

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES  
4822 MADISON YARDS WAY  
MADISON WI 53705  
Contact Through Relay  
<http://dsps.wi.gov/programs/industry-services>  
[www.wisconsin.gov](http://www.wisconsin.gov)



**ORDER 0008577**

**Tony Evers, Governor**

**Dan Hereth, Secretary**

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**NOTICE OF VIOLATIONS AND ORDERS**

June 9, 2023

Cozy Acres MHP LLC  
Michelle Gillette  
E12311 Cty W  
Baraboo WI 53913

**SITE: Cozy Acres MHC**  
**16702 Riverview Ln**  
**Boscobel, WI 53805**  
**Town of Marion**  
**Parcel ID No. 034-00104-0000**

**Regulated Objects:**

Nature of Complaint Summary: Manufactured Home Community being operated in unclean, unsafe, disorderly and unsanitary conditions.

Object Type: Complaint (22 COM 140)

Last Inspection Date: January 20, 2023

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**INVESTIGATION NOTES: Respondent has a manufactured home community operator license with the Department, MHC-089300311, Park-60193. Failure to make the necessary corrections may lead to the Department disciplining the credential.**

**An old open and unsecured well casing was discovered by Rows A and B. In question is whether this well has been properly retired and capped per standards established and maintained by the Wisconsin Department of Natural Resources (DNR). The Department requests that Respondent work with DNR on this issue.**

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site, Cozy Acres, MHC, 16702 Riverview Ln, Boscobel, WI, in the Town of Marion.

The following violations were revealed:

**1. Violation:** Some sites are closer than 10 feet.

**Wis. Admin. Code § SPS 326.12 Physical layout**

(1) Sites.

(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.

**Required action:** C8, E3 and E4 encroach on their neighbors and the sites need to be remodeled such that there is 10 feet between each unit.

**2. Violation:** The septic tank and covers lack effective chains and locking.

**Wis. Admin. Code § 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.

**Wis. Admin. Code § SPS 383.52(1)(a)2** The owner of a POWTS shall be responsible for ensuring that access opening covers remain locked or secured except for inspection, evaluation, maintenance or servicing purposes.

**Required action:** Chain and lock septic tanks.

**3. Violation:** Woodward yard hydrant with below ground discharge located behind homes between rows A and B. There was a hose with a hardware store hand sprayer and pesticides (permethrin insecticide, and a broadleaf herbicide) stored adjacent to this yard hydrant. The presence of this equipment next to the hydrant is an indication that the hydrant is regularly used as a water supply for pesticide application. There was no indication of a required code compliant (ASSE 1011 or 1052 listing) back-flow preventer valve installed on the hydrant or the associated equipment described above. The lack of proper back flow protection on this hydrant presents an acute risk of contamination to the groundwater and water supply of the park and surrounding areas, as such hydrants function as direct conduits to the aquifer. Such backflow prevention is required in the department's plumbing code chapter SPS 382.

**Wis. Admin. Code § SPS 382.40(8)(e)2.** Stop- and waste-type control valves may not be installed underground except in the following situations:

- a. Fire hydrants intended for fire fighting.
- b. Two-inch and larger diameter hydrants serving municipal wastewater treatment plants.
- c. Emergency fixtures.

**Required Action:** Respondent shall provide a code-compliant yard hydrant installation. Respondent shall hire a licensed plumber to remove the hazard of the stop-and-waste valve located on the hydrant.

**4. Violation:** Respondent is not maintaining the community in a clean, safe, orderly and sanitary condition as there are sites with dangerous items (broken glass) present and no apparent penalties to occupants who leave their site in disrepair.

**Wis. Admin. Code § SPS 326.18 Management.**

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

**Required action:** Put into place a system that requires occupants to maintain their site in a clean, orderly and sanitary condition and penalties (or take appropriate and prompt action) for those who fail to do so. Any abandoned properties shall be removed or secured safely to protect the community.

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

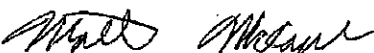
**Wis. Stat. § 101.94(8)(c)** A person who violates s. 101.935, a rule promulgated under s. 101.935 or an order issued under s. 101.935 may be required to forfeit not less than \$10 nor more than \$250 for each violation. Each day of continued violation constitutes a separate violation.

**Wis. Stat. § 101.935(2)(b) Manufactured home community regulation** The department may, after a hearing under ch. 227, refuse to issue a permit or suspend or revoke a permit for violation of this section or any regulation or order that the department issues to implement this section.

If you have any questions regarding this matter, please feel free to contact me or Lenny Kanter.

**Wis. Admin. Code § SPS 303.03** Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

**Wis. Stat. § 101.02(6)** Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

ATTORNEY NAME: Matthew McCasland		INVESTIGATION DATE: 1/20/2023
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	6/9/2023	<b>COMPLIANCE DATE: 8/9/2023</b>

cc: Lenny Kanter

Kirk Ruetten