Chapter SPS 326

MANUFACTURED HOME COMMUNITIES

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Note: Chapter Comm 26 was renumbered chapter SPS 326 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Administration and Enforcement

SPS 326.01 Purpose. Pursuant to s. 101.935 (3), Stats., the purpose of this chapter is to regulate manufactured home communities in order to protect public safety and health.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.02 Scope. Except as specified otherwise in this chapter, the provisions of this chapter apply to all new and existing manufactured home communities.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.03 Petition for variance. The department shall consider and may grant a variance to a non−statutory provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include a position statement from the fire department having jurisdiction over the affected property.

Note: Chapter SPS 303 requires the submittal of a petition for variance form (SBD−9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.04 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.94 (8) (c), Stats.

Note: Section 101.94 (8) (c), Stats., indicates that a person who violates s. 101.935, a rule promulgated under s. 101.935 or an order issued under s. 101.935 may be required to forfeit not less than $10 nor more than $250 for each violation. Each day of continued violation constitutes a separate violation.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.05 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to ss. 101.02 (6) (e) and 101.94 (7), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing on the local order.

(3) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.06 Fees. Fees for the plan examination, community permit and inspection of communities shall be submitted to the department as specified in ch. SPS 302.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.07 Plan approval. Two sets of plans and one set of related specifications and calculations for a new or expanded manufactured home community shall be submitted to the department or its agent for examination in relation to this chapter and for approval before work is begun on the community. After the initial approval, no change in plans or specifications that is affected by any provision of this chapter may be made unless the change is approved and dated by the department or its agent. Plan requirements shall be shown to scale and direction according to s. SPS 326.12 (1) to (3). An approval letter from the department shall also be attached to plans for any private sewage system. A copy of a safe water sample test result shall be submitted for private wells.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.08 Permit. (1) APPLICATION. Before a manufactured home community is opened for public use, the manufactured home community operator shall obtain a permit from the department or its agent by application made upon form SBD−10675. The permit is valid for a maximum period of 2 years, and shall be renewed prior to expiration. Upon a change of manufactured home community operator, the department or its agent shall be notified on form SBD−10675.

Note: The Department forms required in this chapter are available for a nominal fee at telephone 800−DOC−SALE or 411 (Telecommunications Relay) or at docsales@doa.state.wi.us; or at no charge from the Division of Industry Services Web site at http://dsps.wi.gov/programs/industry−services.

Note: Section 101.935 (2) (c), Stats., indicates that permits are valid for a 2−year period that begins on July 1 of each even−numbered year and ends on June 30 of the next even−numbered year. If a person applies for a permit after the beginning of a permit period, the permit is valid until the end of the permit period.

(2) ACTION BY THE DEPARTMENT. Pursuant to s. SPS 302.07 (3), the department or its agent shall review and make a determination on an application for a community permit within 20 business days. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing, for the denial. The department or its agent shall conduct an on−site review for new communities, community expansions or complaints.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; CR 06−119: am. (2) Register July 2007 No. 619, eff. 8−1−07; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.09 Enforcement. (1) ACCESS. An authorized employee or agent of the department, upon presenting proper identification if requested, shall be permitted to enter any manufactured home community at any reasonable time for the purpose of inspecting the manufactured home community to determine compliance with this chapter. The department's authorized employee or agent shall be permitted to examine the records of the manufactured home community pertinent to this chapter, including manufactured home community registration records.

(2) ENFORCEMENT POLICY. (a) *Notification.* If upon inspection of a manufactured home community the authorized employee or agent of the department finds that the manufactured home community is not planned, operated or equipped as required by this chapter, the employee or agent shall, except as provided under par. (b), notify the manufactured home community operator in writing. The notice shall specify the changes required to make the manufactured home community conform to the standards established in this chapter and the time period within which compliance shall take place.

Note: Section 101.935 (2) (b), Stats., requires the department to hold a hearing in accordance with ch. 227, Stats., before suspending or revoking a permit for violations of this chapter.

(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 manufactured home community, or of equipment used on the premises, creates an immediate danger to health, an authorized designee of the administrator of the department's division of industry services, pursuant to s. 101.935 (2) (e), Stats., may without advance written notice, issue a temporary order to remove the immediate danger to health. The authorized designee may issue a monetary forfeiture to the manufactured home community operator for each day the danger is present after it has been identified. That order shall take effect on the delivery to the operator or other person in charge of the manufactured home community. 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 that create an immediate danger to health, 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 a hearing pursuant to ch. 227, 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.

(3) LOCAL ENFORCEMENT. If an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 66.0417 and 97.615 (2), Stats., which shall supersede sub. (2).

