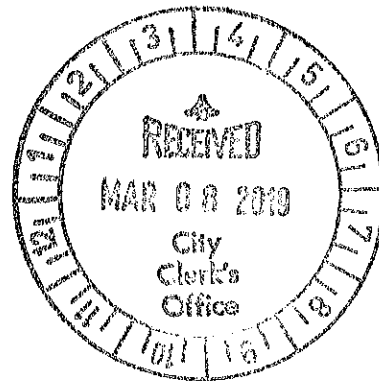


From the desk of David E. Olson

March 8, 2019

To: La Crosse City Clerk
400 La Crosse Street
La Crosse, WI 54601

From: David E. Olson
1219 Madison Street
La Crosse, WI 54601



RE: Appeal of ruling by La Crosse Fire Dept. of denial to reverse fire dept. inspection fees

Dear City Clerk:

I have been advised through a letter from the La Crosse Fire Department that I may appeal their denial to reverse fire inspection fees assessed to my tax bills within 30 days of February 26, 2019. Please consider this letter and attached documents as my appeal.

2017 Wisconsin Act 317 66.0104(2)2(e) states "No city, village, town, or county may enact an ordinance that does any of the following:.....2. Charges a fee for conducting an inspection of a residential property unless all of the following are satisfied:.....1m **No fee may be charged** for an inspection of the exterior and common areas if the property owner voluntarily allows access for the inspection and no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m.

This Act's Date of Enactment was April 16, 2018 and the Date of Publication was April 17, 2018.

After being invoiced for 4 Fire Department Inspections (No.'s 160229, 160298, 160299, & 160300) I reviewed the above Act and requested the La Crosse Fire Department clear these inspection fees from our accounts.

Assistant Chief Craig Snyder replied in a letter to me referencing authorization to due a mandated fire inspection by Wisconsin State Statue 101.142(2)(b). He also referenced Wisconsin Act 317 where it permits the inspections of rental properties that are required to be inspected by state or federal law.

After reviewing Wisconsin State Statue 101.14(2)(b) and SS101.01(12), I could only find a definition of "Public building" and the requirement that (b) "The chief of every fire department shall provide for the inspection of every public building.....". No where in these sections can I find any reference to being required to or being enabled to charge any fees for these inspections.

I was not challenging the La Crosse Fire Dept. mandate under state or federal law to inspect certain rental properties as laid out in the statutes. **I was and am challenging** the City's right to charge any fees for doing these inspections.

The La Crosse Fire Dept. did not dispute that the inspections being done were *"an inspection of the exterior and common areas"* being performed at *"residential rental properties"*. Since we have *"voluntarily granted access to the property"* and *"no code violations were discovered in the course of the inspection"* the assessment of an inspection fee is unlawful under the current state law.

Also, I would bring to your attention that the City of La Crosse at its November 2018 Common Council Meeting repealed 103-403 Initial Inspection Fee and 103-403 Reinspection Fee and the ordinance *"regarding mandatory inspection and registration for residential rental properties"*, to comply with Act 317.

Furthermore, these Fire Department Inspection Fees came into existence in 2013 and had nothing to do with the actual inspections that were being done or had been done for many years prior to this inspection fee enactment, but rather was a means to increase the City of La Crosse's revenue stream for the City's operating budget.

On November 10, 2018 I sent a follow up letter to Assistant Chief Snyder laying out in more detail what Act 317 stated and other pertinent information to reconsider his denial of my request. I never received a reply and when I received my 2018 Real Estate Tax Bills I saw that the Fire Department had encumbered my Tax Bill with "Spl Chg" for these inspection fees along with adding "administrative fees".

On January 7, 2019 I hand delivered a letter to Paralegal Brenda Buddenhagen advising that I wished to contest the charges on my 2018 Property Tax Bill and requested she advise me on the procedure to do that.

On February 26, 2019 I received a letter from Assistant Chief Snyder advising me that the Fire Department had determined that the fees billed to me by the La Crosse Fire Department were done in accordance with Municipal Code 18-27. On this point Assistant Chief Snyder is correct. The flaw in his position is that Wisconsin State Statutes take precedence over municipal ordinances.

Assistant Chief Snyder's final point for denial was confusing. Chief Snyder stated "The associated special charges are charged to all commercial buildings and residential buildings three units and larger (as defined by SS 101.01(12)) which are inspected either annually or semi-annually by the La Crosse Fire Department as determined by the State of Wisconsin". He then proceeded to declare that "Because the annual fire prevention inspection fees are assessed to all places of employment and public buildings which are inspected by the La Crosse Fire Department", that they "are not considered residential inspection fees". On the City of La Crosse Invoice for the inspection fees it states "FIRA 370 Inspect Fee – Apartments. To take the position that the fees are charged to inspect residential buildings, invoice it as such and then say they are not considered residential inspection fees because they also inspect other public buildings is simply a ruse to circumvent Act 317.

I am respectfully requesting that the special charges on my 2018 Property Tax Bills (\$140.00) be refunded to me and that the City cease further assessment of any and all Fire Dept. inspection fees which have been pre-empted under Wisconsin Act 317.

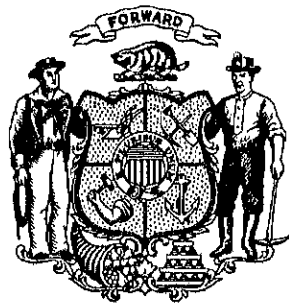
Thank you.



David E. Olson

CC: Assistant Chief Craig Snyder

State of Wisconsin



2017 Assembly Bill 771

Date of enactment: April 16, 2018
Date of publication*: April 17, 2018

2017 WISCONSIN ACT 317

AN ACT *to repeal* 66.0104 (2) (d) 2. c., 66.0104 (2) (g) and 106.50 (2r) (bm); *to renumber* 66.0104 (1) (a), 704.17 (1) and 799.06 (3); *to renumber and amend* 66.0809 (5) (am) and 704.07 (3) (a); *to amend* 59.69 (4m) (a), 60.64 (1), 62.23 (7) (em) 1., 66.0104 (2) (e) 1., 66.0104 (2) (e) 2. a., 66.0104 (2) (e) 4., 66.0104 (3) (c), 66.0602 (2m) (b) 2., 66.0602 (2m) (b) 3., 66.0809 (3m) (a), 66.0809 (5) (b), 66.0821 (4) (a), 101.132 (2) (a) (intro.), 106.50 (2r) (c), 175.403 (2), 196.643 (title), 704.07 (4), 799.206 (3), 799.40 (4) (a) and 802.05 (2m); and *to create* 59.69 (4m) (bm), 60.64 (2m), 62.23 (7) (em) 2m., 66.0104 (1) (ah), 66.0104 (2) (e) 1m., 66.0104 (2) (e) 2. am., 66.0104 (2m), 66.0628 (2m), 68.125, 101.02 (7w), 106.50 (1m) (im), 106.50 (1m) (mx), 106.50 (2r) (bg) and (br), 196.643 (3), 196.643 (4), 704.07 (3) (a) 1. and 2., 704.07 (5), 704.085, 704.10, 704.17 (1g), 704.17 (4m), 758.20, 799.06 (3) (b), 799.40 (1g) and 799.40 (1s) of the statutes; **relating to:** the authority of political subdivisions to regulate rental properties and historic properties and of municipalities to inspect dwellings, public utility service to rental dwelling units, landlord and tenant regulations, fees imposed by a political subdivision, certain levy limit reductions, certain procedural changes in eviction actions, information available on the consolidated court automated Internet site, discrimination in housing against individuals who keep certain animals, falsely claiming an animal to be a service animal, municipal administrative procedure, enforcement of the rental unit energy efficiency program, and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.69 (4m) (a) of the statutes is amended to read:

59.69 (4m) (a) Subject to ~~par. pars.~~ (b) and (bm), a county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to ~~par. (b).~~ (bm) and (c), the county may create a landmarks commission to designate historic landmarks

and establish historic districts. Subject to ~~par. pars.~~ (b) and (bm), the county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

SECTION 2. 59.69 (4m) (bm) of the statutes is created to read:

59.69 (4m) (bm) In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this subsection, a county shall permit an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 3. 60.64 (1) of the statutes is amended to read:

60.64 (1) Subject to ~~sub. subs. (2) and (2m)~~, the town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subs. (2), (2m), and (3), the town board may create a landmarks commission to designate historic landmarks and establish historic districts. Subject to ~~sub. subs. (2) and (2m)~~, the board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

SECTION 4. 60.64 (2m) of the statutes is created to read:

60.64 (2m) In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this section, the town board shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

SECTION 5. 62.23 (7) (em) 1. of the statutes is amended to read:

62.23 (7) (em) 1. Subject to ~~subd. subds. 2. and 2m.~~, a city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subds. 2., 2m., and 3., a city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. Subject to ~~subd. subds. 2. and 2m.~~, the city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

SECTION 6. 62.23 (7) (em) 2m. of the statutes is created to read:

62.23 (7) (em) 2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood con-

servation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

SECTION 7. 66.0104 (1) (a) of the statutes is renumbered 66.0104 (1) (ax).

