
9.23 REGULATIONS OF MOBILE HOMES AND MOBILE HOME PARKS.

(Title Am. by Ord. 8235, 1-30-84)

(1) Definitions .

- (a) A "mobile home" means any vehicle or structure intended for or capable of human habitation, or, designed primarily for sleeping purposes, mounted on wheels or jacks, and/or capable of being moved from place to place, either by its own power or by power supplied by some vehicle used or to be used, excepting a device used exclusively upon stationary rails or tracks.
- (b) A "mobile home park" means any park, court, site, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than one (1) mobile home and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purposes of inspection and sale.
- (c) A "unit" means a section of ground in a mobile home park of not less than eight hundred (800) square feet of unoccupied space designated as the location for only one (1) automobile and/or one (1) mobile home.
- (d) The word "person" shall be construed to include an individual, partnership, firm, company or corporation, whether tenant, owner, lessee, licensee, or their agent, heir or assigns.
- (e) "Operator" means any person engaged in the business of renting sites in a mobile home park to tenants. Operator includes officers, representatives, agents and employees. (Cr. by Ord. 11,148, 1-17-95)
- (f) "Rental Agreement" means an agreement, whether written or oral, between an operator and a tenant for the rental of a site. (Cr. by Ord. 11,148, 1-17-95)
- (g) "Screening" means the procedure used by an operator to determine that a prospective tenant meets the operator's minimum financial standards and other reasonable requirements established by the operator. Screening must comply with Sec. 39.03 and Sec. 32.10, Madison General Ordinances. (Cr. by ORD-05-00151, 10-12-05)
- (h) "Security Deposit" means the total of all payments and deposits given by a tenant to the operator as security for the performance of the tenant's obligations, and includes all rent payments in excess of one month's prepaid rent. (Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)
- (i) "Site" means any plot of land which is rented or offered for rental for the accommodation of a mobile home used for residential purposes. It does not include a plot of land rented for the accommodation of a mobile home which is:
 - 1. Occupied on a strictly seasonal basis; or
 - 2. Owned by the operator and occupied by the operator herself or himself as a residence.

(Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)

- (j) "Tenant means any person renting a site from an operator. (Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)
- (k) "Utility Service" means:
 - 1. Electricity, water, sewer, telephone, and natural gas;

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2. Liquified petroleum gas other than liquified petroleum gas in portable containers;
 3. Fuel oil supplied through a permanent central system in the mobile home park; and
 4. Television service.

(Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)

(2) Fire Extinguishers Required .

- (a) Each mobile home occupied as a place of human habitation under any of the provisions of this Ordinance shall be equipped with a fire extinguisher, conveniently attached thereto; such extinguisher to be of one (1) unit of fire protection capacity, and of a type suitable for extinguishing Class A or Class B fires, approved by the Madison Fire Department.
- (b) The use of liquid petroleum gas in occupied mobile homes shall conform in every particular to the laws, rules and regulations of the state of Wisconsin governing such use.
- (c) The storing and use of fuel oil and the heating installations used in connection therewith in occupied mobile homes shall be as approved by the Madison Fire Department, and comply with provisions of Chapter 20 (Oil Burning Equipment and Storage of Fuel Oils) of the General Ordinances of the City of Madison.

(Sec. 9.23(2) Am. by Ord. 8235, 1-30-84)

(3) Permit and Regulations for Mobile Home Parking Outside Mobile Home Parks .

The parking of any occupied mobile home outside an approved mobile home park as previously defined, is hereby prohibited, unless the mobile home be parked to the rear of a premise and a permit therefor obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development. The parking of more than one (1) occupied mobile home on any premises except an approved mobile home park is hereby prohibited. Such permit shall be issued upon compliance with the following conditions:

1. No permit to park an occupied mobile home outside an approved mobile home park shall be approved for a period of greater than ten (10) days in any one (1) year, and unless there shall have been filed with the application for permit the written consent of the property owner or lessee of the premises, that the occupant or occupants of such mobile home have twenty-four (24) hour access to the sanitary facilities of the property proximate to the mobile home.
2. Except in the case of an approved mobile home park, no permit shall be issued for an occupied mobile home unless the period of such occupancy is definitely stated in the application for permit and approved by the Director of the Building Inspection Division.
3. No automobile mobile home shall be used for living quarters upon any street, alley, or public way in the City of Madison.
4. No person, firm, or corporation shall make any electrical connection for any mobile home to any building or other source of electricity without permit and approval of the electrical inspector.
5. No person, firm, or corporation shall deposit garbage, waste, water, rubbish or other waste combustible materials on the premises where an occupied mobile home is parked or on adjoining premises. Garbage and rubbish and other waste combustible materials shall be placed in suitable metal containers for collection by the City departments involved in such collections and at times specified by such departments. Waste water shall be kept in

suitable metal containers and all other sanitary requirements for mobile home wastes observed as set forth for the sanitary regulation of mobile homes in mobile home parks.

6. The Director of the Building Inspection Division shall issue a permit upon payment of one dollar (\$1) fee and filing of an application complying with provisions of this Ordinance. Each permit card shall be posted on the mobile home for which it is issued.
7. This subsection shall not apply to a mobile home which meets the definition of "manufactured home" in Wis. Stat. § 101.91(2) and is used as a residential building on a zoning lot. (Cr. by Ord. 11,148, 1-17-95)

(4) Regulations for Mobile Home Parks.

(a) Registration.

1. Any occupant of any mobile home located at an approved mobile home park must register with the owner, manager or operator of a park.
2. The registration shall include the following:
 - a. Names and addresses.
 - b. Dates of entrance and departure.
 - c. License numbers of all mobile homes and towing or other automobiles.
 - d. States issuing such licenses.
 - e. Proposed stay in park.
 - f. Place of last location and length of stay.

(Sec. 9.23(4)(a) Am. by Ord. 8235, 1-30-84)

(b) Park Plan.

1. Every mobile home or 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 water. No mobile home or mobile home park shall be located in any area that is situated so that drainage or other sources of filth can be deposited in its location.
2. Mobile home units shall be clearly defined, and the park shall be so arranged that all units shall abut on a public street for a distance of at least sixteen (16) feet. Such street shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall not be obstructed at any time.
3. The park shall be so laid out that no unit shall be located farther than two hundred (200) feet from a toilet and service building as required herein, and walkways to such building or buildings as required herein, shall be graveled or paved and well lighted at night.
4. No occupied mobile home in a mobile home park shall be located less than ten (10) feet from any building or other mobile home unless of the same occupancy, or from the boundary line of the premises on which it is located.

(Sec. 9.23(4)(b) Am. by Ord. 8235, 1-30-84)

(c) Management.

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1. In every mobile home park there shall be located the office of the person in charge of the said park. A copy of these regulations shall be posted therein, and the park register shall at all times be kept in said office.
 2. It shall be the duty of the park owner, manager or operator together with any attendants or persons in charge of such parks to:
 - a. Keep a register of all occupants of mobile homes, to be open at all times to inspection by Federal, State and City officials.
 - b. Maintain the park in a clean, orderly and sanitary condition at all times.
 - c. Report to the Director of Public Health Madison and Dane County all cases of persons or animals affected or suspected of being affected with a communicable disease. (Am. by ORD-15-00009, 1-28-15)

(Sec. 9.23(4)(f) Am. by Ord. 8235, 1-30-84)

(d) License and Mobile Home Park Approval.