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction in (2) (b) made under s. 13.92 (4) (b) 6., Stats., Register September 2013 No. 693; **correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 734.**

Subchapter II — Definitions

SPS 326.10 Definitions. In this chapter:

(1) "Ability to pay" means a manufactured home community occupant's financial capacity to meet the manufactured home community occupant's water and sewer service financial obligation.

(2) "Agent" means a village, city or county designated by the department to issue permits and make inspections of the manufactured home communities.

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

(4) "Department" means the department of safety and professional services.

(5) "Disconnection" means an event or action taken by the manufactured home community operator or manufactured home community contractor to terminate or discontinue the provision of water and sewer service, but does not include cessation of service at the request of a manufactured home community occupant.

(6) "Dispute" means a statement or question by a manufactured home community occupant alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a manufactured home community operator or manufactured home community contractor.

(7) "General service charges" means charges billed to the manufactured home community occupant by the manufactured home community operator or manufactured home community contractor and intended to recover the cost of supplying water and sewer service.

Note: The expenses typically recovered by general service charges are operation and maintenance expenses, taxes, depreciation, or debt service. Expenses such as late payment charges, non−sufficient funds check charges, or reconnection charges are not typically recovered through general service charges but are typically separate, additional charges applied to the manufactured home community occupant's account.

(8) "Manufactured home" has the meaning specified under s. 101.91 (2), Stats.

Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) 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.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(9) "Manufactured home community" has the meaning specified under s. 101.91 (5m), Stats.

Note: Under s. 101.91 (5m), Stats., "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. "Manufactured home community" 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.

(10) "Manufactured home community contractor" has the meaning specified under s. 101.91 (6m), Stats.

Note: Under s. 101.91 (6m), Stats., "manufactured home community contractor" means a person, other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with a manufactured home community operator, provides water or sewer service to a manufactured home community occupant or performs a service related to providing water or sewer service to a manufactured home community occupant.

(11) "Manufactured home community occupant" has the meaning specified under s. 101.91 (7), Stats.

Note: Under s. 101.91 (7), Stats., "manufactured home community occupant" means a person who rents or owns a manufactured home in a manufactured home community.

(12) "Manufactured home community operator" has the meaning given in s. 101.91 (8), Stats.

Note: Under s. 101.91 (8), Stats., "manufactured home community operator" means a person engaged in the business of owning or managing a manufactured home community.

(13) "Meter" means an instrument installed to measure the volume or rate, or both, of flow of water delivered through it.

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

(15) "Protective services emergency" means a threat to the health or safety of a community resident because of the infirmities of aging, mental retardation, other developmental or mental disabilities, or the frailties associated with being very young.

(16) "Remote outside meter" means an analog device attached to a building or structure that displays the reading of the base meter through electronic pulses sent from the base meter.

Note: Remote outside meters are considered part of the manufactured home community operator's or manufactured home community contractor's metering configuration.

(17) "Site" means a plot of ground within a manufactured home community designed for placement of one manufactured home.

(18) "Small manufactured home community" means a manufactured home community containing fewer than 6 individual sites that are rented or offered for rent for the accommodation of a manufactured home.

(19) "Street" means the paved or surfaced portion of the roadway between curb faces.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06; correction in (5) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672; CR 14–017: r. (4), renum. (5) to (20) to (4) to (19) Register August 2014 No. 704, eff. 9–1–14.

Subchapter III — General Requirements

SPS 326.11 Location. (1) Every manufactured home community and manufactured home within the community shall be located on a well–drained area and shall be properly graded to prevent the accumulation of stormwater or other waters.

(2) A manufactured home shall be located on soil that provides sufficient soil bearing capacity to support the manufactured home.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06.

SPS 326.12 Physical layout. (1) SITES. (a) Each site shall be clearly delineated on plans submitted to the department or its agent for approval.

(b) Each basic unit shall be located on a site so that there is at least a 10–foot clearance between basic units. The clearance requirements shall be exclusive of a parking area.

(c) No basic unit may be located closer than 10 feet to any of the following:

1. Any building such as a pump house, the office building for the community, a laundry building or a recreational building, except a garage or accessory structure belonging to the site or manufactured home community occupant.

2. Any property line of the community.

3. Any street within the community.

Note: See chs. SPS 320 to 325 for additions and alterations to manufactured homes.

(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. (a) Streets shall conform to the minimum widths specified in Table 326.12.

Table 326.12
Street Widths, in Feet

Travel Direction	No Off–Street Parking Provided		Off–Street Parking Provided		
	Parking 2 Sides	Parking One Side	Parking 2 Sides	Parking One Side	No Street Parking
2 Way	36	30	32	24	18
One Way	24	18	24	18	14

(b) Where parking on the street is prohibited, "no parking" signs shall be provided.

