

Ordinance 0022-25 – Property Maintenance Code.

An ordinance to repeal, delete, and recreate Chapter 18, Article II, Division 5, Subdivision X, Section 18-313, repeal and delete Chapter 18, Article V, Division 1 and Division 2, Sections 18-691 to 18-706, and Sections 18-708 to 18-730, Chapter 18 Article VIII, Division 1, Division 2, and Division 3, create Chapter 19, and amend Chapter 18, Article V of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 18, Article II, Division 5, Subdivision X, Section 18-313 of the Municipal Code of the City of Racine is repealed, deleted, and recreated as follows:

Sec. 18-313. – Vacant buildings.

The owner of any property on which a building has become vacant is subject to section 19-1401 et seq.

Cross-reference – Vacant Buildings, ch. 18, art. XII.

Part 2: Chapter 18, Article V, Division 1 and Division 2, Sections 18-691 to 18-706, and Sections 18-708 to 18-730, Chapter 18 Article VIII, Division 1, Division 2, and Division 3 of the Municipal Code of the City of Racine is repealed, deleted, and recreated as Chapter 19 as follows:

ARTICLE I. – DEFINITIONS

Sec. 19-01. – Title.

This chapter of the Code of General Ordinances shall be known as "Property Maintenance Code of the City of Racine, Wisconsin," hereinafter referred to as "this chapter" or "chapter."

Sec. 19-02. – Definitions.

(a) *General.*

1. Scope means unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings stated in this chapter.
2. Interchangeability means words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural; and the plural includes the singular, except where the context indicates another interpretation.
3. Terms defined in other codes means where terms are not defined in this chapter and are defined in other city ordinances.
4. May means the word "may" is permissive. The phrase "may not" is mandatory.
5. Parts means whenever the words structure, accessory structure, dwelling unit, dwelling, premises, building, are stated in this Code, they shall be

- construed as though they were followed by the words "or any part thereof."
6. Phrases means the phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
 7. Shall means the word "shall" is mandatory and not discretionary.
 8. Terms Not Defined means where terms are not defined herein, or through the methods of interpretation authorized by this section, such terms have ordinarily accepted meanings, such as the context indicates.

(b) *General 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:

Abandoned property means any real property that is in mortgage default, bank owned/REO, or is vacant as a result of the relinquishment of occupancy, possession, or control by a mortgagor and those claiming by, through, or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property is abandoned, including:

- (1) Violation of the weed regulations as set forth in chapter. 42, art. III of this Code or the weed regulations set forth in Wis. Stats. §§ 66.0407 and 66.0517.
- (2) Accumulation of newspapers, circulars, flyers, or mail.
- (3) Past-due utility notices.
- (4) Accumulation of junk, litter, trash, or debris.
- (5) Absence of window treatments, such as blinds, curtains, or shutters.
- (6) Absence of furnishings and personal items.
- (7) Statements by neighbors, delivery agents, or similarly situated persons that the property is vacant.
- (8) Any of the items specified in Wis. Stats. § 846.102(2).
- (9) Violation of the minimum standards for buildings and structures set forth in chapters. 18 and 19 of this Code.
- (10) Broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
- (11) Graffiti has not been removed from the buildings, structures, or equipment on the property as required by [section 66-194](#) of this Code.
- (12) The buildings, structures, or premises are otherwise dilapidated, deteriorated, or create a dangerous condition.
- (13) Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to [section 82-109](#) of this Code.
- (14) Any real property located in the city, whether vacant or occupied, that is encumbered by a mortgage in default, that is subject to an ongoing foreclosure action by the mortgagee or trustee, that is subject to an application for a tax deed or pending tax assessor's lien sale, or that has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

Anchorage means secure in a manner that provides positive connection.

Accessible structure means a building that is accessible through a compromised door, wall, window, or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.

Accessory building/structure means a detached Building or Structure on the same lot, with and of a nature customarily incidental and subordinate to the principal Building or Structure or use of the land, specifically including, but not limited to, canopies, tents, trailers, a child's playhouse, a garden house, a green house, a garage, a carport, a shed, fence or retaining wall. means a detached building, not used as a dwelling unit but which is incidental to that of the main building and which is located on the same lot.

