

## ORDINANCE NO. \_\_\_\_\_

AN AMENDED ORDINANCE to amend Subsection 8.01(Q); repeal and recreate Section 8.06 concerning the Mandatory Inspection and Registration Program for Residential Rental Properties; repeal and recreate Section 8.07 concerning Mandatory Inspection Standards and Enforcement; create Section 8.08 concerning Notice of Building Code Violations; create Section 8.09 concerning Fees for Re-inspection; and amend Section 25.01 establishing fees.

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

SECTION 1: That Section 8.06 is repealed and recreated as follows:

8.06 MANDATORY INSPECTION AND REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES.

- (A) Purpose. This ordinance is adopted for the purpose of preserving and promoting public health, safety, comfort, convenience, and general welfare and prosperity of the people of the City of La Crosse and its environs and for preserving and enhancing the general physical and aesthetic condition and monetary value of the real property and neighborhoods by establishing minimum housing and property maintenance standards for controlling and effecting the occupancy, use, maintenance and repair of all buildings and structures within the City of La Crosse which are operated, used, employed or utilized for the purpose of rental housing. It is recognized that there may now be, or, may in the future be, buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people and constitute a public nuisance or blighting influence upon the neighborhood. The establishment and enforcement of minimum rental housing and property maintenance standards is necessary to preserve and promote the private and public interest. The purpose of this section is not to create or otherwise establish or designate any particular class or group of persons who will or should be protected or benefited by the terms of this section.
- (B) Definitions. The following definitions shall apply in the interpretation and enforcement of this section.
- (1) "Chief Inspector" means the Chief Inspector of the City of La Crosse and/or designee.
  - (2) "Department" means the City of La Crosse Division of Building and Inspections of the Planning & Development Department.
  - (3) "Dwelling" means a building, or part of a building, which includes one or more distinct living units. "Dwelling" excludes rest homes, convalescent homes, nursing homes,

hospitals, assisted living centers, community based residential facilities, adult homes and other facilities licensed or certified by the Wisconsin Department of Health Services, hotels, motels, properties owned or operated by the City of La Crosse or its Housing Authority, or dormitories owned by a college or university.

- (4) "Proof of Inspection" means a written and signed statement prepared by the Chief Inspector of the Department after an inspection has been made pursuant to this section that the observable conditions of a dwelling or dwelling unit is in compliance with the provisions of this Code.
- (5) "Owner" means any person who alone or jointly or severally with others is the recorded or beneficial owner or has legal or equitable title to any dwelling or dwelling unit, or has charge, care or control of any dwelling or dwelling unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.
- (6) "Person" includes an individual, a partnership, domestic or foreign limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.
- (7) "Sale, transfer or conveyance" means to transfer any ownership interest in a dwelling except by mortgage or rent. The sale, transfer or conveyance shall be deemed to occur upon the transfer of an ownership interest, the recording of a land contract or the exercise of an option to purchase property.
- (8) "Unit" means any independently rented living space whose term of lease is thirty (30) days or greater.
- (9) "Rent" means to lease, sublease, to let or to otherwise grant for consideration the right of a tenant to occupy a dwelling not owned by the tenant. To rent to a tenant includes any scheme or device, which does not provide for possession of the property by the true beneficial owner so that the property is an owner-occupied dwelling.

(C) Registration Certificate Required.

- (1) No owner shall rent any dwelling unit to another person unless, at the time the dwelling unit is rented, the owner possesses a valid registration certificate issued by the City for the operation of that dwelling unit. Unless a dwelling unit has a valid registration certificate or a provisional registration certificate, no owner of a dwelling or dwelling unit shall permit any person to occupy the dwelling or dwelling unit as a tenant or otherwise.
- (2) A registration certificate may be issued upon proof and compliance with the following:
  - (a) Completion of an application for a registration certificate.
  - (b) Issuance by the Department of a valid Proof of Inspection for a dwelling unit to be rented.
  - (c) Payment of the fees as set forth in Section 25.01 of this Code. All fees are non-refundable and are not pro-rated for any partial registration year.

- (3) Each registration certificate is valid from July 1st until the following June 30th. Registration certificates are not transferable.
- (4) Any person selling, transferring or conveying an ownership interest in a dwelling or dwelling unit shall expressly inform any person acquiring or receiving an ownership interest in a dwelling or dwelling unit that a registration certificate is required by the City. This requirement does not apply to any lease agreement.
- (5) The issuance of a registration certificate or Proof of Inspection does not warrant that the dwelling or dwelling unit to which it is issued is free of ordinance violations or otherwise fit for human habitation.
- (6) A registration certificate may be denied if the owner of the dwelling or dwelling unit has:
  - (a) Failed to provide all information required by the application form or has failed to sign the application form.
  - (b) Has provided false or incorrect information on the application form.
  - (c) Has refused to allow a Department representative to inspect the dwelling or dwelling unit or has failed to otherwise comply with the inspection provisions of Subsection (E).
  - (d) Has failed to comply with an order to correct any condition in the dwelling or dwelling unit which violates any provision of the Code.
  - (e) Has failed to pay any delinquent charge in accordance with Section 22.23 of this Code.