(c) Streets shall be graveled or paved, maintained in good condition, have natural drainage, and be able to support the imposed loads for occasional use of fire apparatus as determined in consultation with the local fire department.

(4) EXISTING MANUFACTURED HOME COMMUNITIES. (a) Except as provided in par. (b), manufactured home communities or a section of a manufactured home community that were in existence prior to 1962 need not comply with subs. (1) to (3) unless the department determines that non–compliance endangers the health or safety of community occupants.

(b) Any manufactured home community expansion shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(c) Any modification of a manufactured home community that existed prior to 1962 relating to the size of the 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 community occupants. Any modification of a manufactured home community which did not exist prior to 1962 shall comply with subs. (1) to (3) and other applicable parts of this chapter.

(d) Manufactured home communities or a section of a manufactured home community that were constructed between 1962 and March 1, 2006 shall comply with the following requirements for the width of 2–way streets within the community: 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.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–017: am. (1) (c) (intro.), 1., 2. Register August 2014 No. 704, eff. 9–1–14.

SPS 326.13 Fire hydrants. For manufactured home communities and community expansions constructed after March 1, 2006, fire hydrants shall be provided in accordance with ch. NR 811 when the required water supply is available.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06.

SPS 326.14 Plumbing systems. Water and sewer systems owned by a manufactured home community operator or manufactured home community contractor shall be constructed and maintained in compliance with chs. SPS 381 to 387.

Note: The connection and use of a public water or sewer system is regulated under s. 281.45, Stats.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.15 Adequacy of water supply. Each manufactured home community operator or manufactured home community contractor shall furnish a continuous and adequate supply of potable water to its manufactured home community occupants.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06.

SPS 326.16 Electricity. (1) Manufactured home community electrical connections shall meet the requirements set forth in ch. SPS 316.

(2) A manufactured home community operator may request an electric utility provider to disconnect the electrical service to a site where an electrical overload or other dangerous condition exists in nonconformance with ch. SPS 316.

(3) An authorized employee or agent of the department may order a manufactured home community operator to make the request specified in sub. (2).

Note: Chapter SPS 316 adopts the National Electrical Code (NEC). See Article 550 Part III of the NEC for information relating to electrical connections for manufactured homes. See Article 240 for overcurrent protection.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−017: renum. section 326.16 to (1), cr. (2), (3) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.17 Garbage and rubbish. (1) All garbage not disposed of through a garbage disposal unit connected with the sewage system shall be kept in separate, leak proof, 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 and rubbish containers shall be maintained in a clean and sanitary condition. The use of wooden or paper containers for storing garbage and rubbish is prohibited.

Note: Local ordinances may require the separation of garbage and recyclable materials.

(3) This section does not prohibit the use of dumpsters in a manufactured home community.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.18 Management. (1) AVAILABILITY. The manufactured home community operator or a designee in charge of the manufactured home community in the absence of the operator shall, during reasonable hours, be available in the community, in close proximity to the community or via electronic means.

(2) REGISTRATION OF OWNERS. The manufactured home community operator shall keep a register of all owners and occupants of manufactured homes located in the manufactured home community, and shall permit the department or its agent to inspect the register at all reasonable times and upon reasonable notice. The register may be kept in an electronic form. If the register is being stored at a location different than the licensed address, the operator shall disclose the storage location to the department upon request.

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

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.19 Duties of occupants. All owners and other occupants of manufactured homes in a manufactured home community shall do all of the following:

(1) Register with the manufactured home community operator.

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

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; CR 14−017: am. (intro.), (1) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.20 Other municipal fees. A manufactured home community contractor or a manufactured home community operator may pass along to a homeowner a municipal charge imposed on the community or its occupants on a schedule to meet the obligations imposed by the municipality or municipal utility notwithstanding the terms of the lease.

History: CR 14−017: cr. Register August 2014 No. 704, eff. 9−1−14.

Subchapter IV — Water and Sewer Service

Part 1 − General

SPS 326.25 General requirement. A manufactured home community contractor and a manufactured home community operator that provides water service or sewer service, or both, to the occupants of their manufactured home community shall furnish reasonably adequate service and facilities as required by this subchapter.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.26 Uniform billing rate. No manufactured home community operator or manufactured home community contractor may provide water and sewer service to a manufactured home community occupant at a billing rate different from that provided to all other occupants of their manufactured home community.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

Part 2 − Records and Available Information

SPS 326.27 Records of service interruptions. Each manufactured home community operator or manufactured home community contractor shall maintain a record of each interruption of service that results from a failure or disruption of the manufactured home community water supply or sewer collection system lasting more than one hour or affecting more than 25% of the manufactured home community occupants upon reporting of such an outage by a manufactured home community occupant. The manufactured home community operator's or manufactured home community contractor's records shall show the date and time the service interruption began, the duration, the cause, and the approximate number of manufactured home community occupants affected. Records must be maintained for 3 years following the date of occurrence.

