

STATE OF WISCONSIN
JUDICIARY AND ADMINISTRATION COMMITTEE
ADMINISTRATIVE REVIEW BOARD

IN RE:

Appeal by David Olson of denial by Fire Department to reverse fire prevention inspection fees.

Legistar No.: 21-0443

On April 5, 2021 at 5:00 p.m., the Judiciary and Administration Committee convened as the Administrative Review Board in order to hear the above-entitled matter. The Appellant, Mr. Olson, appeared in person and Craig Snyder appeared to present testimony on behalf of the City of La Crosse. The City of La Crosse was represented by Assistant City Attorney Ellen Atterbury.

1. Mr. Olson alleges that the City of La Crosse Fire Department improperly charged fees against his property contrary to 2017 Act 317, which was codified in Wis. Stat. § 66.0104(2)(e).
2. The only fees in dispute are the 2020 fees. Any 2019 fees were previously disposed of in Legistar file no. 19-0406.
3. Wisconsin Stat. § 66.0104(2)(e) is not applicable to the fees charged in this circumstance against Mr. Olson. More specifically, this statute applies to residential inspection programs. The City of La Crosse no longer has a residential inspection program.
4. The fees charged to Mr. Olson are part of a State mandated fire inspection program pursuant to Wis. Stat. § 101.14(2)(b). A plain reading of statute demonstrates that this is a separate and distinct program as compared to § 66.0104(2)(e).

The decision of the Fire Department is sustained.

Dated this 5th day of April 2021.

Judiciary & Administration Committee as
Administrative Review Board

BY: 

Andrea Richmond, Chairperson