(D) Application.

- (1) An application for a registration certificate shall be filed with the Department on forms provided by the Department within thirty (30) days of July 1 and in the case of any sale, transfer or conveyance of a dwelling unit within thirty (30) days of any such sale, transfer or conveyance. The application shall be signed by the owner and the owner shall provide all information requested on the form which will enable the Department to contact the owner, or at the option of the owner, an agent of the owner, including the street address of the dwelling or dwelling unit to be inspected and the owner's legal name and shall be accompanied by the fee required in this section.
- (2) After review of the application and the past code violation history of a dwelling or dwelling unit and its owner, the Department may issue, at its discretion, a provisional registration certificate pending inspection and issuance of the Proof of Inspection and registration certificate as provided in this section.
- (3) Any application filed after the time provided herein shall be assessed an additional late fee as set forth in Section 25.01.

(E) Inspection.

- (1) Upon receipt of an application and payment of the required fee, the Department will conduct an inspection of the dwelling or dwelling unit for compliance with the

provisions of the Code. If a provisional registration certificate is not issued for a dwelling or dwelling unit, the Department shall make the inspection within thirty (30) days of the date of the completed application unless another date is mutually agreed upon by the Department and owner.

- (2) Appointments for inspections shall be scheduled by the Department. The Department shall provide notice of the time and date of the inspection by first class mail to the address provided in the application at least twenty-one (21) days before the scheduled inspection date.
  - (3) The owner shall arrange for access to the dwelling or dwelling unit and all portions of the property affected by the rental of the dwelling or dwelling unit and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant. Failure to provide access to the property and dwelling or dwelling unit on the agreed inspection date will subject the owner to the fees specified in Section 8.09 of this Code and denial of the registration certificate.
  - (4) Except as otherwise provided by law (e.g. special inspection warrant), inspections shall not be conducted:
    - (a) With a minor as the sole representative of the owner.
    - (b) Against the will of the tenant without the owner or the owner's agent present.
    - (c) Without prior notice to the tenant by the owner as required by state law or the lease agreement.
    - (d) In an occupied dwelling unit without the owner or owner's agent or tenant being present.
  - (5) Any Code violations identified in the inspection for a registration certificate shall be abated within the time ordered by the Department.
  - (6) The first inspection of a newly constructed dwelling or dwelling unit intended for rent may be waived by the Chief Inspector of the Department for a period of up to five (5) years after the issuance of the initial Certificate of Occupancy by the Department. Such waiver does not relieve the owner of any other obligations of this section or Code.
- (F) Issuance of Proof of Inspection.
- (1) After inspection, the Department shall issue a Proof of Inspection upon making a determination that the observable conditions of the dwelling or dwelling unit conform to the requirements of the Code. The Proof of Inspection shall specify the date of issuance, the address of the dwelling or dwelling unit to which it applies and the name of the owner. The Proof of Inspection is not transferrable. The Proof of Inspection does not grant the owner the privilege of renting the dwelling or dwelling unit for residential occupancy, but must be accompanied by a valid registration certificate. All violations of the Code shall be corrected prior to issuance of a Proof of Inspection.
  - (2) Except for dwellings and dwelling units currently registered under the City's mandatory inspection and registration program prior to the effective date of this ordinance [INSERT DATE], a Proof of Inspection shall be valid for five (5) years. For any dwelling or dwelling

unit currently registered under the City's mandatory inspection and registration program prior to the effective date of this ordinance [INSERT DATE], the Department shall issue an initial Proof of Inspection for the duration of the residue of the five (5) year revolving inspection schedule applicable to said dwelling or dwelling unit. Notwithstanding, dwellings and dwelling units may be inspected again, including, without limitation, when a complaint is received, probable cause of substandard building, dwelling or dwelling unit exists, an inspection is requested by the owner, owner's agent, manager, or tenant, or randomly. If after issuance of a Proof of Inspection, the Department subsequently finds the dwelling or dwelling unit has conditions which affect safe, decent and sanitary living conditions of the persons occupying a dwelling or dwelling unit or violate the provisions of the housing, plumbing, electrical, fire, or zoning code, the Department may revoke the Proof of Inspection.