Note: See also s. SPS 326.48 for further information.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.28 Information available and required to be provided to customers. Each manufactured home community operator or manufactured home community contractor shall have available and provide, to all new manufactured home community occupants and to any manufactured home community occupant making a request, a written notice that includes a summary of the rules set forth in this chapter pertaining to deposits, payment options, disconnection, and dispute procedures. The notice shall contain a reply procedure to allow manufactured home community occupants an opportunity to advise the manufactured home community operator or manufactured home community contractor of any special circumstances, such as the presence of infants or elderly persons or the use of human life−sustaining equipment, and to advise the manufactured home community operator or manufactured home community contractor to contact a specific third−party agency or individual prior to any disconnection action being taken. Each manufactured home community operator or manufactured home community contractor shall also provide annually, and any time rates are increased, written information regarding the rates charged to manufactured home community occupants for the provision of water and sewer service. The information provided shall include a description of how rates are determined, the rate charged the manufactured home community operator or manufactured home community contractor by its water or sewer service provider, and the department's telephone number.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; CR 14−017: am. Register August 2014 No. 704, eff. 9−1−14.

Part 3 − Rates, Service and Billing

SPS 326.29 Application. The provisions of Part 3 are not applicable to manufactured home community operators or manu-

factured home community contractors who include the costs associated with water and sewer service in their rental fees.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.30 Reasonableness of water and sewer rates. A manufactured home community operator or manufactured home community contractor may establish general service charges for water and sewer service in one of the following ways:

(1) (a) If a manufactured home community operator or manufactured home community contractor purchases water and sewer service and resells the service to the manufactured home community occupants where the service is not metered, the maximum allowable water and sewer bill to each manufactured home community occupant may not exceed the lesser of the manufactured home community's water and sewer bill, plus 30%, divided by the number of occupied lots within the community, or the retail rates of the local municipality's water and sewer operation applied to the average user. The bill to each manufactured home community occupant shall be based on the previous billing cycle of the service provider. The average user is one whose consumption is equal to the volume of water billed to the manufactured home community operator or manufactured home community contractor, divided by the number of occupied lots or occupants within the manufactured home community. The allowable bill also includes the combination of all other charges to a typical residential customer, including such items as meter and storm water charges.

Note: The 30% additional charge is intended to recover the operational, maintenance, and capital costs associated with the facilities within the manufactured home community.

(b) If a manufactured home community operator or manufactured home community contractor purchases water and sewer service and resells the service to the manufactured home community occupants where the service is metered, the maximum allowable water and sewer billing rate to each manufactured home community occupant may not exceed the local residential meter rate based on volume plus the combination of all other charges to a typical residential customer, including such items as meter and storm water charges.

(2) If a manufactured home community operator or manufactured home community contractor owns the water supply facilities or the sewerage treatment facilities that serve the manufactured home community, the water charge to a manufactured home community occupant may not exceed the average amount charged for a similar level of water utility service furnished by Wisconsin Class D water public utilities. The charge for sewer service may not exceed 2.5 times the charge for Wisconsin Class D water service.

Note: Information relative to the rates of Wisconsin Class D water public utilities is available from the Wisconsin Public Service Commission Web site at www.psc.wi.gov. See Bulletin 25.

(3) (a) A manufactured home community operator or manufactured home community contractor may establish water and sewer rates in excess of those set forth in sub. (1) or (2) if the manufactured home community operator or manufactured home community contractor can provide written documentation to the department that demonstrates that higher charges are necessary to meet the reasonable costs associated with all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, or depreciation of the water and sewer system and for the payment of all or part of the principal and interest of any indebtedness associated with providing water and sewer service at a reasonable cost.

(b) A manufactured home community operator or manufactured home community contractor shall provide a written explanation of rates upon request of a manufactured home community occupant, and at any time rates are increased.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; CR 14−017: am. (1) (a), (b) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.31 Billing methods. Sewer or water bills for manufactured home community occupants shall be based on one of the following methods:

(1) Metered.

(2) Flat rate.

(3) Residential equivalent units.

Note: See s. SPS 383.43 for information regarding estimating wastewater flow.

(4) Any other method that can be shown to reasonably allocate costs among manufactured home community occupants.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.32 Billing. (1) If payments for water and sewer service are paid separately from rent, a bill for water and sewer service shall be issued at least quarterly by the manufactured home community operator or manufactured home community contractor. The bill shall include all of the following on the manufactured home community occupant's receipt:

(a) The service address.

