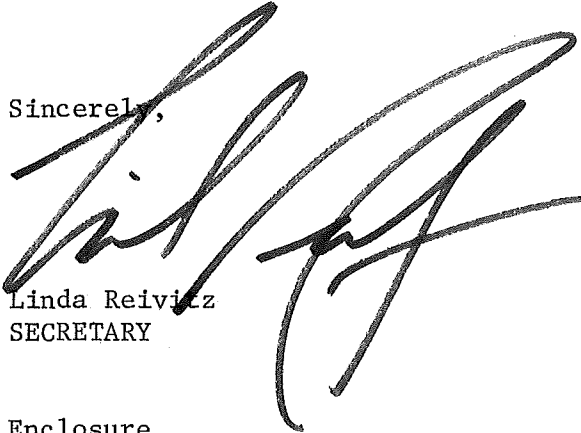
Mr. Orlan Prestegard
Revisor of Statutes
9th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 177, administrative rules relating to mobile home parks.

These rules are also being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,


Linda Reivitz
SECRETARY

Enclosure