- (G) Waiver. A waiver may be given from the provision of this section for the rental of a single family residence that is to be rented on a one-time basis for a period of six (6) months or less upon the written request of the owner to the Chief Inspector as may be approved by the Judiciary and Administration Committee and the Common Council in its sole discretion. Such single family residence continues to be subject to all other provisions of the Code including the housing, plumbing, electrical, fire and zoning codes.
- (H) Revocation, Suspension, or Non-Renewal of the Registration Certificate.
  - (1) The Chief Inspector of the Department may revoke, suspend, or non-renew a registration certificate for violations of this section, including:
    - (a) Failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the Code.
    - (b) Revocation of the Proof of Inspection.
    - (c) Fraud, misrepresentation, or false statement contained in the registration certificate application.
    - (d) Failure to pay any fees required to be paid under this section.
    - (e) Refusal to allow a Department representative to inspect the dwelling or dwelling unit, or other failure to comply with the inspection provisions of Subsection (E).
    - (f) Designation of the dwelling or dwelling unit as a chronic nuisance premises under Section 7.10 of this Code.
  - (2) No owner shall rent a dwelling or dwelling unit to another person after the registration certificate is revoked, suspended, or non-renewed. Upon revocation, suspension, or non-renewal of the registration certificate, the Department shall immediately notify the tenant(s) of the affected dwelling unit that the owner does not have a registration certificate.
  - (3) Whenever an owner wishes to appeal the decision of the Chief Inspector of the Department to revoke, suspend, or

non-renew a registration certificate the owner shall, within ten (10) business days of the notice of revocation, suspension, or non-renewal, deliver to the City Clerk, a written objection, addressed to the Chair of the Judiciary and Administration Committee, stating specific reasons for contesting the decision. Upon receipt of the written objection, the matter will be placed on the agenda for the Judiciary and Administration Committee for a review hearing at the next regular meeting, unless the appeal is filed within fifteen (15) days of the next meeting in which case it shall be heard at the following meeting. The decision of the Judiciary and Administration Committee shall constitute a final decision. The City elects not to be bound by Chapter 68, Wis. Stat., with respect to the administrative procedure in this regard.

- (4) If the owner wishes to further contest the determination, the owner may within thirty (30) days of receiving the written decision of the Judiciary and Administration Committee seek a review of the decision by certiorari.
- (I) Reinstatement of the Registration Certificate. Where a registration certificate was denied, revoked, or non-renewed for failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the Code, an owner may seek reinstatement of the registration certificate upon the filing of a new application for the dwelling or dwelling unit and payment of a reinstatement fee as set forth in Section 25.01 in addition to the application fee. Where a registration certificate was denied, revoked, or non-renewed for any reason other than failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit, the owner may not reapply for a registration certificate for one hundred eighty (180) days from the date of the denial, revocation, or non-renewal. A registration certificate that has been suspended may be reinstated upon compliance with the requirements of the Chief Inspector of the Department which formed the basis of the suspension and payment of the reinstatement fee.
- (J) Remedies and Application of Other Provisions.
- (1) The remedies provided in this section are not to be construed to be exclusive of any other remedy under the Code, and the Department may take further actions to ensure compliance with this section including, but not limited to, seeking injunctive relief or obtaining a special inspection warrant under § 66.0119, Wis. Stat.
  - (2) Nothing in this section limits, impairs, alters or extends the rights and remedies of persons in the relationship of landlord and tenant that exists under applicable law.
  - (3) Nothing in this section shall be construed to limit the authority of the Department to perform housing inspections in accordance with this Code or enforcing any other provision of state or federal law.
- (K) Penalty.
- (1) Any owner failing to apply for a registration certificate for a dwelling or dwelling unit or who rents a dwelling or dwelling unit to another person after the registration certificate is revoked, suspended, non-renewed or expired, shall be subject to a forfeiture of not less than \$500.00

nor more than \$1,000.00 for the first violation; not less than \$500.00 nor more than \$2,000.00 for the second offense; and not less than \$750.00 nor more than \$3,000.00 for the third or subsequent offense. Each day that a violation continues to exist constitutes a separate offense.

- (2) An owner failing to comply with any other provisions of this section shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues to exist constitutes a separate offense.