Addition means new construction whereby an existing building or structure, or building or structure in the course of construction, is increased in area or cubical content.

Agent means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.

Alteration means a substantial change or modification other than an addition or repair to a dwelling or to systems involved within a dwelling.

Appliance means a piece of equipment or machine usually operated electrically, especially for use in the home or for performance of domestic chores, specifically including, but not limited to, ovens, washing machines, clothes- drying machines, dish washers, refrigerator, or freezer.

Approved means acceptable to the code official. "Approval" is not to be construed as an assumption of any legal responsibility including for the design, material, device, or method of construction.

Area, as applied to dimensions, means the maximum horizontal projected area of a building, structure, room, apartment or open space, not including overhangs.

Attic means a space, not suitable for human occupancy, under the roof and above the ceiling of the topmost story of any building or part thereof.

Authorized contact person means a person designated by the property owner to be contacted regarding related enforcement issues for the subject property. The property owner may be listed as the authorized contact person, except where the owner's residency is not within the State of Wisconsin. The owner shall authorize the city to serve any legal process on the authorized contact person and service shall have the same effect as having served the owner.

Balcony means a landing or porch projecting from the wall of a building.

Basement means that portion of a building that is partly or completely below grade.

Bathroom means a room containing plumbing fixtures including a toilet, sink, bathtub, or shower.

Bedroom means a room or space used or intended to be used for sleeping purposes.

Building means that which is built or constructed, an edifice of any kind, or any part thereof. The term also includes canopies.

Chief building inspector means the chief building inspector of the city or the authorized representative thereof.

Clerk means the city clerk of the city or the authorized representative thereof.

Close/closed/closing means to vacate, cease operation or use. Secure means to prevent entry contrary to this Chapter.

Code official means the director of city development, the Neighborhood Enhancement Division employees, the chief building inspector, the public health officer, or their designee.

Commercial means arranged, designed, used or intended to be used for nonresidential occupancy.

Dead bolt lock means a lock with a single cylinder, minimum one-inch throw, case-hardened cylinder guard, all metal parts and tie screws facing the inside of the home only.

Debris means ashes, rubbish, trash, combustible and noncombustible waste materials, paper, cartons, scrap wood, rubber, scrap tires, scrap leather, tree branches severed from the tree and laying on the ground, accumulated Yard trimmings, metal cans, scrap metals, scrap glass or construction material.

Domicile means the owner's true, fixed, and permanent residence, and that to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. The domicile address shall not be a post office box or similar depository.

Dwelling means a building which is designed or used or is intended to be used as a residence or place of abode.

Dwelling unit means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping and cooking.

Endanger(s) safety means to injure or damage any person or property, or the life, health and safety of any person.

Enforcement action means the arrest, the issuance of a citation or written warning, or the issuance of an order to correct code violations taken against any person associated with the premises

Entity means the legal owner of the property and includes the mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract vendee or buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, a corporation, or other property ownership type.

Equipment means all piping, ducts, vents, control devices and other components of systems that are permanently installed and integrated in the Structure to provide control of environmental conditions, plumbing, electrical and heating systems, handicap accessible doors, and other systems specifically regulated in this chapter, but does not include appliances.

Exterior property means the open space on the premises and on adjoining property under the control of the owners or operators of such premises.

Extermination means the control and elimination of an infestation by poison spraying, fumigating, trapping or by any other pest elimination methods approved by the code official; by controlling harborage; and by removing or making inaccessible materials that serve as food.

Fixture means any object attached to a property as an apparatus or appliance.

Foreclosure means the process prescribed by Wis. Stats. Chapter 846 and the process for nonjudicial sale authorized by a power of sale clause in a mortgage.

Foundation means the supporting structure as a whole, below the lowest floor upon which rests the superstructure of a building or structure.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Good repair means maintained in a clean manner free from material defect.

Good working condition means capable of performing the task for which it was designed and in the manner intended by this chapter.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, hallways and closets.

