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**TO:** Members of the Board of Health

**FROM:** Charles E. Sepers, Jr., Health Officer  
Darrin M. Glad, Assistant City Attorney

**DATE:** August 24, 2023

**RE:** Chapter 11 Updates

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The Health Department has been an agent for the Wisconsin Department of Safety and Professional Services (DSPS) Manufactured Home Community license for some time. As an agent for DSPS, the City was required by Wisconsin law to issue permits and create enforcement and appeal procedures for the permitting process. The Municipal Code of the City of Appleton ("Code") codified these requirements in Secs. 11-52 through 11-62. These requirements are separate from and in addition to the Manufactured and Mobile Home Community Licenses issued by the City Clerk under Sec. 11-46 ("Clerk's License").

The Wisconsin DSPS faced considerable challenges with staffing in 2022, which impacted its ability to support the agent program, including originating new contracts beginning in July 2022 for local health departments, statewide. As a result, contracts between local health departments and DSPS across the state were allowed to expire without further contact from DSPS or newly initiated contracts in 2022.

In late Spring of 2023, DSPS had contacted some health departments that had previously participated in the agent program about beginning a new process for delegated municipal authority for issuing the State license. Upon a due-diligence review of the Clerk's License program, it was determined that there is near perfect duplication of service between the DSPS license and the City of Appleton Clerk's License.

The last contract with DSPS making City Health Department staff agents for DSPS expired on June 30, 2022, and there is no current contractual obligation in place. Because City staff are no longer agents for DSPS, there is no longer the state administrative authority for the Health Department to license Manufactured Home Communities and DSPS is currently the only body that can issue such permits. Due to the concerns listed above and after detailed Code review

by the City Attorney's Office, it is advisable to remove Secs. 11-52 through 11-62 from the Code.

Furthermore, it is logical to bolster and clarify certain other aspects of Chapter 11 and the City's Schedule of Deposits. The requirements for Clerk's License currently include compliance with state law and local ordinances, rules and regulations (Sec. 11-49). To add additional clarity to this requirement, it is advisable to explicitly state that proof of the applicable DSPS permit is now required. The additional language to Sec. 11-49(1) is included in attachment.

Sec. 11-27(b)(8) references an administrative code that no longer exists. The subsequent replacement codification of that is largely contained in Wisconsin Administrative Code SPS Chapter 340, but not in its entirety so broader language was required. The clarifying updated language to Sec. 11-27(b)(8) is included in the attachment.

Lastly, the Schedule of Deposits lists penalties for violations of Sec. 11-52 and Sec. 11-60 of the Code. Because there is no longer the ability to enforce those sections (due to this enforcement revert back to DSPS upon expiration of our contract) and the recommendation to remove those sections from our Code, it is advisable to remove Sec. 11-52 and Sec. 11-60 and their respective penalties from Schedule of Deposits.

If you have any questions or concerns, please do not hesitate to get in touch.

Attachment

DMG:CES:jljg

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