SECTION II: Section 8.07 is repealed and recreated to read as follows:

#### 8.07 MANDATORY INSPECTION STANDARDS AND ENFORCEMENT

- (A) Purpose. This ordinance is adopted for the purpose of preserving and promoting public health, safety, comfort, convenience, and general welfare and prosperity of the people of the City of La Crosse and its environs and for preserving and enhancing the general physical and aesthetic condition and monetary value of the real property and neighborhoods by establishing minimum housing and property maintenance standards for controlling and effecting the occupancy, use, maintenance and repair of all buildings and structures within the City of La Crosse which are operated, used, employed or utilized for the purpose of rental housing. It is recognized that there may now be, or, may in the future be, buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people and constitute a public nuisance or blighting influence upon the neighborhood. The establishment and enforcement of minimum rental housing and property maintenance standards is necessary to preserve and promote the private and public interest. The purpose of this section is not to create or otherwise establish or designate any particular class or group of persons who will or should be protected or benefited by the terms of this section.

- (B) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

- (1) "Building code" means the City of La Crosse Building, Electrical, Heating, Ventilating and Air Conditioning, Plumbing and Fire Codes as well as all other codes and references adopted therein.
- (2) "Chief Inspector" has the same meaning as Section 8.06(B) (1) of this Code.
- (3) "Department" has the same meaning as Section 8.06(B) (2) of this Code.
- (4) "Dwelling" has the same meaning as Section 8.06(B) (3) of this Code.
- (5) "Nuisance" or "public nuisance" includes, without limitation, the following:
  - (a) A building that, as a result of vandalism or any other reason, has deteriorated or is dilapidated or blighted to the extent that windows, doors or other

openings, plumbing or heating fixtures, or facilities or appurtenances of the building are damaged, destroyed or removed so that the dwelling unit offends the aesthetic character of the neighborhood and produces blight or deterioration.

- (b) Any public nuisance known at common law, or in equity jurisprudence.
  - (c) Any dwelling dangerous to human life or is detrimental to health.
  - (d) Any dwelling unit that does not contain enough space for the occupants as otherwise required by this Code or which has insufficient ventilation, illumination, inadequate sewer or plumbing facilities for said dwelling unit and is not able to be occupied by human beings.
- (6) "Owner" has the same meaning as Section 8.06(B)(5) of this Code.
  - (7) "Person" has the same meaning as Section 8.06(B)(6) of this Code.
  - (8) "Substandard building" means all buildings used for purposes of human habitation, which do not conform to the minimum standards established by this section or where a condition exists that endangers the life, limb, health, safety or welfare of the public or occupants thereof.
  - (9) "Unit" has the same meaning as Section 8.06(B)(8) of this Code.
- (C) Responsibilities of Owners and Occupants. Owners shall abate nuisances and maintain their property in accordance with the provisions of this Code even though an obligation may also be imposed on the occupants of the dwelling or dwelling unit. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining any shared or public area of the dwelling and premises thereof.
- (D) Minimum Housing, Property Maintenance and Sanitary Standards. The minimum standards for basic equipment, lighting, ventilation, heating, electrical service, fire code violations, offenses endangering public safety, property and street, alley and sidewalk issues required to protect and ensure the health and welfare of the people are referenced in:
- (1) Chapter III entitled Police and Fire Departments
  - (2) Chapter V entitled Streets, Alleys, and Sidewalks
  - (3) Chapter VII entitled Offense Endangering Public Safety, Peace, Morals and Property
  - (4) Chapter VIII entitled Dwelling and Sanitary Regulations
  - (5) Chapter XV entitled Zoning
  - (6) Chapter XVI entitled Building Code
  - (7) Chapter XVII entitled Electrical Code
  - (8) Chapter XVIII entitled Heating, Ventilating, Air Conditioning and Appliances Code
  - (9) Chapter XIX entitled Plumbing Code
  - (10) And all other sections of this Code as required to preserve and promote the private and public interest which shall be applied as required in the enforcement of this Code.
- (E) Exits and Miscellaneous Requirements.
- (1) General. Dwellings and dwelling units shall have access directly to the outside or to a common hallway or public corridor with egress to the outside. All dwellings and



dwelling units shall be provided with exits as required by the Building Code. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, garage or similar areas.