SECTION 8. 66.0104 (1) (ah) of the statutes is created to read:

66.0104 (1) (ah) "Habitability violation" means any of the following conditions if the condition constitutes an ordinance violation:

1. The rental property or rental unit lacks hot or cold running water.

2. Heating facilities serving the rental property or rental unit are not in safe operating condition or are not capable of maintaining a temperature, in all living areas of the property or unit, of at least 67 degrees Fahrenheit during all seasons of the year in which the property or unit may be occupied. Temperatures in living areas shall be measured at the approximate center of the room, midway between floor and ceiling.

3. The rental property or rental unit is not served by electricity, or the electrical wiring, outlets, fixtures, or other components of the electrical system are not in safe operating condition.

4. Any structural or other conditions in the rental property or rental unit that constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the property or unit other than negligent use or abuse of the property or unit by the tenant.

5. The rental property or rental unit is not served by plumbing facilities in good operating condition.

6. The rental property or rental unit is not served by sewage disposal facilities in good operating condition.

7. The rental property or rental unit lacks working smoke detectors or carbon monoxide detectors.

8. The rental property or rental unit is infested with rodents or insects.

9. The rental property or rental unit contains excessive mold.

SECTION 9. 66.0104 (2) (d) 2. c. of the statutes is repealed.

SECTION 10. 66.0104 (2) (e) 1. of the statutes is amended to read:

66.0104 (2) (e) 1. Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of ~~regularly-scheduled inspections conducted in compliance with~~ under subd. 1m., under s. 66.0119, as applicable, or as required under state or federal law.

SECTION 11. 66.0104 (2) (e) 1m. of the statutes is created to read:

66.0104 (2) (e) 1m. A city, village, town, or county may establish a rental property inspection program under this subdivision. Under the program, the governing body

of the city, village, town, or county may designate districts in which there is evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single-family home conversions to rental units. A city, village, town, or county may require that a rental property or rental unit located in a district designated under this subdivision be initially inspected and periodically inspected. If no habitability violation is discovered during a program inspection or if a habitability violation is discovered during a program inspection and the violation is corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may not perform a program inspection of the property for at least 5 years. If a habitability violation is discovered during a program inspection and the violation is not corrected within the period established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If a habitability violation is discovered during an inspection conducted upon a complaint and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If, at a rental property or unit subject to annual program inspections, no habitability violation is discovered during 2 consecutive annual program inspections, the city, village, town, or county, except as provided in this subdivision, may not perform a program inspection of the property for at least 5 years. No rental property or unit that is less than 8 years old may be inspected under this subdivision. A city, village, town, or county may provide a period of less than 30 days for the correction of a habitability violation under this subdivision if the violation exposes a tenant to imminent danger. A city, village, town, or county shall provide an extension to the period for correction of a habitability violation upon a showing of good cause. A city, village, town, or county shall provide in a notice of a habitability violation an explanation of the violation including a specification of the violation and the exact location of the violation. No inspection of a rental unit may be conducted under this subdivision if the occupant of the unit does not consent to allow access unless the inspection is under a special inspection warrant under s. 66.0119.

SECTION 12. 66.0104 (2) (e) 2. a. of the statutes is amended to read:

66.0104 (2) (e) 2. a. The amount of the fee is uniform for residential rental inspections does not exceed \$75 for an inspection of a vacant unit under subd. 1m. or an inspection of the exterior and common areas of a property under subd. 1m., \$90 for any other initial program inspection under subd. 1m., or \$150 for any other 2nd or subsequent program inspection under subd. 1m. No fee may be charged for a program inspection under subd. 1m. if

no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m. No fee may be charged for an inspection of the exterior and common areas if the property owner voluntarily allows access for the inspection and no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m. No fee may be charged for a reinspection that occurs after a habitability violation has been corrected. No fee may be charged to a property owner if a program inspection does not occur because an occupant of the property does not allow access to the property. Annually, a city, village, town, or county may increase the fee amounts under this subd. 2. a. by not more than the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the previous year or 2 percent, whichever is greater.

SECTION 13. 66.0104 (2) (e) 2. am. of the statutes is created to read:

66.0104 (2) (e) 2. am. The amount of the fee does not exceed \$150 for an inspection under s. 66.0119, except that if a habitability violation is discovered during the inspection and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the fee may not exceed \$300. No fee may be charged for an inspection under s. 66.0119 if no habitability violation is discovered. Annually, a city, village, town, or county may increase the fee amounts under this subd. 2. am. by not more than the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the previous year or 2 percent, whichever is greater.

SECTION 14. 66.0104 (2) (e) 4. of the statutes is amended to read:

66.0104 (2) (e) 4. Except as provided in this subdivision, requires that a rental property or rental unit be certified, registered, or licensed or requires that a residential rental property owner register or obtain a certification or license related to owning or managing the residential rental property. A city, village, town, or county may require that a rental unit or residential rental property owner be registered if the registration consists requires only of providing the one name of the an owner and an or authorized contact person and an address and, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the contact person may be contacted. No city, village, town, or county, except a 1st class city, may charge a fee for registration under this subdivision except a one-time registration fee that reflects the actual costs of operating a registration

program, but that does not exceed \$10 per building, and a one-time fee for the registration of a change of ownership or management of a building or change of contact information for a building that reflects the actual and direct costs of registration, but that does not exceed \$10 per building.

SECTION 15. 66.0104 (2) (g) of the statutes is repealed.

SECTION 16. 66.0104 (2m) of the statutes is created to read:

66.0104 (2m) If a city, village, town, or county has in effect an ordinance that authorizes the inspection of a rental property or rental unit upon a complaint from an inspector or other employee or elected official of the city, village, town, or county, the city, village, town, or county shall maintain for each inspection performed upon a complaint from an employee or official a record of the name of the person making the complaint, the nature of the complaint, and any inspection conducted upon the complaint.

SECTION 17. 66.0104 (3) (c) of the statutes is amended to read:

66.0104 (3) (c) If a city, village, town, or county has in effect on March 2, 2016, an ordinance that is inconsistent with sub. (2) (e), or (f), or (g), the ordinance does not apply and may not be enforced.

SECTION 18. 66.0602 (2m) (b) 2. of the statutes is amended to read:

66.0602 (2m) (b) 2. Except as provided in subd. 4., if a political subdivision receives revenues that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subdivision, not to exceed the amount funded in 2013 by the levy of the political subdivision.

SECTION 19. 66.0602 (2m) (b) 3. of the statutes is amended to read:

66.0602 (2m) (b) 3. Except as provided in subd. 4., if a political subdivision receives payments in lieu of taxes that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by the estimated amount of payments in lieu of taxes received by the political subdivision to pay for the covered service, less any previous reductions made under this subdivision, not to exceed the amount funded in 2013 by the levy of the political subdivision.

SECTION 20. 66.0628 (2m) of the statutes is created to read:

66.0628 (2m) A political subdivision may not impose a fee or charge related to the political subdivision enforcing an ordinance related to noxious weeds, electronic waste, or other building or property maintenance

standards unless the political subdivision first notifies the person against whom the fee or charge is to be imposed that the fee or charge may be imposed. If the notice relates to a building that is not owner-occupied, the notice shall be provided to the owner by 1st class mail or electronic mail. If the owner of a property provides an electronic mail address to a political subdivision, the political subdivision may not impose a fee or charge related to the political subdivision enforcing an ordinance related to noxious weeds, electronic waste, or other building or property maintenance standards at that property unless the political subdivision first notifies the owner of the property using the electronic mail address provided. This subsection does not apply to a fee or charge related to the clearing of snow or ice from a sidewalk or to an ordinance violation that creates an immediate danger to public health, safety, or welfare.

SECTION 21. 66.0809 (3m) (a) of the statutes is amended to read:

66.0809 (3m) (a) If sub. (5) applies, the municipal utility is complying with sub. (5) (am) 1., and a notice of arrears under sub. (3) (a) is given or past-due charges are certified to the comptroller under s. 62.69 (2) (f), on the date the notice of arrears is given, or the past-due charges are certified under s. 62.69 (2) (f), the municipality has a lien upon the assets of each tenant of a rental dwelling unit who is responsible for arrears in the amount of the arrears, including any penalty assessed pursuant to the rules of the utility.

SECTION 22. 66.0809 (5) (am) of the statutes is renumbered 66.0809 (5) (am) 1. and amended to read:

66.0809 (5) (am) 1. A municipal public utility shall send bills for water or electric service to a customer who is a tenant in the tenant's own name.

2. If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the municipal public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice that contains a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the utility shall continue to send past-due notices to the customer at his or her forwarding address until the past-due charges are paid or until notice has been provided under sub. (3) (a) or the past-due charges have been certified to the comptroller under s. 62.69 (2) (f).