1. License Required. No person, firm or corporation shall establish, maintain or operate any mobile home park as defined in Wis. Stat. § 66.0435 within the City of Madison without receiving the approval of the Common Council and without having been granted a license therefor. No license shall be issued or transferred unless all monthly parking fees attributable to the park from all preceding months have been fully paid as required by this section. (Am. by Ord. 7707, 4-22-82)
2. Application. Application for mobile home park license shall be in writing, signed by the applicant, and shall contain the following:
 - a. The name and address of the applicant.
 - b. The location and legal description of the mobile home park.
 - c. The complete plan of the park.
3. License Fee. Applications for licenses shall be filed with the City Clerk together with an annual license fee of one hundred dollars (\$100) for each fifty (50) spaces or fraction thereof, within the mobile home park operated by the applicant but such license shall not be issued by the Common Council until plans and specifications complying with the provisions of the General Ordinances of the City of Madison and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Common Council and upon completion of the work according to the plans, shall issue the license. (Am. by Ord. 8193, 12-28-83)
4. Term of License. The term of the license shall be for the calendar year and shall expire on the thirty-first (31st) day of December of each year and may be renewed annually thereafter by any licensee, and after approval of the Common Council of the City of Madison and upon payment of the annual license fee. Upon such renewal, the City Clerk shall issue a certificate renewing the license for another year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms furnished by the City of Madison.
5. Transfer of License. Upon application for a transfer of license, the City Clerk, after approval of the application by the Common Council, shall issue a transfer upon the payment of a ten dollar (\$10) fee.

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6. In addition to the license fee provided in Paragraphs 2. and 4., there shall be collected from each occupied mobile home in the City a monthly parking permit fee as provided in Wis. Stats. § 66.0435 (3)(c) and (e) and as computed thereunder. The operator of a mobile home park in the City shall furnish information to the City Clerk and City Assessor on occupied mobile homes added to his/her park within five (5) days after their arrival, on forms prescribed by the State Department of Revenue. The mobile home park operator shall collect such monthly parking permit fee from the mobile home owner and shall pay said fee to the City on or before the tenth (10th) of the month following the month for which such parking permit fee is due. (Am. by ORD-14-00012, 1-14-14)

Any person who fails to comply with the reporting requirements of this paragraph shall be subject to a forfeiture of not more than twenty-five dollars (\$25) for each violation. Each such failure shall constitute a separate offense.

7. Exemption certificates in duplicate shall be accepted by the City Treasurer from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one (1) or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Every person claiming an exemption from the monthly parking permit fee provided for in Paragraph 6. of this subsection shall execute in duplicate a certificate setting forth the facts necessary to establish such claim. Such certificate shall be in a form approved by the City Treasurer and blank forms may be furnished to persons requesting them by the Treasurer.

(5) Rental Agreement; Requirements.

- (a) Every rental agreement shall be in writing. A copy of the rental agreement shall be furnished to the tenant at the time the rental agreement is executed. If a mobile home is purchased from or through the operator, a copy of the rental agreement shall be furnished to the tenant before the tenant signs the mobile home purchase contract. The rental agreement shall conspicuously set forth all terms and conditions affecting the rental of the site, and shall include:
 1. The amount of rent for each rent paying period and all property, service and facilities provided by the operator and included in the rent.
 2. The amount of any security deposit, installation charge, or other charge payable by the tenant under the rental agreement but not included in the rent, including but not limited to charges for utility services provided through the operator's facilities. If utility service charges are based on the amount of utility service used, the rental agreement shall set forth either the specific rate or the method by which the charges are to be computed.
 3. Rules and regulations which shall be included in or attached to the main body of the rental agreement.
 4. The approximate size of the site and its location in the park.
 5. The amount of the monthly mobile home parking fee assessed by the City of Madison and payable by the tenant. If the monthly fee is not known, an approximation shall be given.
 6. A notice that the operator reserves the right to screen the purchaser of a tenant's mobile home before renting a mobile home site to the purchaser, subject to Wis. Stat. § 710.15.
 7. A disclosure as to whether the mobile home park contains an emergency shelter and, if the park has an emergency shelter, the location of the emergency shelter and procedures for its use.
- (b) The initial, and each succeeding rental agreement shall be for a term of no less than one year, unless a shorter term is requested in writing by the tenant and agreed to by the operator. Under

any agreement for a rental term of two months or more, rental payments shall, at the option of the tenant, be payable in equal monthly installments.