- (2) Obstruction of Egress. Obstructions, including storage, shall not be placed in the required width of a means of egress, except for projections allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.
  - (3) Escape Windows and Doors. Sleeping rooms shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall be operable from the inside to provide a full clear opening without the use of separate tools or special knowledge and shall open directly onto a public way or a yard or court located on the same lot as the dwelling.
  - (4) Parking. Required off street parking shall be available at all times to the occupants of the dwelling. Required parking spaces shall not be rented or leased to non-occupants of the dwelling. If the required parking is in a garage, the garage space designated for required parking shall not be used for storage to the exclusion of a parked four wheeled vehicle licensed for use on the road.
- (F) Substandard Buildings.
- (1) General. Any dwelling, dwelling unit, or premises upon which the same is located, or portion thereof, in which there exists any condition that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof is hereby declared to be a substandard building.
  - (2) Inadequate Sanitation. Dwellings, dwelling units, or portions thereof, shall be deemed to be a substandard building when they are unsanitary. Inadequate sanitation shall include, without limitation, the following:
    - (a) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling or dwelling unit.
    - (b) Lack of, or improper kitchen sink in a dwelling or dwelling unit.
    - (c) Lack of hot and cold running water to plumbing fixtures in a dwelling or dwelling unit.
    - (d) Lack of adequate heating facilities.
    - (e) Lack of, or improper operation of, required ventilating equipment.
    - (f) Lack of minimum amounts of natural light and ventilation required by this section.
    - (g) Room and space dimensions less than required by this Code.
    - (h) Lack of required electrical lighting.
    - (i) Dampness of habitable rooms
    - (j) Infestation of insects, vermin or rodents.
    - (k) General deterioration, dilapidation or improper maintenance.
    - (l) Lack of connection to required sewage disposal system.

- (m) Lack of adequate garbage and rubbish storage and removal facilities.
- (3) Structural Hazards. Dwellings and dwelling units, or portions thereof, shall be deemed to be a substandard building when they contain structural hazards. Structural hazards shall include, without limitation, the following:
- (a) Deteriorated or inadequate foundations.
  - (b) Defective or deteriorated subflooring or finish flooring systems which were installed or have deteriorated such that they cannot support live and dead loads placed upon them.
  - (c) Structural floor framing systems that sag, split or buckle due to defective, deteriorated or inadequate material and fail to transfer live and dead loads placed upon them safely to bearing points.
  - (d) Structural framing members of bearing walls, partitions or other vertical supports that split, lean, list or buckle due to defective, deteriorated or inadequate material.
  - (e) Structural framing members of roofs, ceilings or other horizontal framing members that sag, split or buckle due to defective, deteriorated or inadequate material and fail to transfer live and dead loads placed upon them safely to bearing points.
  - (f) Fireplaces or chimneys that list bulge or settle due to defective material or deterioration.
  - (g) Fireplaces or chimneys that are of insufficient design, condition, size or strength to transfer dead and live loads safely to bearing points.
- (4) Non-structural Hazards. Dwellings, dwelling units, or portions thereof, shall be deemed to be a substandard building when they contain a non-structural hazard. Non-structural hazards shall include, without limitation, the following.
- (a) Hazardous Electrical Wiring. Electrical wiring that was installed in violation of section requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner.
  - (b) Hazardous Plumbing. Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures.
  - (c) Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition.

- (d) Faulty Weather Protection Hazard. Faulty weather protection includes, without limitation, the following:
  - (i) Deteriorated, crumbling or loose plaster.
  - (ii) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
  - (iii) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
  - (iv) Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- (5) Other Substandard Buildings Designations.
  - (a) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the Chief Inspector or the Fire Chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be deemed a substandard building.
  - (b) Unapproved or Improper Use of Construction Materials. The Chief Inspector may declare a building, or portion thereof, to be a substandard building due to improper application and installation of construction materials or the use and application of materials lacking a State of Wisconsin Building Material Approval.
  - (c) Hazardous, Unsanitary Premises. The Chief Inspector may declare a building, the premises upon which the building is located, or portion thereof, to be a substandard building when it is found that an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on the premises constitute fire, health or safety hazards or a blight upon the neighborhood.
  - (d) Inadequate Exits. The Chief Inspector may declare a building, or portion thereof, to be a substandard building when an unsafe condition exists through an improper or inadequate provision or location of exits or exit width, or when any other conditions exist that the Chief Inspector deems as dangerous to human life.
  - (e) Inadequate Fire Protection or Firefighting Equipment. Buildings, or portions thereof, shall be declared a substandard building when they are not provided with the fire-resistive construction smoke detectors or fire-extinguishing systems or equipment required by this section, except those buildings, or portions thereof, that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant

load, alteration or addition, or any change in occupancy.

- (f) Illegal Occupancy or Use. All buildings, or portions thereof, occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be declared to be a substandard building.

(G) Enforcement.