SECTION 23. 66.0809 (5) (b) of the statutes is amended to read:

66.0809 (5) (b) A municipal public utility may use sub. (3) or, if s. 62.69 applies, s. 62.69 (2) (f), to collect arrearages incurred after the owner of a rental dwelling unit has provided the utility with written notice under par. (a) if the municipal public utility is complying with par. (am) 1, and serves notice of the past-due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant's charges became past due. The

municipal public utility shall serve notice in the manner provided in s. 801.14 (2).

SECTION 24. 66.0821 (4) (a) of the statutes is amended to read:

66.0821 (4) (a) The governing body of the municipality may establish sewerage service charges in an amount to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including the replacement of funds advanced by or paid from the general fund of the municipality. Service charges made by a metropolitan sewerage district to any town, village, or city shall be levied by the town, village, or city against the individual sewer system users within the corporate limits of the municipality, and the municipality shall collect the charges and promptly remit them to the metropolitan sewerage district. Delinquent charges shall be collected in accordance with sub. (4) (d). The governing body of a municipality may not establish any charge under this paragraph that is not related to providing sewerage service.

SECTION 25. 68.125 of the statutes is created to read:

68.125 Refund of fees. If in an administrative appeal under s. 68.10, the municipal authority's order is overturned or the municipal authority withdraws the order that was the subject of the appeal, the municipality and municipal authority shall refund any fee paid to it by the appellant as a condition of filing the appeal.

SECTION 26. 101.02 (7w) of the statutes is created to read:

101.02 (7w) (a) In this subsection, "aesthetic considerations" means considerations relating to color and texture and design considerations that do not relate to health or safety.

(b) Notwithstanding subs. (7) (a) and (7r), no city, village, or town may enact or enforce an ordinance, or otherwise impose any requirement, that includes aesthetic considerations for purposes of inspection criteria for the interior of any structure or part of a structure that is used or intended to be used as a home, residence, or sleeping place.

SECTION 27. 101.132 (2) (a) (intro.) of the statutes is amended to read:

101.132 (2) (a) *Design and construction of covered multifamily housing.* (intro.) In addition to discrimination prohibited under s. 106.50 (2), (2m) and (2r) (b), (bg), and ~~(bm)~~ (br), no person may design or construct covered multifamily housing unless it meets all of the following standards:

SECTION 28. 106.50 (1m) (im) of the statutes is created to read:

106.50 (1m) (im) "Emotional support animal" means an animal that provides emotional support, well-being, comfort, or companionship for an individual but that is

not trained to perform tasks for the benefit of an individual with a disability.

SECTION 29. 106.50 (1m) (mx) of the statutes is created to read:

106.50 (1m) (mx) "Licensed health professional" means a physician, psychologist, social worker, or other health professional who satisfies all of the following:

1. He or she is licensed or certified in this state.
2. He or she is acting within the scope of his or her license or certification.

SECTION 30. 106.50 (2r) (bg) and (br) of the statutes are created to read:

106.50 (2r) (bg) *Animals that do work or perform tasks for individuals with disabilities.* 1. If an individual has a disability and a disability-related need for an animal that is individually trained to do work or perform tasks for the individual, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an animal that is individually trained to do work or perform tasks in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the animal, unless the disability is readily apparent or known. If the disability is readily apparent or known but the disability-related need for the animal is not, the individual may be requested to submit reliable documentation of the disability-related need for the animal.

3. An individual with a disability who keeps an animal that is individually trained to do work or perform tasks in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability-related need for the animal, or fails to provide the documentation requested under subd 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

(br) *Emotional support animals.* 1. If an individual has a disability and a disability-related need for an emotional support animal, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an emotional support animal in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the emotional support animal from a licensed health professional.

3. An individual with a disability who keeps an emotional support animal in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability-related need for the animal, or fails to provide the documentation requested under subd 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

5. An individual shall forfeit not less than \$500 if he or she, for the purpose of obtaining housing, intentionally misrepresents that he or she has a disability or misrepresents the need for an emotional support animal to assist with his or her disability.

6. A licensed health professional shall forfeit not less than \$500 if he or she, for the purpose of allowing the patient to obtain housing, misrepresents that his or her patient has a disability or misrepresents his or her patient's need for an emotional support animal to assist with his or her patient's disability.

SECTION 31. 106.50 (2r) (bm) of the statutes is repealed.

SECTION 32. 106.50 (2r) (c) of the statutes is amended to read:

106.50 (2r) (c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b), ~~(bg)~~ and ~~(bm)~~ ~~(br)~~ and subs. (2) and (2m), no person may design or construct covered multifamily housing, as defined in s. 101.132 (1) (d), unless it meets the standards specified in s. 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

SECTION 33. 175.403 (2) of the statutes is amended to read:

175.403 (2) ~~Each~~ By July 1, 2018, each law enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14. The policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.

SECTION 34. 196.643 (title) of the statutes is amended to read:

196.643 (title) Owner responsibility for Public utility service to rental dwelling unit.

SECTION 35. 196.643 (3) of the statutes is created to read:

196.643 (3) NOTIFICATIONS; ELECTRIC SERVICE. (a) If requested by the owner of a rental dwelling unit and authorized by the tenant residing in the unit as provided in par. (b), all of the following apply to the public utility that provides electric service to the tenant:

1. The public utility shall notify the owner in the same manner as the tenant of any pending disconnection of service to the unit that is due to nonpayment of past due charges.

2. The public utility may provide information about the status of a disconnection described in subd. 1. to the owner by telephone.

(b) A public utility or owner may obtain from a tenant the authorization required under par. (a), except that an owner must obtain the authorization in a separate written document.

SECTION 36. 196.643 (4) of the statutes is created to read:

196.643 (4) RESUMPTION OF SERVICE. No public utility may require the owner of a rental dwelling unit to provide proof of eviction or other evidence that a tenant has vacated the unit as a condition for providing or resuming public utility service to the unit if the service is placed and maintained solely in the owner's name.

SECTION 37. 704.07 (3) (a) of the statutes is renumbered 704.07 (3) (a) (intro.) and amended to read:

704.07 (3) (a) (intro.) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant must reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proved otherwise by the tenant. Reasonable costs include any of the following:

SECTION 38. 704.07 (3) (a) 1. and 2. of the statutes are created to read:

704.07 (3) (a) 1. Materials provided or labor performed by the landlord.

2. At a reasonable hourly rate, time the landlord spends doing any of the following:

- a. Purchasing or providing materials.
- b. Supervising an agent of the landlord.
- c. Hiring a 3rd-party contractor.

SECTION 39. 704.07 (4) of the statutes is amended to read:

704.07 (4) **UNTENANTABILITY.** If the premises become untenable because of damage by fire, water, or other casualty or because of any condition hazardous to health, or if there is a substantial violation of sub. (2) materially affecting the health or safety of the tenant, the tenant may remove from the premises unless the landlord proceeds promptly to repair or rebuild or eliminate the health hazard or the substantial violation of sub. (2) materially affecting the health or safety of the tenant; or the tenant may remove if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding, or elimination would impose undue hardship on the tenant. If the tenant remains in possession and the condition materially affects the health or safety of the tenant or substantially affects the use and occupancy of the premises, rent abates to the extent the tenant is deprived of the full normal use of the premises. This section does not authorize rent to be withheld in full, if the tenant remains in possession. If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenable and the landlord must repay any rent paid in advance apportioned to the period after the premises become untenable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

SECTION 40. 704.07 (5) of the statutes is created to read:

704.07 (5) **RESTRICTION OF REGULATION OF ABATEMENT.** An ordinance enacted by a city, town, village, or county regulating abatement of rent shall permit abatement only for conditions that materially affect the health or safety of the tenant or substantially affect the use and occupancy of the premises.

SECTION 41. 704.085 of the statutes is created to read:

704.085 Credit and background checks. (1) (a) Except as provided under par. (b), a landlord may require a prospective tenant to pay the landlord's actual cost, up to \$25, to obtain a consumer credit report on the prospective tenant from a consumer credit reporting agency that compiles and maintains files on consumers on a nationwide basis. The landlord shall notify the prospective tenant of the charge before requesting the consumer credit report, and shall provide the prospective tenant with a copy of the report.

(b) A landlord may not require a prospective tenant to pay for a consumer credit report under par. (a) if, before the landlord requests a consumer credit report, the prospective tenant provides the landlord with a consumer credit report, from a consumer credit reporting agency that compiles and maintains files on consumers on a nationwide basis, that is less than 30 days old.

(2) A landlord may require a prospective tenant who is not a resident of this state to pay the landlord's actual cost, up to \$25, to obtain a background check on the prospective tenant. The landlord shall notify the prospective tenant of the charge before requesting the background check and shall provide the prospective tenant with a copy of the report.

SECTION 42. 704.10 of the statutes is created to read:

704.10 Electronic delivery. A rental agreement may include a provision that permits the landlord to provide and indicate agreement by electronic means any of the following:

(1) A copy of the rental agreement and any document related to the rental agreement.