- (c) The operator shall, at the time the rental agreement is entered into, and throughout the term of the rental agreement, make available to the tenant the name, address, and telephone number of a person who may be contacted concerning the maintenance of facilities and services provided by the operator. Such information shall be included in the tenant's copy of the rental agreement or in a separate written notice furnished to the tenant.
- (d) Rent and other charges under the rental agreement may not be increased during the term of the rental agreement. This subdivision does not apply to:
 - 1. Mobile home parking fees assessed by the City of Madison.
 - 2. Charges for utility services delivered and billed directly to the tenant by a public utility or other outside source.
 - 3. Charges for utility services purchased by the operator and delivered and billed to the tenant by the operator but not included in the rent, if the increase is solely to cover an increase in charges to the operator by the supplier of the utility service.

(Sec. 9.23(5) Cr. by Ord. 11,148, 1-17-95)

(6) Rental Agreement Limitations.

- (a) No park operator may restrict the type of material used for mobile home steps or the type of air conditioning equipment serving mobile homes in a mobile home park, unless such restrictions are required by law, or are uniformly applied mobile home park requirements made a condition of the tenant's original rental agreement. Any such restrictions, however, may not be instituted during the occupancy of an original tenant under the same, an amended, a renewed or a new rental agreement. Notwithstanding the foregoing, if a tenant's mobile home steps are required by law to be replaced, the park operator may require that they be made to comply with current park standards.
- (b) No park operator may require the removal of a permanently attached mobile home towing tongue as a condition of renting a site for the accommodation of a mobile home.
- (c) It shall be unlawful to make as a condition of a new or renewed rental agreement the removal of any vehicles, including recreational vehicles and boats, permitted under a previous rental agreement with the same tenant unless sufficient other parking space is provided to the tenant at no charge.

(d) Tie-In Sales; Separate or Discriminatory Charges.

No operator shall:

- 1. Require, as a condition to the rental of any site, the purchase of a mobile home from the operator or any dealer, manufacturer, or agent named by the operator.
- 2. Represent to any person that the purchase of a mobile home from the operator or any dealer, manufacturer, or agent named by the operator will give the purchaser an advantage over others in the rental or continued occupancy of a site.
- 3. Discriminate or threaten to discriminate in rental charges or in any other respect against a tenant for failure of the tenant to purchase a mobile home from the operator or any dealer, manufacturer, or agent named by the operator.

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4. Discriminate in rental charges by granting a discount in rental charges or in any other charges to a tenant who purchase a mobile home from the operator or any, dealer, manufacturer, or agent named by the operator.
 5. Solicit or receive any payment or other thing of value from any seller of a mobile home for agreeing to rent a site to the purchaser of such mobile home.
 6. Solicit or receive any payment or other thing of value from any person upon the representation or understanding that such consideration will give that person an advantage over others in the rental or continued occupancy of a site.
 7. Use a mobile home site to display a mobile home offered for sale, or rent a site to a mobile home dealer for purposes other than accommodation of a mobile home occupied as a residence, if the use or rental of the site results in there being no site in the mobile home park available to a prospective tenant who does not purchase a mobile home from the operator or renting dealer.
- (e) Mobile Home Relocation .
1. No tenant shall be required to relocate a mobile home within a park during the term of the rental agreement, or to assume the cost of any required relocation under a new or renewal rental agreement, except in emergency or where the tenant has violated the terms and conditions of the rental agreement. This does not apply to a mobile home which has been vacated by the tenant.
 2. Any required relocation shall, except in emergency, be preceded by written notice setting forth the reason for such relocation. Notice shall be given within the time period required under Wis. Stat. ch. 704, for termination of tenancies.
- (f) Prohibited Consideration Of Age Of Mobile Home .
1. An operator may not deny a resident the opportunity to enter into or renew, and may not include, exclude or alter any terms of, a lease to continue to locate a mobile home in the park solely or in any part on the basis of the age of the mobile home.
 2. An operator may not require the removal of a mobile home from a park solely or in any part on the basis of the age of the mobile home, regardless of whether the ownership or occupancy of the mobile home has changed or will change.
 3. It shall be considered a prohibited consideration of the age of a mobile home to require a tenant to make alterations, modifications or improvements to a mobile home as a condition of renewal of a lease or a change in the ownership or occupancy of a mobile home, when the mobile home is otherwise in good repair and in conformance with applicable governmental regulations.
 4. It shall be considered a prohibited consideration of the age of a mobile home to require a tenant to make alterations, modifications or improvements to a mobile home that is older than five years, when the mobile home is otherwise in good repair and in conformance with applicable governmental regulations, and the mobile home is in compliance with park rules and regulations in effect at the time the mobile home originally entered the park.
- (g) Prohibited Consideration of Change in Ownership or Occupancy of Mobile Home .
1. An operator may not require the removal of a mobile home from a park solely or in any part because the ownership or occupancy of the mobile home has changed or will change. An operator may refuse to enter into an initial lease with a prospective resident or mobile home occupant for any other lawful reason.