(b) The present and last preceding meter readings if service is metered.

(c) The present and last preceding meter reading dates if service is metered.

(d) The number of units consumed if service is metered.

(e) Clear itemization of the amounts included in the bill for the present billing period and any unpaid balance from previous billing periods, including any late payment charges.

(2) Estimated bills shall be distinctly marked as such, if service is on a metered basis.

(3) Except as provided in sub. (4), if payments for water and sewer service are paid separately from rent, a partial payment received for water and sewer service shall be applied, in descending order until fully paid, to each of the following types of charges on the manufactured home community occupant's account:

(a) Current water and sewer service.

(b) Water and sewer service arrears.

(c) Miscellaneous water and sewer charges.

(d) All other charges.

(4) Upon a manufactured home community occupant's request, or at the discretion of the manufactured home community operator or manufactured home community contractor, partial payments may be allocated differently than set forth under sub. (3) if the allocation does not result in a disconnection of service or the imposition of a late payment penalty that would not have occurred under the allocation methodology set forth under sub. (3).

(5) The manufactured home community operator or manufactured home community contractor may apply late payment charges to any portion of a manufactured home community occupant's water and sewer service bill that is not paid in full within 20 days following issuance of the bill. The late payment charge each month shall not exceed one percent of the total unpaid balance per month.

(6) (a) If a manufactured home community operator or manufactured home community contractor applies a late payment charge, the late payment charge shall apply only to that portion of the bill not paid within 20 days following issuance of the bill.

(b) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the manufactured home community operator or manufactured home community contractor.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction in (7) (b), (8) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−017: r. (3) (b), renum. (3) (c) to (e) to (3) (b) to (d), r. (7), (8) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.33 Deposits for water and sewer service. **(1)** A manufactured home community operator or manufactured home community contractor may require a deposit as a condition of new or continued water and sewer service. The amount of the required deposit may not exceed $75.

(2) The manufactured home community operator or manufactured home community contractor shall refund the water and sewer deposit of a manufactured home community occupant within the same period as for the rental agreement security deposit.

(3) (a) Any arrearage owed by a manufactured home community occupant for water and sewer service may be deducted from the manufactured home community occupant's water and sewer deposit.

(b) If the manufactured home community operator or manufactured home community contractor deducts a water and sewer arrearage from a manufactured home community occupant's deposit, it may require the manufactured home community occupant to bring the water and sewer deposit up to its original amount.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06; CR 14–017: renum. (1) (a) to (1) and am., r. (1) (b) Register August 2014 No. 704, eff. 9–1–14.

SPS 326.34 Reasons for disconnection and refusal of service. **(1)** Water and sewer service may be disconnected or refused for any of the following actions on the part of a manufactured home community occupant:

(a) Failure to pay a delinquent account.

(b) Failure to comply with deposit arrangements as specified in s. SPS 326.33.

(c) Diversion of service around the meter.

(d) Refusal or failure to permit authorized manufactured home community operator or manufactured home community contractor personnel access to the base meter or remote register.

(e) Use of service in a manner that interferes with the service of others or the operation of nonstandard equipment, if the manufactured home community occupant has first been notified and provided with reasonable opportunity to remedy the situation.

(f) Failure to comply with Wisconsin statutes, department rules, or department orders pertaining to water and sewer service.

(g) Failure to pay costs or fees incurred by and awarded to the manufactured home community operator or manufactured home community contractor by a court of law for pursuit of collection of water and sewer bills, or failure to pay collection charges associated with water and sewer service.

(h) Use of a device that unreasonably interferes with communications or signal services used for reading meters.

(i) Failure to bring a deposit up to its original amount within 20 days of the written request to do so if all or a portion of the deposit has been used to pay a water and sewer arrearage.

(2) A manufactured home community operator or manufactured home community contractor may disconnect water and sewer service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the manufactured home community operator or manufactured home community contractor shall provide the manufactured home community occupant with a written explanation of the dangerous condition.

(3) Service may be discontinued with a written 24–hour notice for nonpayment of a bill covering surreptitious use of water and sewer.

(4) A manufactured home community operator or manufactured home community contractor may disconnect water and sewer service without notice where it has reasonable evidence that water and sewer service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the water and sewer service.

(5) Water and sewer service may not be disconnected or refused for any of the following reasons:

(a) Failure to pay the account of another manufactured home community occupant as guarantor of that account.

(b) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing.

(c) For the purpose of eviction of a manufactured home community occupant.

(d) If a heat advisory or warning has been declared by the national weather service for a geographic area that includes the manufactured home community.