- (1) Authority. The Planning and Development Department - Division of Building and Inspections is hereby authorized to enforce or cause the enforcement of all of the provisions of this section.
- (2) Responsibilities Defined.
  - (a) Safe and Sanitary Maintenance Required. Buildings, structures and parts thereof shall be maintained in a safe and sanitary condition. The owner and/or the owner's designed agent shall be responsible for such maintenance. To determine compliance with this subsection, the building, structure or parts thereof may be reinspected.
  - (b) Owner Responsible for Maintenance of Owner's Private and Public Areas. Owners, in addition to being solely responsible for maintaining buildings in a sound structural condition, shall be solely responsible for keeping that part of the building or premises, including any garages or outbuildings, which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.
  - (c) Extermination of Pests. Owners shall, when required by this Code, health laws or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be solely responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.
- (3) Substandard Buildings. Buildings, or portions thereof, that are determined to be a substandard building, as defined in this Code, constitute a public nuisance and shall be abated by repair, rehabilitation or razing and removal in accordance with this section or the statutes of the State of Wisconsin.
- (4) Interference. No person shall prevent, resist or interfere with the Department or any employee thereof in the entering of any premises or the carrying out of their duties.
- (5) Notices and Orders of the Department
  - (a) Commencement of Proceedings. When the Department has inspected a building and has determined that such building is a substandard building, the Department may commence proceedings to cause the repair, rehabilitation, vacation or razing and removal of the building.

- (b) Notice and Order. The Department may issue a notice and Order to Correct Conditions of Premises directed to the owner of record of the building. The notice and Order to Correct Conditions of Premises shall contain the following:
  - (i) The street address and legal description sufficient for identification of the premises upon which the building is located.
  - (ii) A statement that the Department has found the building to be a substandard building, with a brief and concise description of the conditions found to render the building substandard under the provisions of this Code.
  - (iii) A statement of the action required to be taken.
  - (iv) If the Department has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Chief Inspector shall determine is reasonable under all of the circumstances.
  - (v) If the Department has determined that the building or structure must be razed and removed, the order shall require that the building be vacated, all required permits be secured and that the razing and removal be completed within the time set forth in the condemnation order pursuant to State of Wisconsin Statutes.
  - (vi) Statements advising that if any required repair or demolition work is not completed within the time specified, the Department may order the building vacated, razed and removed as conditions warrant through any available public agency or by contract or arrangement with private persons or firms with the cost of razing, removal and restoration of the site to an erosion free condition to be charged in full or in part against the real estate upon which the building is located, and if that cost is so charged it is a lien against the real estate and may be assessed and collected as a special tax.
  - (vii) Statements advising that any person having any record title or legal interest in the building may appeal from the Order to Correct Conditions of Premises of the Department to the Building and Housing Appeals Board provided the appeal is made in writing as provided in this section. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- (6) Order to Vacate.
  - (a) The Department may order vacated any building declared to be a substandard building which is in such condition as to

make it immediately dangerous to the life, limb, property or safety of the public or of the occupants thereof.

- (b) Notice to Vacate - Posting and Placarding Order to Vacate. Every order to vacate shall, in addition to being served as provided in Section 8.08 of this Code, be posted in plain view at or upon each entrance of the building so ordered vacated along with a placard which shall be in substantially the following form:

DO NOT ENTER

THIS BUILDING MAY NOT BE USED FOR  
HUMAN HABITATION, OCCUPANCY OR USE

BY ORDER OF THE BUILDING AND INSPECTIONS DEPARTMENT  
CITY OF LA CROSSE, WISCONSIN

Removal or defacing this placard may subject you to a fine of up to \$1,000 or imprisonment, or both.

- (c) Compliance. Whenever such notice is posted, the Department shall include an Order to Correct Conditions of Premises specifying the conditions that necessitate the condemnation of the premises for human habitation, occupancy or use. No person shall remain in or shall enter upon any building that has been so posted, except that entry may be made to repair, demolish or remove such building after permission is first granted and all necessary permits are issued by the Department. No person shall deface or remove any such notice after it is posted unless or until so authorized by the Department.
- (7) Enforcement of the Order of the Department or as Modified by the Housing Appeals Board When There Is No Compliance.
- (a) Failure to Obey Order. Whenever any Order to Correct Conditions of Premises made pursuant to this section has not been complied with because the person, to whom such order was directed has failed, neglected or refused to comply, the Department may initiate prosecution, or institute any appropriate action to abate such building as a public nuisance.
- (b) Workmanship. All repairs, maintenance work, alterations or installations shall be completed in a workman-like manner.
- (c) Interference with Repair or Razing and Removal Work Prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated or razed and removed under the provisions of this section, or with any person to whom such building has been lawfully sold pursuant to the provisions of this section, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or razing and removing any such building pursuant to the provisions of this section, or in performing any necessary act

preliminary to or incidental to such work or authorized or directed pursuant to this section.

(H) Appeal.