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2. It shall be considered a prohibited consideration of a change in ownership or occupancy of a mobile home to require a tenant to make alterations, modifications or improvements to a mobile home, as a condition of permitting a mobile home to remain in a park at the time of a change in ownership or occupancy, when the mobile home is otherwise in good repair and in conformance with governmental regulations.

(Sec. 9.23(6) Cr. by Ord. 11,232, 4-13-95; Am. by ORD-05-00151, 10-12-05)

(7) No Interest in Real Estate; Screening Permitted.

Neither Subsection (6)(e) nor Subsection (6)(f) creates or extends any interest in real estate or prohibits the lawful screening of prospective residents and mobile home occupants by an operator. (Cr. by ORD-05-00151, 10-12-05)

(8) Changes in Rental Terms or Park Rules.

- (a) If any change or increase in rent or fees, or any other substantial change in the terms or conditions of tenancy is to be made in connection with the renewal of any rental agreement, a copy of the proposed new agreement, or amendments to the existing agreement, shall be furnished to the tenant, in writing, at least 28 days prior to the date on which the proposed new agreement is to take effect. All changes shall be specifically brought to the tenant's attention by a separate statement on the proposed rental agreement or in a separate written document attached to the rental agreement. The operator or a representative of the operator shall meet with tenants, or any group of tenants, on the proposed changes, at their request. Nothing in this section shall be construed as interfering with the operator's right to terminate any tenancy in accordance with Wis. Stat. § 710.15 and ch. 704, and Wis. Admin. Code § ATCP 125.09, if the tenant declines to accept the proposed new agreement. (Renum. by ORD-05-00151, 10-12-05)
- (b) Rules and regulations which substantially affect the rights or duties of tenants or the operator under Wis. Stat. § 710.15, or this chapter may not be created or changed during the term of the rental agreement. This includes but is not limited to:
 1. Rules setting standards and requirements for skirting, weather-proofing or frostproofing, and auxiliary buildings or sheds.
 2. Rules limiting occupancy of mobile homes with respect to the number or age of occupants.
 3. Vehicle parking rules imposed by the park operator.
 4. Rules restricting or regulating overnight guests.
 5. Rules restricting or regulating pets.
 6. Rules requiring tenants to repair or maintain their mobile homes.
 7. Rules defining the tenant's and operator's rights and responsibilities with regard to maintenance of the site.
 8. Rules restricting or regulating tenants' outdoor antennas or satellite dishes.
- (c) Except as otherwise provided in this section, a park operator may change or create general park rules and regulations during the term of any rental agreement or tenancy, provided all tenants are given at least 28 days prior written notice of any proposed change, and an opportunity to meet with the operator or a representative of the operator on the proposed change before it takes effect.

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- (d) Notice of proposed changes in rental terms and conditions or park rules and regulations under this section may be furnished to the tenant in person or by mail. Notice by mail shall be considered actual notice.

(Sec. 9.23(8) Cr. by Ord. 11,148, 1-17-95)

(9) Charges for Utility Services.