(2) A security deposit and any documents related to the accounting and disposition of the security deposit and security deposit refund.

(3) A promise made before the initial rental agreement to clean, repair, or otherwise improve any portion of the premises.

(4) Advance notice of entry under s. 704.05 (2).

SECTION 43. 704.17 (1) of the statutes is renumbered 704.17 (1p).

SECTION 44. 704.17 (1g) of the statutes is created to read:

704.17 (1g) DEFINITION. In this section, "rent" includes any rent that is past due and any late fees owed for rent that is past due.

SECTION 45. 704.17 (4m) of the statutes is created to read:

704.17 (4m) EFFECT OF INCORRECT AMOUNT IN NOTICE. A notice for failure to pay rent or any other amount due under the rental agreement that includes an incorrect statement of the amount due is valid unless any of the following applies:

(a) The landlord's statement of the amount due is intentionally incorrect.

(b) The tenant paid or tendered payment of the amount the tenant believes to be due.

SECTION 46. 758.20 of the statutes is created to read:

758.20 Consolidated court automation programs.

(1) In this section, "Wisconsin Circuit Court Access Internet site" means the Internet site of the consolidated court automation programs, which is the statewide electronic circuit court case management system established under s. 758.19 (4) and maintained by the director of state courts, that provides information regarding the cases heard in the circuit courts.

(2) The director of state courts may not remove case management information from the Wisconsin Circuit Court Access Internet site for a civil case that is not a closed, confidential, or sealed case for the following periods:

(a) If a writ of restitution has been granted in an eviction action, a period of at least 10 years.

(b) If an eviction action has been dismissed and no money judgment has been docketed, a period of at least 2 years.

SECTION 47. 799.06 (3) of the statutes is renumbered 799.06 (3) (a).

SECTION 48. 799.06 (3) (b) of the statutes is created to read:

799.06 (3) (b) A court may not require that a person filing a summons or complaint under this chapter have the summons or complaint notarized.

SECTION 49. 799.206 (3) of the statutes is amended to read:

799.206 (3) When all parties appear in person or by their attorneys on the return date in an eviction, garnishment, or replevin action and any party ~~claims that raises valid legal grounds for a contest exists,~~ the matter shall be forthwith scheduled for a hearing, to be held as soon as possible before a judge and in the case of an eviction action, not more than 30 days after the return date.

SECTION 50. 799.40 (1g) of the statutes is created to read:

799.40 (1g) NOTICE TERMINATING TENANCY. If a landlord gives a notice terminating tenancy under s. 704.16, 704.17, or 704.19 through certified mail in accordance with s. 704.21 (1) (d), proof of certified mailing from the United States post office shall be sufficient to establish that proper notice has been provided for the purpose of filing a complaint or otherwise demonstrating that proper notice has been given in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided.

SECTION 51. 799.40 (1s) of the statutes is created to read:

799.40 (1s) NO WAIVER BY LANDLORD OR TENANT. It shall not be a defense to an action of eviction or a claim for damages that the landlord or tenant has previously waived any violation or breach of any of the terms of the rental agreement including, but not limited to, the acceptance of rent or that a custom or practice occurred or developed between the parties in connection with the rental agreement so as to waive or lessen the right of the landlord or tenant to insist upon strict performance of the terms of the rental agreement.

SECTION 52. 799.40 (4) (a) of the statutes is amended to read:

799.40 (4) (a) The court shall stay the proceedings in a civil action of eviction if the tenant applies for emergency assistance under s. 49.138. ~~The, except that no stay may be granted under this paragraph after a writ of restitution has been issued in the proceedings. If a stay is granted, the~~ tenant shall inform the court of the outcome of the determination of eligibility for emergency assistance. The stay remains in effect until the tenant's eligibility for emergency assistance is determined and, if the tenant is determined to be eligible, until the tenant receives the emergency assistance. ~~except that the stay may not remain in effect for more than 10 working days, as defined in s. 227.01 (14).~~

SECTION 53. 802.05 (2m) of the statutes is amended to read:

802.05 (2m) ADDITIONAL REPRESENTATIONS TO COURT AS TO PREPARATION OF PLEADINGS OR OTHER DOCUMENTS. An attorney may draft or assist in drafting a pleading, motion, or document filed by an otherwise self-represented person. The attorney is not required to sign the pleading, motion, or document. Any such document must contain a statement immediately adjacent to the person's signature that "This document was prepared with the assistance of a lawyer," ~~followed by the name of the attorney and the attorney's state bar number.~~ The attorney providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false, or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

SECTION 54. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in column C:

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
704.17 (3m) (b) 1.	704.17 (1) (b)	704.17 (1p) (b)

710.15 (5r)	704.17 (1) (a)	704.17 (1p) (a)
710.15 (5r)	704.17 (1) (b)	704.17 (1p) (b)
893.34	704.17 (1) (c)	704.17 (1p) (c)

SECTION 55. Nonstatutory provisions.

(1) RENTAL UNIT ENERGY EFFICIENCY PROGRAM; ORDERS VOID AND UNENFORCEABLE. An order or special order issued before the effective date of this subsection by the department of safety and professional services under its authority under section 101.122 of the statutes, as repealed by 2017 Wisconsin Act 59, is void and unenforceable.

(2) RENTAL UNIT ENERGY EFFICIENCY PROGRAM; ENFORCEMENT RELATED TO PRIOR VIOLATIONS. The department of safety and professional services may not hold a hearing, issue a subpoena, issue a special order, or take any other enforcement action related to a violation of section 101.122 of the statutes, as repealed by 2017 Wisconsin Act 59, that occurs before the effective date of this subsection.

(3) RENTAL UNIT ENERGY EFFICIENCY PROGRAM; STIPULATIONS AND WAIVERS VOID AND UNENFORCEABLE. A stipulation under section 101.122 (4) (c) of the statutes, as repealed by 2017 Wisconsin Act 59, or a waiver under section 101.122 (4) (b) of the statutes, as repealed by 2017 Wisconsin Act 59, entered into before the effective date of this subsection is void and unenforceable.

SECTION 56. Initial applicability.

(1) LANDLORD AND TENANT. The treatment of sections 704.085, 704.10, and 704.17 (1), (1g), and (4m) of the statutes first applies to rental agreements entered into or renewed on the effective date of this subsection.

SECTION 57. Effective dates. This act takes effect on the day after publication, except as follows:

(1) RENTAL UNIT ENERGY EFFICIENCY. SECTION 55 (1), (2), and (3) of this act take effect on January 1, 2018.



City of La Crosse
400 La Crosse Street
La Crosse, WI 54601-3396
<http://www.cityoflacrosse.org>

INVOICE

Invoice Date	Invoice No.
08/27/2018	160298
Customer Number	
186108	
Invoice Total Due	
\$30.00	
Due Date	
09/06/2018	

DAVID E, ELAINE M OLSON TRUST
1219 MADISON ST
LA CROSSE, WI 54601

1021 VINE ST
APPLICATION: 116098

Due upon receipt



City of Lacrosse

Invoice Date 08/27/2018 Invoice Number 160298

Description	Quantity	Price	UOM	Original Bill	Adjustment	Paid	Amount Due
FIRA 370 FIRE INSPECT FEE-APARTMNTS PERMIT	1.00	\$30.00	EACH	\$30.00	\$0.00	\$0.00	\$30.00
FIRA FIRE INSPECTION - APARTMENTS 167696 164516							
Invoice Total:						\$30.00	

PAYABLE TO: CITY TREASURER, 400 LA CROSSE ST, LA CROSSE, WI 54601
(INCL INVOICE)
FOR QUESTIONS CALL: FIRE DEPARTMENT
(608) 789-7260



City of La Crosse
400 La Crosse Street
La Crosse, WI 54601-3396
<http://www.cityoflacrosse.org>

INVOICE

Invoice Date	Invoice No.
08/27/2018	160299
Customer Number	
186108	
Invoice Total Due	
\$10.00	
Due Date	
09/06/2018	

DAVID E, ELAINE M OLSON TRUST
1219 MADISON ST
LA CROSSE, WI 54601

Due upon receipt

307 11TH ST N
APPLICATION: 116099



City of Lacrosse

Invoice Date 08/27/2018 Invoice Number 160299

Description	Quantity	Price	UOM	Original Bill	Adjustment	Paid	Amount Due
FIRA 370 FIRE INSPECT FEE-APARTMNTS PERMIT	1.00	\$10.00	EACH	\$10.00	\$0.00	\$0.00	\$10.00
FIRA FIRE INSPECTION - APARTMENTS 167697 164517							
Invoice Total:						\$10.00	

PAYABLE TO: CITY TREASURER, 400 LA CROSSE ST, LA CROSSE, WI 54601
(INCL INVOICE)
FOR QUESTIONS CALL: FIRE DEPARTMENT
(608) 789-7260



City of La Crosse
400 La Crosse Street
La Crosse, WI 54601-3396
<http://www.cityoflacrosse.org>