(6) Notwithstanding any other provision of this section, upon due notice to a manufactured home community operator or manufactured home community contractor, the operator or contractor may not disconnect service or refuse to reconnect service to a manufactured home community occupant if disconnection will aggravate an existing medical or protective services emergency of the manufactured home community occupant, a member of the manufactured home community occupant's family, or other permanent resident of the premises where service is rendered and if the manufactured home community occupant conforms to the procedures described in s. SPS 326.35 (1) (c).

(7) Notwithstanding any other provision of this chapter, water and sewer service may not be refused or disconnected because of a delinquent account if the manufactured home community occupant or applicant provides a deposit as a condition of future service, as governed by s. SPS 326.33, or a payment agreement guaranteed by a third party. If the guarantor has agreed to be responsible for payment of all future bills, the manufactured home community occupant shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

History: CR 04–135: cr. Register February 2006 No. 602, eff. 3–1–06; correction in (1) (b), (7), (8) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–017: am. (1) (a), (2), r. (6), renum. (7), (8) to (6), (7) Register August 2014 No. 704, eff. 9–1–14.

SPS 326.35 Disconnection procedure. **(1)** (a) A notice of disconnection may not be issued until at least 20 days after the date of issuance of the bill.

(b) Manufactured home community water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of s. SPS 326.38.

(c) A manufactured home community operator or manufactured home community contractor shall postpone the disconnection of service, or reconnect the service if disconnected, for up to 21 days on the written recommendation of a licensed physician or notice from a public health, social services, or law enforcement official that identifies the medical or protective services emergency and specifies the period of time for postponement of the disconnection. This postponement is to enable the manufactured home community occupant to arrange for payment.

(d) During the period service is continued under the provisions of this subsection, the manufactured home community occupant is responsible for the cost of residential water and sewer service. However, no action to disconnect that service shall be undertaken until expiration of the period of continued service.

(e) If there is a dispute concerning an alleged medical emergency, either party may request an informal review by the department. During the informal review, residential water and sewer service shall be continued if the manufactured home community occupant has submitted a statement or notice as set forth in par. (c).

(2) (a) A manufactured home community operator or manufactured home community contractor shall not disconnect service unless written notice by first class mail is sent to the manufactured home community occupant or personally served upon the occupant at least 8 calendar days prior to the first date of the proposed disconnection except as provided in s. SPS 326.34 (2), (3), and (4). If the billing address is different from the service address, notice shall be posted at the service address not less than 5 days before disconnection. The notice shall contain the information set forth in s. SPS 326.36.

(b) If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the manufactured home community occupant and the manufactured home community operator or manufactured home community contractor agree to extend the 15−day time period. If disconnection is not accomplished on or before the 30th day after the original eight−day disconnection notice was issued, the manufactured home community operator or manufactured home community contractor shall issue a new eight−day disconnection notice prior to proceeding with the disconnection of water and sewer service.

(c) The manufactured home community operator or manufactured home community contractor shall make a reasonable effort to have a personal or telephone contact with the manufactured home community occupant prior to disconnection. If a contact is made, the manufactured home community operator or manufactured home community contractor shall review the reasons for the pending disconnection of service and explain what actions shall be taken by the manufactured home community occupant to avoid disconnection. The manufactured home community operator or manufactured home community contractor shall keep a record of the contacts and contact attempts.

(d) If a dispute cannot be resolved, the manufactured home community operator or manufactured home community contractor shall inform the manufactured home community occupant of the right to appeal to the department in accordance with s. SPS 326.38.

(3) Service shall not be disconnected on a day, or on the day immediately preceding a day, when the business offices of the manufactured home community operator or manufactured home community contractor are not available to the manufactured home community occupants for the purpose of transacting all business matters. If the manufactured home community operator or manufactured home community contractor is not available for all business matters, it shall be considered to be available if it provides personnel that are readily available to the manufactured home community occupant 24 hours per day to evaluate, negotiate, or otherwise consider the manufactured home community occupant's objection to the disconnection as provided under s. SPS 326.38, and proper service personnel are readily available to restore service 24 hours per day.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction in (1) (b), (2) (a), (d), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 326.36 Disconnection notice. (1) A disconnection notice shall contain all of the following information:

(a) The name and address of the manufactured home community occupant and the address of the service, if different.

(b) The reason for the proposed disconnection of service and a statement that service will be disconnected if one of the following does not occur:

1. The account is paid.
2. Other suitable arrangements are made.
3. Equipment changes are made.

(c) A statement that the manufactured home community occupant shall immediately contact the manufactured home community operator or manufactured home community contractor at the number listed if the manufactured home community occupant disputes the account considered delinquent, if any resident is seriously ill, or if there are other extenuating circumstances.