- (a) Charges for a utility service provided through the operator's facilities, if not included in the rent, shall be based on the amount of the utility service used by tenants. Charges for television service provided through the operator's facilities may be assessed in the form of a uniform charge to subscribing tenants, subject to par. (b). Charges, or the method of computing charges for utility services provided through the operator's facilities shall be set forth in the rental agreement under s. ATCP 125.03 (1) (b).
- (b) If television service is provided by the operator but not included in the rent, the operator may not limit a tenant's access to television service provided by an outside source. This paragraph is not intended to deny to an operator any right which the operator may have to compensation from a cable television company for easements or other use of the operator's property.
- (c) Charges for utility services provided through the operator's facilities, if based on amounts used, shall be periodically invoiced in writing to tenants. Invoices shall specify both the charge and the amount of the utility service used.
- (d) Charges for utility services provided through the operator's facilities, if not included in the rent, shall be competitive with retail prices charged for the same or equivalent services by public utilities or other local sources. If a utility service is provided directly to tenants by a public utility or other outside source, no additional charge may be assessed for the service by the operator.
- (e) If a mobile home park operator purchases water and sewer service and resells the service to the occupants of the mobile home park, the maximum allowable water and sewer bill to the average user within the mobile home park may not exceed the lesser of the mobile home park's water and sewer bill, plus 30%, divided by the number of occupied lots within the park, or the retail rates of the local municipality's water and sewer operation applied to the average user.
- (f) A mobile home park operator may establish water and sewer rates in excess of those set forth in Subdivision (e), if the operator has been granted permission by the Public Service Commission pursuant to PSC 186.31, or has been granted permission by any other state agency that regulates such water and sewer rates, as successor agency to the Public Service Commission.
- (10) Restrictions On Choice Of Vendors. No operator may restrict the choice of vendors from whom a tenant may purchase goods or services. This subsection does not apply to:
- (a) Utility services, subject to Subdivision (9).
- (b) Services provided by the operator in the installation of a mobile home on a site, or in the removal of a mobile home from a site, pursuant to Subdivision (10) (c).
- (c) Snow removal, lawn care, or similar site maintenance services performed by the operator upon the failure of a tenant to fulfill the tenant's site maintenance obligations under the rental agreement. No charges may be imposed for site maintenance services performed by the operator under this paragraph unless the tenant, if available, is given prior notice and a reasonable opportunity to perform the tenant's obligations under the rental agreement. Charges for site maintenance services shall be set forth in the rental agreement.

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- (d) Services involving the transportation of a mobile home to or from a site within the mobile home park, if the operator can show that the person providing the service has damaged the park during a previous move and failed to compensate the operator for the damages.
 - (e) A nondiscriminatory prohibition against sales solicitations within the mobile home park.

(Cr. by ORD-05-00151, 10-12-05)

- (11) Entrance And Exit Fees. No operator may charge an entrance fee or exit fee in return for allowing the movement of a mobile home into or out of a mobile home park. This subsection does not apply to:
 - (a) Periodic payments for the rental of a site, pursuant to the rental agreement.
 - (b) A security deposit not exceeding the amount of 3 months' rent or \$350, whichever is less.
 - (c) Material and labor costs incurred by the operator to move a tenant's mobile home into or out of the mobile home park, to install the mobile home on a site or remove it from a site, or to connect or disconnect utility services. The amount of any charges, or the basis upon which charges are to be calculated, shall be clearly set forth in the rental agreement.

(Cr. by ORD-05-00151, 10-12-05)

(12) Sale Of Mobile Home; Transfer Of Tenancy.

- (a) No operator may:
 - 1. Require any tenant to designate the operator, or any person named by the operator, as agent for the sale of a tenant's mobile home, or unreasonably restrict the sale of a tenant's mobile home by the tenant or an agent of the tenant's own choosing.
 - 2. Solicit or receive any payment or other thing of value as a condition to the assignment or sublease of a rental agreement by a tenant, or as a condition to the transfer of tenancy to a buyer of the tenant's mobile home.
 - 3. Sell, for placement in a mobile home park owned or operated by the operator, any mobile home purchased from a tenant who was prohibited from selling the home directly for placement in the mobile home park.
 - 4. Refuse to rent a mobile home site to the purchaser of a tenant's mobile home except for a reason specified under Wis. Stat. § 710.15 (5m). This section does not prohibit the screening of prospective tenants by an operator.
 - 5. Limit a tenant's ability to post, on the tenant's mobile home or on the site on which the mobile home is located, a "For Sale" sign or other advertisement announcing the tenant's offer to sell the tenant's mobile home if the limitation is not applied uniformly to every person, including the operator and any mobile home dealer, who sells or offers to sell a mobile home on site in the mobile home park.
- (b) This section does not create or extend any interest in real estate, or prohibit the lawful screening of new tenants by the operator.