INVOICE

Invoice Date	Invoice No.
08/27/2018	160229
Customer Number	
186108	
Invoice Total Due	
\$10.00	
Due Date	
09/06/2018	

DAVID E, ELAINE M OLSON TRUST
1219 MADISON ST
LA CROSSE, WI 54601

Due upon receipt
14 DAYS DUE

610 11TH ST N
APPLICATION: 116027

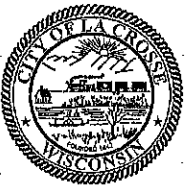


City of Lacrosse

Invoice Date 08/27/2018 Invoice Number 160229

Description	Quantity	Price	UCM	Original Bill	Adjustment	Paid	Amount Due
FIRA 370 FIRE INSPECT FEE-APARTMNTS PERMIT FIRA FIRE INSPECTION - APARTMENTS 167625 164445	1.00	\$10.00	EACH	\$10.00	\$0.00	\$0.00	\$10.00
Invoice Total:							\$10.00

PAYABLE TO: CITY TREASURER, 400 LA CROSSE ST, LA CROSSE, WI 54601
(INCL INVOICE)
FOR QUESTIONS CALL: FIRE DEPARTMENT
(608) 789-7260



City of La Crosse
400 La Crosse Street
La Crosse, WI 54601-3396
<http://www.cityoflacrosse.org>

INVOICE

ROBERT D OLSON
1219 MADISON ST
LA CROSSE, WI 54601

Invoice Date	Invoice No.
08/27/2018	160300
Customer Number	
14512	
Invoice Total Due	
\$10.00	
Due Date	
09/06/2018	

Due upon receipt

1008 PINE ST
APPLICATION: 116100



City of Lacrosse

Invoice Date 08/27/2018 Invoice Number 160300

Description	Quantity	Price	UOM	Original Bill	Adjustment	Paid	Amount Due
FIRA 370 FIRE INSPECT FEE-APARTMNTS PERMIT FIRA FIRE INSPECTION - APARTMENTS 167698 164518	1.00	\$10.00	EACH	\$10.00	\$0.00	\$0.00	\$10.00
Invoice Total:							\$10.00

PAYABLE TO: CITY TREASURER, 400 LA CROSSE ST, LA CROSSE, WI 54601
(INCL INVOICE)
FOR QUESTIONS CALL: FIRE DEPARTMENT
(608) 789-7260

From the Desk of David E. Olson

To: Fire Chief Ken Gilliam
La Crosse Fire Department
726 5th Avenue South
La Crosse, WI 54601-4512

From: David E. Olson
1219 Madison St.
La Crosse, WI 54601

RE: Fire Inspection Fees – Apartments

Dear Chief Gilliam,

We received four invoices (No.'s 160229, 160298, 160299, & 160300) for City of La Crosse Fire Department Inspection Fees.

We have reviewed 2017 Wisconsin Act 317 which was enacted on April 16th, 2018 and published on April 17th, 2018. A copy is attached for your review. I have highlighted the pertinent section of §66.0104(2)(e)2.a. which addresses these inspection fees.

Act 317 specifically prohibits municipalities from charging a fee for exterior and common area inspections of rental property unless a habitability violation is discovered during the inspection and the owner fails to correct the violation within the time period established by the City. The section that directly relates this law to the inspections performed by the Fire Department reads as follows:

“No fee may be charged for an inspection of the exterior and common areas if the property owner voluntarily allows access for the inspection and no habitability violation is discovered during the inspection...”

We respectfully ask that the fees be cleared from our account and that the City cease further assessment of any and all inspections fees which have been pre-empted under 2017 Wisconsin Act 317.

Thank you,

David E. Olson



Division of Fire Prevention & Building Safety

La Crosse Fire Department

726 5th Ave South, La Crosse, WI 54601
<http://www.cityoflacrosse.org>

■ (608) 789-7260 Fax (608) 789-7276
snyderc@cityoflacrosse.org



Serving La Crosse and Southwestern Wisconsin Quality Emergency Services Since 1896

To: David E. Olson
1219 Madison Street
La Crosse, Wisconsin 54601

From: Assistant Chief Craig Snyder
La Crosse Fire Department
726 5th Avenue South
La Crosse, Wisconsin 54601

RE: Fire Inspection Fees

Mr. Olson,

I received your letter regarding the charging of fire inspection fees and the effect of 2017 Wisconsin Act 317 on said fees. The section of 2017 Wisconsin Act 317 you are referring to is in regards to **programs of residential rental inspections** as stated in Wisconsin State Statute 66.0104(2)(e) 1m. Further, 66.0104(2)(e)1. permits the inspections of rental properties that are required to be inspected by state or federal law. The invoices in question are part of the State mandated fire inspection program as required under DSPS 314 authorized by Wisconsin State Statute 101.14(2)(b). The associated special charges are charged to all commercial buildings and residential buildings three units and larger (as defined by SS 101.01(12)) which are inspected either annually or semi-annually by the La Crosse Fire Department as determined by the State of Wisconsin. Please provide payment of all invoices previously sent. Thank you.

(4m) **SERVICING FIRE SUPPRESSION SYSTEMS.** Beginning on August 1, 1994, no person may perform servicing on a fire suppression system that releases or may release a class I substance unless the person uses equipment approved by the department or an independent testing organization approved by the department to capture the class I substance for recycling or reclaiming.

(5) **PENALTY.** Any person who violates this section shall be required to forfeit not less than \$250 nor more than \$1,000. Each act of servicing in violation of sub. (2) constitutes a separate offense.

History: 1993 a. 243.

101.14 Fire inspections, prevention, detection and suppression. (1) (a) The department may make reasonable orders for the repair or removal of any building or other structure which for want of repair or by reason of age or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings or property and for the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or endangering or hindering fire fighters in case of fire.

(am) Notwithstanding par. (a), the department may not require the owner or operator of a mobile kitchen to install or maintain an automatic fire suppression system or an exhaust hood in, or as part of, the mobile kitchen if all of the following apply:

1. The mobile kitchen is less than 365 square feet in size.
2. The mobile kitchen is used on fewer than 12 days a year for the purpose of cooking.

(b) The secretary and any deputy may at all reasonable hours enter into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or to the prevention of fire.

(bm) The secretary and any deputy may, at all reasonable hours, enter the interior of private dwellings at the request of the owner or renter for the purpose of s. 101.145 (6) or 101.645 (4).

(c) The department is hereby empowered and directed to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the state superintendent of public instruction.

(2) (a) The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department, subject to the right of the department to relieve any such chief from duties as such deputy for cause, and upon such suspension to appoint some other person to perform the duty imposed upon such deputy. The department may appoint either the chief of the fire department or the building inspector as its deputy in cities of the 1st class.

(b) The chief of every fire department shall provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires. For purposes of this paragraph, the seasonal placement of a Christmas tree in the rotunda of the state capitol building or in a church is presumed not to be a fire hazard.

(c) 1. Except as provided under subd. 2., the chief of every fire department shall provide that the inspections required under par. (b) be made at least once in each nonoverlapping 6-month period per calendar year in all of the territory served by his or her fire department. The chief of a fire department may require more frequent inspections than required under this subdivision. The department by rule shall provide for general exceptions, based on the type of occupancy or use of the premises, where less frequent inspections are required. Upon written request by the chief of a fire department, the department by special order may grant an

exception to a city, village or town to conduct less frequent inspections than required under this subdivision.

2. In 1st class cities, the fire chief may establish the schedule of fire inspections in that city. The fire chief shall base the frequency of the inspections on hazardous classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

(cm) In addition to the requirements of pars. (b) and (c), a fire department shall provide public fire education services.

(d) The chief of every fire department, or, in 1st class cities, the building inspector appointed by the department under par. (a), shall designate a sufficient number of inspectors to make the inspections required under pars. (b) and (c).

(e) Written reports of inspection shall be made and kept on file by the authority having jurisdiction to conduct inspections, or its designee, in the manner and form required by the department.

(f) Every inspection required under pars. (b) and (c) is subject to the supervision and direction of the department, which shall, after audit, certify to the commissioner of insurance after the expiration of each calendar year each city, village or town where the inspections for the year have been made, and where records have been made and kept on file as required under par. (e).

(3) The department shall annually conduct training sessions and provide manuals and other materials and services to assist deputies and inspectors in the fulfillment of their duties under sub. (2).

(4) (a) The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employees and frequenters of places of employment and public buildings.

(b) 1m. In this paragraph, "private student residential building" means a privately owned and operated residential building that has a capacity of at least 100 occupants, that is occupied by persons at least 80 percent of whom are enrolled in an institution of higher education, and that has attributes usually associated with a student residence hall or dormitory such as a food service plan or occupancy by a resident advisor.

1r. Except as provided in subds. 2. and 3., the rules of the department shall require all such places and buildings over 60 feet in height, the construction of which is begun after July 3, 1974, to contain an automatic fire sprinkler system on each floor.