- (1) Form of Appeal. Any person subject to an order to repair building, structure, premises, or part thereof, pursuant to this section may appeal from any Order To Correct Conditions Of Premises of the Department under this section by filing at the office of the Department a written appeal, if applicable, containing the following:
  - (a) A heading in the words: "Before the Building and Housing Appeals Board of the City of La Crosse, Wisconsin."
  - (b) A caption reading: "Appeal of \_\_\_\_\_ giving the names of all appellants participating in the appeal."
  - (c) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the Order to Correct Conditions.
  - (d) A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
  - (e) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
  - (f) The signatures of all parties named as appellants and their official mailing addresses.
  - (g) A fee as set forth in Section 25.01 of this Code.
- (2) Filing Deadline. The appeal shall be filed within twenty (20) days from the date of the service of such order or action of the Department provided, however, that if the building, structure, premises, or portion thereof, is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is so posted, that such appeal shall be filed within twenty (20) days from the date of the service and posting of the order to vacate.
- (3) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section and applicable fee, the Department shall present it at the next regular or special meeting of the Building and Housing Appeals Board provided that the materials are provided in a timely manner required by the City Clerk in order to satisfy statutory requirements for public notice of such appeal.
- (4) Scheduling and Noticing Time for Public Hearing. As soon as practicable after receiving the written appeal, the Building and Housing Appeals Board shall fix a date, time and place for the hearing of the appeal by the Board.
- (5) Reasonable Dispatch and Continuances. The Building and Housing Appeals Board shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives. The Board may grant continuances for good cause shown.
- (6) Inspection of Premises. The Building and Housing Appeals Board may inspect any building, structure, premises, or portion thereof, involved in the appeal during the course of the hearing, provided that:
  - (a) Notice of such inspection shall be given to the parties before the inspection is made.

- (b) The parties are given an opportunity to be present during the inspection, and
    - (c) The Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom.
  - (7) Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
  - (8) Staying of Order Under Appeal. Except for vacation orders, enforcement of any notice and order of the Department issued under this section shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.
  - (9) Effect of Failure to Appeal. Failure of any person to file an appeal shall constitute a waiver of the right to adjudication of the order or to any portion thereof.
  - (10) The decision of the Building and Housing Appeals Board shall constitute a final decision. The City elects not to be bound by Chapter 68, Wis. Stat., with respect to the administrative procedure in this regard.
  - (11) Any person aggrieved by the decision may, within thirty (30) days after the filing of the decision in the office of the Building and Housing Appeals Board seek review of the decision by certiorari.
- (I) Prevailing Regulations. In any case where a provision of this section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City existing on the effective date of the ordinance codified herein, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this section is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of the ordinance codified herein which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this section shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this section. `
- (J) Penalty. Any person failing to comply with any provision of this section shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues to exist constitutes a separate offense.

SECTION III: Section 8.08 is hereby created to read as follows:

8.08 NOTICE OF BUILDING CODE VIOLATIONS.

- (A) Purpose. The purpose of this ordinance is to better facilitate enforcement of municipal and state building, plumbing, electrical and other such codes, ordinances, or statutes established for the protection of the health and safety of the occupants of buildings, which codes are generally referred to as "building codes".
- (B) Register of Deeds Recording. The owner of real estate subject to any building code shall record with the register of deeds a current listing of the owner's address and the name and address of any person empowered to receive service of process for the owner. Any changes of names or address in the recording shall be



reported within ten (10) days of the change. This section does not apply to owner-occupied one and two family dwellings.

- (C) Sufficient Notice to Owner of Real Estate. Sufficient notice to the owner of real estate that a building code violation has been found shall be established when the Chief Inspector, designee, or other City officer, employee or designee entrusted with the enforcement of any building code has found a violation with a building code if said Chief Inspector, City officer, employee or designee does any of the following:
- (1) makes successful attempt of personal service during daytime hours at the latest address recorded with the register of deeds as that of the owner or agent of the owner; or
  - (2) if personal service under § 8.08(C)(1) is unsuccessful, then sends the notice by certified mail to the address recorded with the register of deeds and in addition posts a copy of the notice in a conspicuous place in or about the building where the violation exists; or
  - (3) if the owner has not recorded with the register of deeds a current address or name and address of a person empowered to receive service of process, then posting a notice of violation on the premises and sending by certified mail the notice to the last-known address of the owner as well as the address of the premises in violation.
- (D) Effect of Notice. When notice of violation is made in accordance with § 8.08(C), then such notice shall be effective notice to anyone having an interest in the premises, whether recorded or not, at the time of the giving of such notice; and shall be effective against any subsequent owner of the premises as long as the violation remains uncorrected and there exists a copy of the notice of violation in a public file maintained by the Chief Inspector, City officer, employee or designee charged with enforcement of the applicable building code.
- (E) Notice to Prospective Purchaser Required. An owner of real estate shall give notice to any prospective purchaser that a notice has been issued concerning a building violation, where the condition giving rise to the notice of violation has not been corrected.
- (1) Penalty. Any owner of real estate who fails to comply with § 8.08(E) shall be subject to a forfeiture of not less than \$50.00 and not more than \$500.00. Each day that a violation continues to exist constitutes a separate offense.
  - (2) Any purchaser who has not received the notice required under § 8.08(E) shall have the right to make any repairs necessary to bring the property into compliance with the requirements of the building code and to recover the reasonable cost of those repairs from the seller.

