

ORDINANCE NO.: 4920

AN ORDINANCE to repeal Section 103-3, to amend Section 103-399, to repeal and recreate 103-400(b), repeal 103-401, repeal and recreate 103-402 to 103-404 and renumber to 103-401 through 103-403, and repeal Sections 103-405 through 103-408; and to amend Section 103-434 of the Code of Ordinances of the City of La Crosse regarding rental inspections.

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

SECTION I: Section 103-3 is hereby repealed.

SECTION II: Section 103-399 is hereby amended to read as follows:

Sec. 103-399. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Chief Inspector* means the Chief Inspector of the City of La Crosse.

*Department* means the Fire Department - Division of Fire Prevention and Building Safety.

~~*Dwelling* means a building, or part of a building, which includes one or more distinct living units. The term "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.~~

*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.

*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.

~~*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 article that the observable conditions of a dwelling or dwelling unit is in compliance with the provisions of this Code.~~

*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.

*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.

*Unit* means any independently rented living space whose term of lease is 30 days or greater.

SECTION III: Section 103-400(b) is hereby repealed and recreated to read as follows:

(b) *Penalty.*

Any person failing to comply with any provision of this Article 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 IV: Section 103-401 is hereby repealed.

SECTION V: Sections 103-402 to 103-404 are hereby repealed and recreated, and then renumbered to 103-401 through 103-403 as follows:

Sec. 103-401- Registration certificate required.

All residential rental units within the City of La Crosse shall be registered with the Department.

Sec. 103-402. - Application.

An application for registration shall be filed with the Department on forms provided by the Department annually within 30 days of January 1 and in the case of any sale, transfer or conveyance of a residential rental unit, within 30 days of such sale, transfer or conveyance. Each registration application shall consist only of the legal name of the owner and an authorized contact person as well as an address and telephone number by which the contact person may be contacted. Additional voluntary information may be provided on the application for registration, but is not required.

Sec. 103-403. - Inspection.

The Department shall implement an inspection program for residential rental properties and units in accordance with Wis. Stat. § 66.0104(2)(e). Fees for the program shall be as set forth in Appendix C of this Code.

SECTION VI: Sections 103-405 through 103-408 are hereby repealed.

SECTION VII: Section 103-434 is hereby amended to add the following definition while all other definitions shall remain the same.

Dwelling means a building, or part of a building, which includes one or more distinct living units. The term "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. ~~Dwelling has the same meaning as section 103-399.~~

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

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

\_\_\_\_\_/s/\_\_\_\_\_  
Timothy Kabat, Mayor  
\_\_\_\_\_/s/\_\_\_\_\_  
Teri Lehrke, City Clerk

Passed: 4/14/16  
Approved: 4/20/16  
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