2. a. Subdivision 1r. does not apply to any open parking structure, as defined by the department.

b. If the department determines that water would cause irreparable damage and undue economic loss if discharged in such places or buildings, it shall require a suppression device which has a substance other than water.

c. Except as provided in subd. 3., subd. 1r. does not apply to any building over 60 feet in height the construction of which is completed or is begun prior to July 3, 1974.

3. The rules of the department shall require all of the following:

a. Every residence hall and dormitory over 60 feet in height, the initial construction of which was begun before April 26, 2000, that is owned or operated by the board of regents of the University of Wisconsin System to contain an automatic fire sprinkler system on each floor by January 1, 2006.

b. Every residence hall and dormitory, the initial construction of which is begun on or after April 26, 2000, that is owned or operated by the board of regents of the University of Wisconsin System to have an automatic fire sprinkler system installed on each floor at the time the residence hall or dormitory is constructed.

c. Every residence hall and dormitory over 60 feet in height, the initial construction of which was begun before January 7,

REGULATION OF INDUSTRY, BUILDINGS AND SAFETY

Updated 15–16 Wis. Stats. 2

101.951	Manufactured home dealers regulated.
101.952	Manufactured home salespersons regulated.
101.953	Warranty and disclosure.
101.954	Sale or lease of used manufactured homes.
101.955	Jurisdiction and venue over out-of-state manufacturers.
101.96	Manufactured home installation regulated.
101.965	Penalties.

**SUBCHAPTER VII
ELEVATORS, ESCALATORS,**

	AND OTHER CONVEYANCES
101.981	Definitions; modification by rule.
101.982	Conveyance safety code.
101.983	Approvals and permits for conveyances required.
101.984	Licenses and supervision required.
101.985	Licensing qualifications and procedure.
101.986	Conveyance safety code council duties.
101.988	Enforcement and penalties.

SUBCHAPTER I**REGULATION OF INDUSTRY: GENERAL PROVISIONS**

101.01 Definitions. In this chapter, the following words and phrases have the designated meanings unless a different meaning is expressly provided:

(1g) “Commercial building code” means the code adopted by the department under this subchapter for the design, construction, maintenance, and inspection of public buildings and places of employment.

(1m) “Department” means the department of safety and professional services.

(2m) “Deputy” means any person employed by the department designated as a deputy, who possesses special, technical, scientific, managerial or personal abilities or qualities in matters within the jurisdiction of the department, and who may be engaged in the performance of duties under the direction of the secretary, calling for the exercise of such abilities or qualities.

(3) “Employee” means any person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment.

(4) “Employer” means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district, long-term care district and other public or quasi-public corporations as well as any agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee.

(5) “Employment” means any trade, occupation or process of manufacture, or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged, except in such private domestic service as does not involve the use of mechanical power and in farm labor as used in sub. (11).

(6) “Frequent” means every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.

(7) “General order” means such order as applies generally throughout the state to all persons, employments, places of employment or public buildings, or all persons, employments or places of employment or public buildings of a class under the jurisdiction of the department. All other orders of the department shall be considered special orders.

(8) “Local order” means any ordinance, order, rule or determination of any common council, board of alderpersons, board of trustees or the village board, of any village or city, a regulation or order of the local board of health, as defined in s. 250.01 (3), or an order or direction of any official of a municipality, upon any matter over which the department has jurisdiction.

(8m) “Multifamily dwelling” means an apartment building, rowhouse, town house, condominium, or modular home, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units, as defined in s. 101.61 (1), the initial construction of which is begun on or after January 1, 1993. “Multifamily dwelling” does not include a facility licensed under ch. 50.

(9) “Order” means any decision, rule, regulation, direction, requirement or standard of the department, or any other determination arrived at or decision made by the department.

(10) “Owner” means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district and other public or quasi-public corporations as well as any manager, representative, officer, or other person having ownership, control or custody of any place of employment or public building, or of the construction, repair or maintenance of any place of employment or public building, or who prepares plans for the construction of any place of employment or public building. This subchapter shall apply, so far as consistent, to all architects and builders.

(11) “Place of employment” includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. “Farming” includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, “place of employment” does not include any of the following:

(a) An adult family home, as defined in s. 50.01 (1).

(b) Except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(c) A home-based business, as defined by the department by rule.

(d) A not-for-profit facility with the primary purpose of housing or rehabilitating abandoned, injured, or sick wildlife.

(12) “Public building” means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, “public building” does not include any of the following:

(a) A previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator.

(b) An adult family home, as defined in s. 50.01 (1).

(c) A home-based business, as defined by the department by rule.

(d) A not-for-profit facility with the primary purpose of housing or rehabilitating abandoned, injured, or sick wildlife.

(13) “Safe” or “safety”, as applied to an employment or a place of employment or a public building, means such freedom from danger to the life, health, safety or welfare of employees or

ORDINANCE NO.: _____

AN ORDINANCE to repeal Sections 103-399 to 103-403 of the Code of Ordinances of the City of La Crosse regarding mandatory inspection and registration for residential rental properties.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Sections 103-399 to 103-403 are hereby repealed.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect and be in force effective January 1, 2019.

Timothy Kabat, Mayor

Teri Lehrke, City Clerk

Passed:
Approved:
Published:

Resolution amending Appendix C – Fee Schedule for the City of La Crosse related to residential inspection fees.

RESOLUTION

BE IT RESOLVED by the Common Council of the City of La Crosse that it hereby removes the following fees from Appendix C – Fee Schedule:

- 103-403 Initial Inspection Fee
- 103-403 Reinspection Fee

BE IT FURTHER RESOLVED that City staff is hereby directed to take any steps necessary to effectuate this resolution.

2018 Real Estate
Bill Number 5467



Correspondence should refer to Tax Parcel 17-20197-30

IMPORTANT: See reverse side for important information.

Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.

32-16 N-07 Acres 0.390 Document No 1323725
1021 VINE ST
ALLEN OVERBAUGH & PETER BURN S ADDITION LOTS 187 &
188 BL OCK 20 LOT SZ: 103M/L X163.0 8

DAVID E, ELAINE M
OLSON TRUST
1219 MADISON ST
LA CROSSE WI 54601

Assessed Value Land	Ass'd Value Improvement	Total Assessed Value	Assessed Woodland	Ave. Asmt. Ratio	Net Assessed Value	0.029168859
102,400	762,400	864,800	0	83.5040276	Rate (Does NOT reflect credit)	
Est Fair Mkt Land	Est Fair Mkt Improvement	Total Est Fair Mkt.	Est Fair Mkt Woodland	School Taxes reduced by school levy tax credit	1917.85	A Star in this box means unpaid prior year taxes
122,500	912,000	1,034,500	0			
Taxing Jurisdiction	2017	2018	2017	2018	% Tax	
	Est. State Aids	Est. State Aids	Net Tax	Net Tax	Change	Net Property Tax 25,144.89
	Allocated Tax Dist	Allocated Tax Dist				
STATE OF WISCONSIN	0.00	0.00	0.00	0.00	0.00	Spl Chg 50.00
La Crosse County	2,041,663.00	2,032,657.00	3,544.94	3,568.89	0.70	
Local Municipality	13,213,869.00	12,963,495.00	10,450.20	10,416.24	-0.30	
LA CROSSE SCHOOL	31,002,234.00	31,199,497.00	9,656.64	9,688.83	0.30	
WTC	3,737,920.00	3,910,984.00	1,537.35	1,547.54	0.70	
		Total	25,189.13	25,223.50	0.10	
		First Dollar Credit	78.39	78.61	0.30	
		Lottery Credit	0.00	0.00	0.00	
		Net Property Tax	25,110.74	25,144.89	0.10	

FOR INFORMATIONAL PURPOSES ONLY - Voter-Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
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On or prior to 07/31/19

Make Check Payable to:

La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

Total Due For Full Payment

Pay By 01/31/19 25,194.89

Installment Options

DUE DATE	AMOUNT
01/31/19	6,338.23
03/31/19	6,286.22
05/31/19	6,286.22
07/31/19	6,286.22

To receive receipt, enclose a self-addressed stamped envelope
All payments can be seen at www.lacrossecounty.org

WARNING: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and if applicable, penalty.
Failure to pay on time. See reverse.

REMIT THIS WITH PAYMENT

2018 Real Estate Bill Number 5467

Correspondence should refer to number
Tax Parcel 17-20197-30

City of LaCrosse
1021 VINE ST
ALLEN OVERBAUGH & PETER BURN

To: City Hall
La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

****To pay in person, check hours of operation @ www.cityoflacrosse.org/treasurer**

INSTALLMENT OPTIONS

DUE DATE	AMOUNT
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01/31/19	6,336.23
03/31/19	6,286.22
05/31/19	6,286.22
07/31/19	6,286.22

DAVID E, ELAINE M
OLSON TRUST
1219 MADISON ST
LA CROSSE WI 54601



2018 Real Estate

LA CROSSE CITY TREASURER
100 LA CROSSE ST
LA CROSSE WI 54601-3396

PROPERTY TAX BILL

La Crosse County

City of LaCrosse

Bill Number 5468



Correspondence should refer to Tax Parcel 17-20197-70

IMPORTANT: See reverse side for important information.

Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.

32-16 N-07 Acres 0.132 Document No 1323725

307 11TH ST N

ALLEN OVERBAUGH & PETER BURN S ADDITION LOT 189 EX N
53FT BLOCK 20 LOT SZ: 51.9X110.0 8

DAVID E, ELAINE M
OLSON TRUST
1219 MADISON ST
LA CROSSE WI 54601

Assessed Value Land 34,600	Ass'd Value Improvement 406,800	Total Assessed Value 441,400	Assessed Woodland 0	Ave. Asmt. Ratio 83.5940276	Net Assessed Value Rate (Does NOT reflect credit) 0.029166859		
Est Fair Mkt Land 41,400	Est Fair Mkt Improvement 486,600	Total Est Fair Mkt. 528,000	Est Fair Mkt Woodland 0	School Taxes reduced by school levy tax credit 978.88	A Star in this box means unpaid prior year taxes		
Taxing Jurisdiction	2017	2018	2017	2018	% Tax	Net Property Tax	12,795.64
	Est. State Aids Allocated Tax Dist	Est. State Aids Allocated Tax Dist	Net Tax	Net Tax	Change		
STATE OF WISCONSIN	0.00	0.00	0.00	0.00	0.00	Spl Chg	30.00
La Crosse County	2,041,663.00	2,032,657.00	1,809.36	1,821.58	0.70		
Local Municipality	13,213,869.00	12,953,495.00	5,333.86	5,317.55	-0.30		
LA CROSSE SCHOOL	31,002,234.00	31,199,497.00	4,928.82	4,945.26	0.30		
WTC	3,737,920.00	3,910,984.00	784.67	789.97	0.70		
		Total	12,856.71	12,874.26	0.10		
		First Dollar Credit	78.39	78.61	0.30		
		Lottery Credit	0.00	0.00	0.00		
		Net Property Tax	12,778.32	12,795.64	0.10		

FOR INFORMATIONAL PURPOSES ONLY - Voter-Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
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On or prior to 07/31/19

Make Check Payable to:

La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

Total Due For Full Payment

Pay By 01/31/19 12,825.64

Installment Options

DUE DATE	AMOUNT
01/31/19	3,228.91
03/31/19	3,198.91
05/31/19	3,198.91
07/31/19	3,198.91

To receive receipt, enclose a self-addressed stamped envelope
All payments can be seen at www.lacrossecounty.org

WARNING: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and if applicable, penalty.
Failure to pay on time. See reverse.

REMIT THIS WITH PAYMENT

2018 Real Estate Bill Number 5468

Correspondence should refer to number
Tax Parcel 17-20197-70

City of LaCrosse
307 11TH ST N
ALLEN OVERBAUGH & PETER BURN

To: City Hall

La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

****To pay in person, check hours of operation @ www.cityoflacrosse.org/treasurer**

INSTALLMENT OPTIONS

DUE DATE	AMOUNT
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01/31/19	3,228.91
03/31/19	3,198.91
05/31/19	3,198.91
07/31/19	3,198.91

DAVID E, ELAINE M
OLSON TRUST
1219 MADISON ST
LA CROSSE WI 54601



City Hall
La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

STATE OF WISCONSIN
PROPERTY TAX BILL
La Crosse County
City of LaCrosse

2018 Real Estate
Bill Number 5151



Correspondence should refer to Tax Parcel 17-20161-70

IMPORTANT: See reverse side for important information.

Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.

32-16 N-07 Acres 0.194 Document No 1323725
610 11TH ST N
T BURNS HS DURAND ST SMITH & FM RUBLEES ADDITION LOT
3 B LOCK 27 LOT SZ: 57.79X145.75

DAVID E, ELAINE M
OLSON TRUST
1219 MADISON ST
LA CROSSE WI 54601

Assessed Value Land	Ass'd Value Improvement	Total Assessed Value	Assessed Woodland	Ave. Assmt. Ratio	Net Assessed Value
51,000	316,900	367,900	0	83.5940276	0.029166659
Est Fair Mkt Land	Est Fair Mkt Improvement	Total Est Fair Mkt.	Est Fair Mkt Woodland	School Taxes reduced by school levy tax credit	Rate (Does NOT reflect credit)
61,000	379,100	440,100	0	815.88	A Star in this box means unpaid prior year taxes
Taxing Jurisdiction	2017	2018	2017	2018	% Tax Change
	Est. State Aids	Est. State Aids	Net Tax	Net Tax	
	Allocated Tax Dist	Allocated Tax Dist			
STATE OF WISCONSIN	0.00	0.00	0.00	0.00	0.00
La Crosse County	2,041,663.00	2,032,657.00	1,508.07	1,518.28	0.70
Local Municipality	13,213,869.00	12,953,495.00	4,445.69	4,432.09	-0.30
LA CROSSE SCHOOL	31,002,234.00	31,199,497.00	4,108.09	4,121.79	0.30
WTC	3,737,920.00	3,910,984.00	654.01	658.35	0.70
		Total	10,715.86	10,730.49	0.10
		First Dollar Credit	78.39	78.61	0.30
		Lottary Credit	0.00	0.00	0.00
		Net Property Tax	10,637.47	10,651.88	0.10
					Net Property Tax 10,651.88

FOR INFORMATIONAL PURPOSES ONLY - Voter-Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Year
	Applied to Property	Increase Ends

On or prior to 07/31/19

Make Check Payable to:

La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

Total Due For Full Payment

Pay By 01/31/19 10,681.88

Installment Options

DUE DATE	AMOUNT
01/31/19	2,692.97
03/31/19	2,662.97
05/31/19	2,662.97
07/31/19	2,662.97

To receive receipt, enclose a self-addressed stamped envelope
All payments can be seen at www.lacrossecounty.org

WARNING: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and if applicable, penalty.
Failure to pay on time. See reverse.

REMIT THIS WITH PAYMENT

2018 Real Estate Bill Number 5151

Correspondence should refer to number
Tax Parcel 17-20161-70

City of LaCrosse
610 11TH ST N
T BURNS HS DURAND ST SMITH &

To: City Hall
La Crosse City Treasurer
400 LA CROSSE ST
LA CROSSE WI 54601-3396

**To pay in person, check hours of operation @
www.cityoflacrosse.org/treasurer

INSTALLMENT OPTIONS

DUE DATE	AMOUNT
01/31/19	2,692.97
03/31/19	2,662.97
05/31/19	2,662.97
07/31/19	2,662.97

DAVID E, ELAINE M
OLSON TRUST
1219 MADISON ST
LA CROSSE WI 54601





From the desk of David E. Olson

November 10, 2018

To: Assistant Chief Craig Snyder
La Crosse Fire Department
726 5th Avenue South
La Crosse, WI 54601

From: David E. Olson
1219 Madison Street
La Crosse, WI 54601

RE: Fire Department Inspection Fees

Dear Assistant Chief Snyder:

We received your reply regarding the charging of fire inspection fees and the effect of 2017 Wisconsin Act 317 on said fees. Your response seems to be that Act 317 permits the inspection of rental properties that are required to be inspected by state or federal law. We are not challenging your mandate under state or federal law to inspect certain rental properties as laid out in the statutes. We are challenging your right to charge any fees for doing these inspections. Wisconsin State Statute 66.0104(2)(e) 1m, which you have referred to specifically in your response letter, says "No fee may be charged for an inspection of the exterior and common areas if the property owner voluntarily allows access for the for the inspection".

Furthermore, after reading Wisconsin State Statute 101.14(2)(b) and SS 101.01(12), which you also referred to in your response letter, we can only find a definition of "Public building" and the requirement that (b) "The chief of every fire department shall provide for the inspection of every public building ...". No where in this section can we find any reference to being required to or being enabled to charge any fees for these inspections.

Wis Stat 66.0104(2)(e) states "No city, village, town, or county may enact an ordinance that does any of the following:"

Wis Stat 66.0104(2)(e)(2) states "Charges a fee for conducting an inspection of a residential rental property unless all of the following are satisfied:" The law proceeds to define permitted fees and conditions and dollar limits to inspections permissible under 66.0104(2)(e)(1m). Wis Stat 101.14 (2)(b) requires you to perform an inspection but unless the conditions in Wis Stat 66.0104(2)(e)(2)(a), (am), and (b), are satisfied, you are not permitted to charge any fee for an inspection of a residential rental property. Furthermore, the requirement in Wis Stat 66.0104(2)(e)(2)(a) specifically states "No fee may be charged for an inspection of the exterior and common areas if the property owner voluntarily allows access for the inspection and no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town or county under subd. 1m."