SECTION IV: Section 8.09 is hereby created to read as follows:

8.09 FEES FOR RE-INSPECTION. Any person who shall fail or neglect to comply with any lawful order of the Chief Inspector, or designee, issued pursuant to the provisions of this chapter may be assessed a re-inspection fee for compliance inspections in excess of two (2). The fee shall be as specified in Section 25.01 of this Code. Re-inspection fees that are not timely paid shall be entered on the tax roll as a special charge against said lot or parcel of land pursuant to the

provisions of § 66.0627, Wis. Stat., for collection and settlement under Chapter 74, Wis. Stat.

SECTION V: That the portion of Section 25.01 concerning Chapter 8 fees is amended to read:

<b>Chapter 8</b>		
<b>8.04 (B) (1)</b>	Waste Hauler	150.00
<b>8.06 (D) (1) - (C)</b> <del><b>(5) (a)</b></del>	<u>Annual registration application fee</u> <u>Rental Inspections:</u>	
	• Single	25.00
	• Duplex	30.00
	• Triplex	35.00
	• 4-plex	40.00
	• 5 - 8 plex	45.00
	• 9 - 15 plex	50.00
	• 16 - 26 plex	55.00
	• 27 - 47 plex	60.00
	• 48 and over plex	65.00
<b>8.06 (D) (3)</b>	<u>Registration application late fee (per each late application)</u>	<u>100.00</u>
<b>8.06 (I)</b>	<u>Registration reinstatement fee</u>	<u>150.00</u>
<b>8.07 (H)</b>	<u>Appeal fee</u>	<u>100.00</u>
<b>8.09</b>	<u>Initial (i.e. first) compliance inspection</u>	<u>No charge</u>
	<u>Second compliance inspection</u>	<u>No charge</u>
	<u>Third and subsequent compliance inspection</u>	<u>50.00</u>
	<u>Missed appointments / failure to allow access</u>	<u>50.00</u>

SECTION VI: All other provisions contained within Section 25.01 shall remain unchanged.

SECTION VII: That Subsection 8.01(Q) is hereby amended to read as follows:

(Q) HEARING OPPORTUNITY TO BE HEARD.

Except as otherwise provided for in ~~Subsection~~ Sections 8.06 ~~(H)~~ and 8.07, upon filing a written petition for hearing in connection with any rooming house license application, order to correct pursuant to this Chapter, or any rule or regulation adopted pursuant thereto, the person affected or aggrieved may request a hearing by filing a written petition on forms provided therefor in the office of the Chief Inspector. Such petition shall set forth a statement of the grounds therefor and be filed with the Chief Inspector within 20 days after the day on which the license was suspended, denied or order was served. The petition shall be accompanied by a fee of One Hundred Dollars (\$100.00). Within ten (10) days after receipt of the petition, the

Building and Housing Appeals Board shall set a time and place for such hearing and shall give the petitioner written notice thereof. Notice of all requests for variances from rooming house license requirements shall be given to all adjoining property owners within one hundred (100) feet of the premises requesting licensing. The Building and Housing Appeals Board with respect to requests for variances from rooming house license requirements, shall only have authority to grant variances to the provisions of Section 8.01(N)(4), (5), (6) and (8) and shall not have authority to grant variances from the provisions of Section 8.01(N)(12). At such hearing the petitioner shall be given an opportunity to be heard and show cause why such decision or order should be modified or withdrawn. The hearing before the Building and Housing Appeals Board shall be commenced not later than thirty (30) days after the date on which the petition or appeal was filed; provided, that upon written application of the petitioner to the Housing Appeals Board, it may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in its judgment the petitioner has submitted good and sufficient reason for such postponement.

SECTION VIII: Severability. If any provision of this ordinance, or portion thereof, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION IX: This ordinance shall take effect and be in force from and after its passage and publication.

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Timothy Kabat, Mayor

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Teri Lehrke, City Clerk

Passed:

Approved:

Published: