

Chapter H 77

MOBILE HOME PARKS

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Note: Chapter H 77 as it existed on August 31, 1978, was repealed and a new Chapter H 77 was created effective September 1, 1978.

H 77.01 Scope of rules. (1) **APPLICABILITY.** The provisions of these rules shall apply to the owner and to the operator, if other than the owner, of any mobile home park as hereafter defined.

Note: See chapter Ag 125, Wis. Adm. Code.

(2) **APPROVED COMPARABLE CONSTRUCTION.** When strict adherence with these regulations appears to be impractical and satisfactory proof is provided to the department, it may approve modifications as needed to safeguard public health, safety and welfare.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.02 Definitions. (1) Department means the department of health and social services.

(2) Approved means acceptable to the department based on its determination as to conformance with appropriate standards and good public health practices.

(3) Basic unit means the mobile home excluding hitch, awnings, canopies, storage unit, carport, windbreak, non-winterized porch or similar appurtenant structures.

(4) Mobile home means a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is 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 therein. Length of a mobile home means the distance from the exterior of the front 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 such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. Width of a mobile home means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

(5) Mobile home park means any plot or plots of ground owned by a person, state or local government upon which 2 or more units, occupied for dwelling or sleeping purposes regardless of mobile home ownership,

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are located, and whether or not a charge is made for such accommodation.

(6) Mobile home park management means the person legally responsible for the operation of the park.

(7) Person means an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or their agent, heir or assign.

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

(9) Street means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating sites.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.03 Registration. Any occupant of any mobile home located at an approved mobile home park must register with the owner of a mobile home park, and pursuant to any applicable local ordinance.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.04 Mobile home park plan. (1) **GENERAL.** Every mobile home and mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

(2) **SITE.** (a) Each site shall be clearly defined or delineated. The basic unit shall not occupy in excess of one-fourth of the area of the site, and the complete unit including all accessory structures shall not occupy more than one-half of the area of the site. Mobile home parks which, at the time of the adoption of these regulations existed lawfully with mobile home sites that do not comply with the foregoing minimum area requirements, may continue to operate. Expansion and modification of such mobile home parks shall, however, be in accord with current regulations.

(b) The unit shall be so located on a site that there shall be at least a 20-foot clearance between basic units. No unit shall be located closer than 10 feet to any building within the park or to any property line of the park. No unit shall be located closer than 25 feet to the right-of-way line of a highway or 10 feet to the right-of-way line of a public street or internal private street system of the park, or such other distance as may be established by statute, ordinance or local regulation.

Note: The use of skirting, specifically designed for mobile homes, or other material to enclose the area between the ground and the bottom of the home is recommended.

(3) **STREETS.** (a) All sites shall abut upon a street. For a 2-way street the width must be at least 32 feet if parking is to be permitted on both sides of the street; 25 feet in width if parking is permitted on only one side; or 18 feet in width if parking on the street is prohibited. A one-way street must be at least 14 feet in width and parking is prohibited unless the width is appropriately increased.

(b) Driveways shall be graveled or paved, maintained in good condition, have natural drainage and be lighted at night.

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(4) **PARKING.** Parking spaces in a ratio of one and one-half for each home site shall be provided.

Note: Off-street parking is recommended.

(5) **RECREATION AREA.** Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each 100 sites. The minimum area in a park shall be one-half acre.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.05 Water supply. The applicable requirements of the department of natural resources shall apply.

Note: See chapters NR 108, 111, 112 and 114, Wis. Adm. Code.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.06 Sewage disposal. (1) **SERVICE AVAILABILITY.** The requirements covering the sewage disposal facilities for all mobile home parks are based upon the availability of public utilities as well as the practicability of connection to the public utilities.

(2) **PUBLIC UTILITIES.** When acceptable public sewage facilities are available to the mobile home park, connection and use is required.

(3) **PRIVATE SEWAGE DISPOSAL.** (a) Private sewage disposal systems are permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and be designed and constructed in accordance with Wis. Adm. Code chapter H 62.

(b) Plans and installation details covering the design and construction, alteration or extension of private sewage disposal systems shall be approved by the section of plumbing and fire protection systems of the department prior to construction.

(c) Sufficient area of suitable soils for the initial soil absorption system and one replacement system, of adequate size to serve the ultimate number of sites to be provided, shall be available in the park.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.07 Plumbing. (1) **GENERAL.** All plumbing shall meet the requirements contained in Wis. Adm. Code, chapter H 62, applicable to mobile homes and mobile home parks.

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

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.08 Solid wastes. (1) **GARBAGE.** All garbage which is not disposed of through a garbage disposal unit connected with the sewerage system shall be kept in separate, leakproof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects located within 100 feet of any site, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(2) **CLEANLINESS.** Garbage cans should be washed each time they are emptied unless provided with a single-service sanitary, removable water-proof liner.

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

(4) **RUBBISH.** Fly-tight containers with covers are required for cans, bottles and other rubbish. The contents shall be disposed of as often as necessary to prevent overflow. If local regulations require separation of garbage and rubbish, such requirements shall be followed.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.09 Management. (1) **OFFICE.** The park management shall maintain an office in the park or in close proximity thereof for immediate communication.

(2) **DUTIES-OWNER.** It is the duty of the mobile home park owner or operator together with any attendants or persons in charge of a mobile home park to:

(a) Keep a register, which is to be open at all reasonable times and upon reasonable notice to inspection by appropriate state and local officials, of all owners of mobile homes located in the park.

(b) Maintain the mobile home park in a clean, orderly and sanitary condition at all times.

(c) Cooperate with local health officers in all cases of persons or animals affected or suspected of being infected with any communicable disease.

(d) Post copies of these regulations in one or more conspicuous places in the mobile home park where they can be easily seen by the mobile home park personnel and visitors.

(3) **DUTIES-OCCUPANTS.** It is the duty of all occupants of mobile homes to:

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

(b) Abide by all applicable state and local regulations and the rules established by the park management.

Note: The department of natural resources and the department of industry, labor and human relations should be contacted for design and operation requirements relating to resources and buildings, respectively.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.10 License fees. (1) **SCHEDULE.** The annual nonreturnable, non-transferable and nonprorated fees for mobile home parks as defined in section H 77.02 (3), Wis. Adm. Code for fiscal year 1977-78 are as follows:

<i>Number of Sites</i>	<i>Fee</i>
1 - 25	\$25.00
26 - 50	\$50.00
51 - 100	\$75.00
Over 100	\$100.00

For fiscal year 1978-79 and thereafter, unless revised, the fees are as follows:

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<i>Number of Sites</i>	<i>Fee</i>
1 - 25	\$10.00
26 - 50	\$20.00
51 - 100	\$30.00
Over 100	\$40.00

(2) **EXPIRATION OF LICENSES.** Licenses shall expire on June 30 of each license year commencing on June 30, 1978. An additional penalty fee of \$10.00 shall be required whenever the annual fee for renewal is not paid prior to the expiration of the license.

(3) **FEE REVISION.** License fees may be increased in \$5.00 increments each year after fiscal year 1979-80 if necessary to support the program with the maximum of the graduated fee being \$100.00.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

H 77.11 License. (1) **REQUIREMENT.** Before being opened for public use each mobile home park as defined in section H 77.02 (3), Wisconsin Administrative Code, shall be licensed by the department and a local governmental entity. Application for licensure by the department shall be made on forms provided by the department.

(2) **STATE FEES.** The departmental annual fiscal year license fee shall be nonreturnable, nontransferable and nonprorated as specified in Section 140.05 (17) Wis. Stats.

(3) **RESTRICTION.** The department shall not assess license fees for mobile home parks if the appropriate local governmental entity (where physically located) enacts an ordinance or promulgates regulations causing payment of an annual local license fee and further providing the following conditions are met by ordinance or regulation enactment and/or activity:

(a) Chapter H 77, Wisconsin Administrative Code, or similar regulations which are at least as stringent as that chapter in all respects be adopted.

(b) A means for suspension or revocation of the local license be provided.

(c) A least one sanitary survey (inspection) per year be conducted.

(d) Copies of all applicable ordinances or regulations and the name and address of the responsible inspecting official be submitted to the department.

(e) A listing of all mobile home parks in its jurisdiction and subject to its regulatory and inspection program be submitted annually during the month of April to the department.

(f) Local governmental entity staff, within 30 days after completing a sanitary survey, submit a copy of that report to the department on forms provided at cost by the department.

(4) **LOCAL FEES.** Local license fees shall be assessed by the appropriate governmental entity. However, should a local governmental entity own and operate a mobile home park and conduct a regulatory and inspection program in accord with this section (H 77.11, Wis. Adm. Code), the

fees required by Section 140.05 (21), Wis. Stats. shall be considered assessed and paid.

Note: Because of the variety of operating procedures use by local governmental entities, one department, committee, section or other organizational unit may own a facility(s) and staff of another organizational unit may conduct the regulatory and inspection program. In such cases a fee may actually be assessed. Such action is based on local ordinance or resolution content.

(5) **SUPERVISION.** The department shall have the right to separately or jointly conduct sanitary surveys and review all records of local activities at reasonable times and upon reasonable notice. Copies of reports on sanitary surveys conducted by department staff shall be transmitted to the appropriate local authority within 30 days.

(6) **ENFORCEMENT.** (a) Should the department determine that the local regulation and inspection program does not meet the provisions of these regulations, it shall notify the governing body and the responsible inspecting official or agency of the local governmental entity. The local governmental entity shall then revise its regulation and inspection program to comply with these regulations within 60 days. If after that 60 days, the department determines that the local regulation and inspection program has not been revised to comply with these regulations, mobile home parks in that local governmental entity shall be assessed the state license fee for the appropriate state fiscal year to avoid concurrent local and state license fees; and upon expiration of the local license the department shall assume licensure, regulatory and inspection responsibilities.

(b) Should the department determine that a satisfactory program is not being conducted by the local governmental entity because of the lack of a qualified inspector, the department shall after the 60 day period offer that or any other local official an examination designed for state-wide use and relating to all facets of mobile home park design and operation. The examination shall be jointly prepared by qualified state and local governmental entity representatives. Should the employee (inspector) achieve a grade of at least 70 on a scale of 100, he or she shall be deemed qualified.

(7) **LOCAL-STATE LICENSE.** If local governmental entities conduct an inspection and regulation program in compliance with these regulations, mobile home parks licensed in their jurisdiction shall be deemed licensed by the state under s. 140.05 (17) Stats.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.