Note: Extenuating circumstances include things such as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of residents who use life support systems or equipment, and residents who have mental retardation or other developmental or mental disabilities.

(d) A statement that residential water and sewer service shall be continued for up to 21 days during serious illness on the written recommendation of a licensed physician.

(e) A statement that the manufactured home community occupant may appeal to the department if the grounds for the proposed disconnection or the amount of any charge remains in dispute after the manufactured home community occupant has pursued the available remedies with the manufactured home community operator or manufactured home community contractor.

(f) The date of the notice.

(g) The proposed date of disconnection.

(h) A phone number at which the manufactured home community operator or manufactured home community contractor can be contacted.

(i) A statement that the manufactured home community occupant may apply to accept responsibility for future bills and avoid disconnection of service as allowed under s. SPS 326.34 (7).

(j) A statement that disputing any matter does not relieve the manufactured home community occupant of the obligation of paying charges not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute that are later determined to be correct.

(2) If disconnection of service is to be made for default on a payment, the notice shall include an explanation of the acts of the manufactured home community occupant which are considered to constitute default.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction in (1) (i) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−017: am. (1) (intro,), r. (1) (b) 2., renum. (1) (b) 3., 4. to (1) (b) 2., 3., am. (1) (c), (i), (2) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.38 Dispute procedures. (1) If a manufactured home community occupant disputes a manufactured home community operator or manufactured home community contractor's request for a deposit, or advises the manufactured home community's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the manufactured home community operator or manufactured home community contractor shall do all of the following:

(a) Investigate the dispute promptly and completely.

(b) Advise the manufactured home community occupant of the results of the investigation.

(2) (a) After the manufactured home community occupant has pursued the available remedies with the manufactured home community operator or manufactured home community contractor, the manufactured home community occupant may request that the department informally review the disputed issue and recommend terms of settlement.

(b) A request for informal review may be made in any reasonable manner, including written, electronic or telephone request directed to the department. The department may request in writing or by telephone the manufactured home community operator or manufactured home community contractor to provide investigative information regarding the dispute.

(c) A manufactured home community operator or manufactured home community contractor shall respond to the department request for an investigation promptly. Based on information provided by the manufactured home community operator or manufactured home community contractor and the manufactured home community occupant, the department shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the department determination, and the basis for it, in writing. The department shall inform any manufactured home community occupant disputing an informal determination of the right to pursue a formal review.

(d) At least 7 business days shall elapse between the date the department telephones or mails notice of terms of settlement and disconnection.

(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the department. To avoid disconnection pending a formal review, the manufactured home community occupant shall request in writing a formal review by the department within 7 business days of the issuance of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the department telephones or provides written notice of terms of the settlement after informal review. If a party to a dispute requests written confirmation of the department decision, the 30−day period begins from the date of that mailing.

(b) The department shall base its formal determination on the request for formal review and the department's informal dispute file. Within 45 calendar days from the date that a request for formal review is made, the department shall draft a memorandum based on the information it has received from the manufactured home community operator or manufactured home community contractor and the manufactured home community occupant. A copy of the memorandum shall be provided to the parties no less than 15 business days prior to consideration by the department. The department shall inform both parties in writing of the date of consideration. Either party to the dispute may file a response to the department memorandum. A response shall be filed with the department no less than 2 business days prior to the date scheduled for consideration by the department. The department shall inform both parties in writing of its formal review decision.

(4) Either party to the dispute may request that the department reconsider its formal determination under this section. A request for reconsideration shall comply with s. 227.49, Stats., and shall be received by the department within 20 days after the date the department mailed the determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original dispute. The department may review and reaffirm its original decision, issue a new decision, or decide to hold a hearing on the matter for the gathering of additional information.

(5) (a) If the department decides under sub. (4) to conduct a hearing, the department may impose conditions on granting the hearing. If either party fails to meet a condition, the department may or may not hold a hearing on the dispute.

(b) The hearing shall conform to the procedures of ch. 227, Stats.

(c) The hearing shall be held not less than 10 days following mailing of the notice of hearing and a decision shall be rendered within 30 days following the conclusion of the hearing.

(6) Manufactured home community water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The manufactured home community operator or manufactured home community contractor shall inform the manufactured home community occupant that pursuing a disputed matter does not relieve the manufactured home community occupant of the obligation of paying charges that are not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute and later determined to be correct.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−017: am. (1) (intro.), r. (1) (c) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.39 Complaint procedures. Manufactured home community occupants may complain to the department concerning adequacy of water supply, or the general condition of the manufactured home community's water distribution system, sewer collection system or sewer treatment system.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

Part 4 − Customer Meters, Accuracy Requirements

SPS 326.40 Meters. (1) All meters used for measuring the quantity of water delivered to a manufactured home community occupant shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to the standard specified in s. PSC 185.65 (2).