(Cr. by ORD-05-00151, 10-12-05)

(13) Termination Of Tenancy.

- (a) Whenever an operator terminates any rental agreement or refuses, upon the expiration of a lease, to renew the lease or to enter into a new rental agreement, the operator shall provide the tenant with written notice setting forth the reason for such termination or refusal. Notices of

termination shall comply with the requirements of Madison General Ordinances Chapter 32, Wis. Stat. § 710.15 and ch. 704, as applicable. If the rental agreement does not comply with the requirements of s. ATCP 125.03 (1) (intro.) and (2), the operator shall comply with the notice requirements of Wis. Stat. § 704.17 (2), when terminating a tenancy, unless the park operator or tenant proves that other notice requirements under Wis. Stat. § 704.17 (1) or (3), are applicable.

- (b) No operator shall terminate a rental agreement or refuse, upon expiration of a lease, to renew the lease or to enter into a new rental agreement for the reason that:
1. The tenant has reported a violation, by the operator, of this chapter or any other law to any governmental authority, or filed suit alleging such violation. Any termination, refusal to renew a lease, or refusal to enter into a new lease shall be presumed to be retaliatory if committed within six months after the tenant has reported a violation by the operator of this chapter or any other law, to any governmental authority, or within six months after the tenant has filed suit alleging such violation. In order to overcome this presumption that such termination or refusal is retaliatory, the operator must show by a preponderance of evidence that such termination was based on good cause.
 2. The tenant is a member of a tenant's union or association.
 3. The operator wishes to make a site available to a person purchasing a mobile home from the operator or an agent of the operator.
- (c) No operator may solicit or receive any payment or other thing of value, except for normal rental payments, in return for permitting a tenant to leave the tenant's mobile home in the park upon termination of tenancy.

(Cr. by ORD-05-00151, 10-12-05)

(14) Prohibited Practices.

No operator shall:

- (a) Make any false, deceptive, or misleading representation to induce a mobile home sale or site rental, or make any representation inconsistent with or contrary to the written rental agreement.
- (b) Impose any term or condition, any rule or regulation which the operator knows or reasonably ought to know is in conflict with this chapter or applicable law.
- (c) Require any tenant to make permanent improvements to the mobile home park or any of its facilities, or assess any separate charge therefore.
- (d) Enter a tenant's mobile home without the tenant's permission and reasonable notice to the tenant, as provided in Sec. 32.05 (1)(d), (e) and (f), MGO. This does not prohibit the operator from entering a tenant's mobile home if the tenant cannot be contacted and the operator reasonably believes that entry is necessary because of emergency, or to preserve and protect the mobile home or park.

(Cr. by ORD-05-00151, 10-12-05)

(15) Penalties. Any person who violates any provision of this Ordinance for which no specific penalty is provided shall be subject upon conviction to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense. (Cr. by Ord. 11,148, 1-17-95)

(16) Enforcement by Tenant. Any person suffering pecuniary loss because of a violation by any other person of this Section 9.23 may sue for damages therefor in any court of competent jurisdiction and

shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee. (Cr. by ORD-05-00151, 10-12-05)

- (17) Applicability of Chapter 32. The provisions of Chapter 32, MGO, are applicable to mobile home park operators and tenants, to the extent that they are not in conflict with this Chapter, ATCP 125 or Wis. Stat. § 710.15. (Cr. by ORD-05-00151, 10-12-05)