We don't see anywhere you dispute that the inspections being performed by your department are, in fact, "an inspection of the exterior and common areas" being performed at *residential rental properties*. Since we have voluntarily granted you access to the property and no code violation was discovered in the course of your inspection, your assessment of an inspection fee is unlawful under the current state law.

Also, we would like to bring to your attention that the City of La Crosse at its November 2018 Common Council Meeting repealed 103-403 Initial Inspection Fee and 103-403 Reinspection Fee and the ordinance "regarding mandatory inspection and registration for residential rental properties", to comply with Act 317.

We would also bring to your attention that these Fire Department Inspection Fees came into existence in 2013 and had nothing to do with the actual inspections that were being done or had been done for many years prior to this fee enactment, but rather was a means to increase the City of La Crosse's revenue stream for the City's operating budget.

Again, we respectfully ask that the fees be cleared from our account and that the City cease further assessment of any and all inspection fees which have been pre-empted under 2017 Wisconsin Act 317.

Thank you,

David E. Olson

Cc: Fire Chief Ken Gilliam

(2) (a) No city, village, town, or county may enact an ordinance that places any of the following limitations on a residential landlord:

1. Prohibits a landlord from, or places limitations on a landlord with respect to, obtaining and using or attempting to obtain and use any of the following information with respect to a tenant or prospective tenant:

- a. Monthly household income.
- b. Occupation.
- c. Rental history.
- d. Credit information.
- e. Court records, including arrest and conviction records, to which there is public access.
- f. Social security number or other proof of identity.

2. Limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be taken into account by a landlord.

3. Prohibits a landlord from, or places limitations on a landlord with respect to, entering into a rental agreement for a premises with a prospective tenant during the tenancy of the current tenant of the premises.

4. Prohibits a landlord from, or places limitations on a landlord with respect to, showing a premises to a prospective tenant during the tenancy of the current tenant of the premises.

(b) No city, village, town, or county may enact an ordinance that places requirements on a residential landlord with respect to security deposits or earnest money or pretenancy or posttenancy inspections that are additional to the requirements under administrative rules related to residential rental practices.

(c) No city, village, town, or county may enact an ordinance that limits a residential tenant's responsibility, or a residential landlord's right to recover, for any damage or waste to, or neglect of, the premises that occurs during the tenant's occupancy of the premises, or for any other costs, expenses, fees, payments, or damages for which the tenant is responsible under the rental agreement or applicable law.

(d) 1. a. No city, village, town, or county may enact an ordinance that requires a landlord to communicate to tenants any information that is not required to be communicated to tenants under federal or state law.

b. Subdivision 1. a. does not apply to an ordinance that has a reasonable and clearly defined objective of regulating the manufacture of illegal narcotics.

2. No city, village, town, or county may enact an ordinance that requires a landlord to communicate to the city, village, town, or county any information concerning the landlord or a tenant, unless any of the following applies:

- a. The information is required under federal or state law.
- b. The information is required of all residential real property owners.

(e) No city, village, town, or county may enact an ordinance that does any of the following:

1. Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of inspections under subd. 1m., under s. 66.0119, or as required under state or federal law.

1m. A city, village, town, or county may establish a rental property inspection program under this subdivision. Under the program, the governing body of the city, village, town, or county may designate districts in which there is evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single-family home conversions to rental units. A city, village, town, or county may require that a rental property or rental unit located in a district designated under this subdivision be initially inspected and periodically inspected. If no habitability violation is discovered during a program inspection or if a habitability violation is discovered during a program inspection and the violation is corrected within a period

of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may not perform a program inspection of the property for at least 5 years. If a habitability violation is discovered during a program inspection and the violation is not corrected within the period established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If a habitability violation is discovered during an inspection conducted upon a complaint and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If, at a rental property or unit subject to annual program inspections, no habitability violation is discovered during 2 consecutive annual program inspections, the city, village, town, or county, except as provided in this subdivision, may not perform a program inspection of the property for at least 5 years. No rental property or unit that is less than 8 years old may be inspected under this subdivision. A city, village, town, or county may provide a period of less than 30 days for the correction of a habitability violation under this subdivision if the violation exposes a tenant to imminent danger. A city, village, town, or county shall provide an extension to the period for correction of a habitability violation upon a showing of good cause. A city, village, town, or county shall provide in a notice of a habitability violation an explanation of the violation including a specification of the violation and the exact location of the violation. No inspection of a rental unit may be conducted under this subdivision if the occupant of the unit does not consent to allow access unless the inspection is under a special inspection warrant under s. 66.0119.

2. Charges a fee for conducting an inspection of a residential rental property unless all of the following are satisfied:

a. The amount of the fee does not exceed \$75 for an inspection of a vacant unit under subd. 1m. or an inspection of the exterior and common areas of a property under subd. 1m., \$90 for any other initial program inspection under subd. 1m., or \$150 for any other 2nd or subsequent program inspection under subd. 1m. No fee may be charged for a program inspection under subd. 1m. if no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m. No fee may be charged for an inspection of the exterior and common areas if the property owner voluntarily allows access for the inspection and no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m. No fee may be charged for a reinspection that occurs after a habitability violation has been corrected. No fee may be charged to a property owner if a program inspection does not occur because an occupant of the property does not allow access to the property. Annually, a city, village, town, or county may increase the fee amounts under this subd. 2. a. by not more than the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the previous year or 2 percent, whichever is greater.

am. The amount of the fee does not exceed \$150 for an inspection under s. 66.0119, except that if a habitability violation is discovered during the inspection and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the fee may not exceed \$300. No fee may be charged for an inspection under s. 66.0119 if no habitability violation is discovered. Annually, a city, village, town, or county may increase the fee amounts under this subd. 2. am. by not more than the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the previous year or 2 percent, whichever is greater.

b. The fee is charged at the time that the inspection is actually performed.

From the desk of David E. Olson

January 7, 2019

To: Brenda L. Buddenhagen
LaCrosse City Legal Department
400 LaCrosse Street
LaCrosse, WI 54601

From: David E. Olson
1219 Madison Street
LaCrosse, WI 54601

RE: Fire Department Inspection Fees

Dear Ms Buddenhagen:

Attached find copies of my correspondence with the LaCrosse Fire Department advising them that WI Act 317 enacted into law in the spring of 2018 prohibits charging inspection fees for the exterior and common areas of a building if the property owner voluntarily allows access for the inspection.

I had requested that all invoices sent me for the "inspections" at 1021 Vine Street, 307 11th Street N, 610 11th Street N and 1008 Pine Street be cleared from our accounts and that the City Fire Department cease further assessment of any and all inspection fees which have been pre-empted under 2017 Wisconsin Act 317.

The LaCrosse Fire Department response was to send me a letter saying the charges are part of a state mandated fire inspection program as required under DSPS 314 authorized by Wisconsin State Statute 101.14(2)(b).

I replied to this letter on November 10, 2018 with a more detailed explanation of Act 317 and making it clear I was not challenging the Fire Department's mandate under state or federal law to inspect certain rental properties as laid out in the statutes but was challenging the City's right to charge any fees for doing these inspections.

I never received any further reply from the LaCrosse Fire Department. When I received my 2018 Real Estate Tax Bills I saw that the Fire Department had encumbered my Tax Bill with "Spl Chg" for these inspection fees along with adding penalty amounts.

I wish to contest these charges against my property tax bill and request that you advise me on the procedure to file the paperwork to proceed to resolve this.

Thank you,

David E. Olson

Attachments:

Cc: Fire Chief Ken Gilliam

Assistant Chief Craig Snyder



Division of Fire Prevention & Building Safety

La Crosse Fire Department

726 5th Ave South, La Crosse, WI 54601 ■ (608) 789-7260 Fax (608) 789-7276
<http://www.cityoflacrosse.org> snyderc@cityoflacrosse.org



Serving La Crosse and Southwestern Wisconsin Quality Emergency Services Since 1896

2-26-2019

To: David E. Olson
1219 Madison Street
La Crosse, Wisconsin 54601

From: Assistant Chief Craig Snyder
La Crosse Fire Department
726 5th Avenue South
La Crosse, Wisconsin 54601

RE: Fire Inspection Fees

Mr. Olson,

A review of your request for the reversal of the fire inspection fees billed to you in 2018 has been completed. The review of the fees has determined that the fees billed to you by the La Crosse Fire Department are in accordance with Municipal Code 18-27. The associated special charges are charged to all commercial buildings and residential buildings three units and larger (as defined by SS 101.01(12)) which are inspected either annually or semi-annually by the La Crosse Fire Department as determined by the State of Wisconsin. Because the annual fire prevention inspections fees are assessed to all places of employment and public buildings which are inspected by the La Crosse Fire Department, and are not considered residential rental inspections, your request to dismiss the fees has been denied. You may appeal this ruling in writing to the City Clerk within 30 days of the date of this letter. Please provide copies of any bills you may have received, and any documentation you feel may be in support of your appeal. The City Clerk will notify this office of the receipt of your appeal.

Thank you.