(2) If water service is supplied by a manufactured home community operator or manufactured home community contractor on a metered basis, service may not be supplied to any manufactured home community occupant from facilities which are downstream from another manufactured home community occupant's meter.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.41 Meter testing facilities and equipment. Each manufactured home community operator or manufactured home community contractor billing for water and sewer service on a metered basis shall own or provide, through contract or otherwise, adequate equipment and facilities to provide for testing of all of its water meters.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.42 Testing of manufactured home community occupant meters. (1) The test of any manufactured home community occupant's meter shall consist of a comparison of its accuracy with that of a standard of known accuracy. If the test standard consists of a previously calibrated reference or service meter, the test results for the manufactured home community occupant meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.

(2) Meters shall be tested before repair ("As Found") and after repair ("As Left"), if applicable.

(3) Meters not meeting the accuracy or other requirements of s. PSC 185.65 (2) shall be repaired or rebuilt to meet those requirements before further use.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.43 Test flows. The required test flow and normal test flow limits are as listed in s. PSC 185.65. The stated test flows apply for both "As Found" and "As Left" tests.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.44 Required tests of manufactured home community occupant meters. Meters shall be tested by the manufactured home community operator or manufactured home community contractor at each of the following times:

(1) Before use if the meter has not been tested or certified to be accurate.

(2) Upon manufactured home community occupant request in accordance with s. SPS 326.45.

(3) When damaged or otherwise suspected of being inaccurate.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−017: am. (intro.) Register August 2014 No. 704, eff. 9−1−14.

SPS 326.45 Requested test. (1) Except as provided in sub. (2), each manufactured home community operator or manufactured home community contractor shall promptly make an accuracy test of any metering installation upon request of a manufactured home community occupant.

(2) If less than one year has elapsed since the last meter test, the manufactured home community operator or manufactured home community contractor is not obligated to test the meter unless there is evidence that the meter is damaged or otherwise registering incorrectly.

(3) When a meter test is performed upon request of the manufactured home community occupant, an amount equal to 50% of the estimated cost of the meter test shall be advanced to the manufactured home community operator or manufactured home community contractor by the manufactured home community occupant. This amount shall be refunded if the test shows the meter to be over registering by more than 2%. The entire cost resulting

from the meter test shall be the responsibility of the manufactured home community occupant if the results of the test show the meter to be under registering or accurate under s. PSC 185.65 (2).

(4) A report giving the results of the test shall be provided to the manufactured home community occupant and a complete original test record shall be kept on file by the manufactured home community operator or manufactured home community contractor for one year following the test date.

(5) Upon request, the test shall be made in the presence of the manufactured home community occupant during normal business hours.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.46 Remote outside meter system tests. The remote outside meter system, if used, shall be tested each time the associated meter is tested. If the total recorded consumption of the remote outside meter agrees with that of the base meter, no further testing of the remote outside meter system is required.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

Part 5 − Operating Requirements

SPS 326.47 Flushing mains. If practical, dead−end mains or other low−flow portions of distribution systems shall be flushed as needed to eliminate or minimize complaints from manufactured home community occupants arising from an objectionable condition of water due to lack of circulation.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.48 Interruptions of service. (1) Each manufactured home community operator or manufactured home community contractor shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the manufactured home community operator or manufactured home community contractor shall endeavor to re−establish service with the shortest possible delay consistent with the safety of its employees, the manufactured home community occupants, and the general public.

(2) Reasonable notice shall be given to manufactured home community occupants of planned interruptions of service.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06.

SPS 326.49 Maintenance of water and sewer piping. (1) Thawing of a manufactured home community occupant's frozen water service or building sewer shall be at the manufactured home community occupant's expense unless either of the following apply:

(a) The freeze−up is a direct result of a disconnect initiated by the manufactured home community operator or manufactured home community contractor and the disconnection occurs during a time when conditions are such that freeze−up could reasonably be expected to occur.

(b) The freeze−up is a result of a deficiency in the manufactured home community water or sewer service piping.

(2) The cost of maintenance of water and sewer service piping shall be at the expense of the manufactured home community occupant if the manufactured home community occupant physically damages piping or discharges improper materials into the sewer.

Note: See ss. SPS 382.34 and 383.32 for information regarding the discharge of improper materials into a sewer.

History: CR 04−135: cr. Register February 2006 No. 602, eff. 3−1−06; CR 14−017: am. (1) (intro.) Register August 2014 No. 704, eff. 9−1−14.