Habitability violation means the existence in a residential rental dwelling unit any of the following conditions: lacks hot or cold running water; the heating facilities serving the property

are not in safe operating condition, are not capable of maintaining a temperature in all living areas of the unit of at least 67 degrees Fahrenheit during all seasons of the year in which the property may be occupied; the 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; 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; is not served by plumbing facilities in good operating condition; is not served by sewage disposal facilities in good operating condition; lacks working smoke detectors or carbon monoxide detectors; is infested with rodents or insects; or contains excessive mold.

Health officer means the public health administrator of the city or the authorized representative thereof.

Historic building means any building or Structure that is one or more of the following:

- (1) Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
- (2) Designated as historic under an applicable state or local law.
- (3) Certified as a contributing resource within a National Register or state or locally designated historic district.

Imminent danger means a condition which could cause serious or life-threatening injury or death at any time.

Impervious to water means constructed of concrete, cement block, terrazzo, brick, tile or other material approved by the code official and having tight-fitting joints, and prohibiting the movement of water.

Infestation means the presence within or contiguous, to a structure or premises of insects, rodents, vermin or other pests.

Lot means a parcel of land, occupied or to be occupied by not more than one principal or main building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this article or other codes, and having its principal frontage upon a street.

Mortgage means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.

Mortgagee means the person or entity that lends money to a borrower for the purpose of purchasing a piece of real property or the person or entity to which the mortgage has been granted or assigned, excluding governmental entities.

Mortgagor means the person or entity that obtained a mortgage to purchase or refinance a

piece of real property.

Nonresidential means arranged, designed, used or intended to be used for an occupancy that is not residential in nature.

Occupancy means the use of a structure.

Occupant means any individual having lawful occupancy, who is living, or sleeping or working in a structure or having or exercising possession of a space within a structure, whether or not a tenant.

Open and accessible structure means a structure which has no barrier to unlawful entry.

Operator means any person, other than the owner, who has charge, care and control of a structure or premises, including maintenance responsibility, which is rented or offered for occupancy.

Owner means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to property, including the guardian of the estate of any such person, and the executor or administrator of the estate by such person if ordered to take possession of real property by a court.

Owner-occupied means the owner's residence and domicile is the on the subject property.

Person. means any individual, corporation, partnership or any other group acting as a unit.

Persons associated with premises means any person who, whenever engaged in a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises, or person present on a premises, including, without limitation, any officer, director, owner, operator, manager, customer, resident, guest, visitor, agent, employee, or any independent contractor of a property, or person in charge of a premises.

Premises means any lot, whether or not improved with a principal or accessory building. When a lot is improved with a structure, the lot and structure shall be jointly referred to as premises.

Real estate owned or *REO* is property owned by a lender, such as a bank, that has not been successfully sold at a foreclosure auction.

Registration form or *the form* means the form developed, disseminated, and used by the City of Racine to collect registration information from owners of residential rental dwelling units. This form shall be made available on the city's website and paper copies made available at both the city clerk and chief assessor's offices.

Residential means arranged, designed, used or intended to be used as a residence or place of abode.

Residential property means a property used in whole or in part for residential purposes, including single-family, two-family, and multifamily dwelling, mixed-use commercial and residential structures, but not residential condominium units.

Residential rental dwelling unit means a structure or part of a structure, home, residence, or living area occupied by a single person or family, or any grounds or other facilities or area occupied for the use of a residential tenant.

Responsible person means the owner, operator or manager of any structure or premises.

Retaining wall means a wall that is built with the purpose of holding or that actually holds back a mass of earth or water.

Rodent or insect harborage means any buildings, structures, items, or anything else that provides, or tends to provide, rodents or insects refuge from frequent molestation or disturbance. Examples include (1) an outdoor trash or recycling container that has holes in the container material, an open or improperly closed lid, or that is otherwise accessible to rodents or insects, or (2) deteriorated Buildings or Structures with access points for rodents or insects; however, the definition of a rodent or insect harborage is not limited to other applications similar to these examples.

Roof covering means the exterior roof cover or skin of the roof assembly, consisting of membrane, panels, sheets, shingles, tiles, or other materials designed as roofing materials.

Room means a space within a building or structure completely enclosed with walls, partitions, floor and ceiling except for necessary openings for light, ventilation, ingress and egress.

Rooming unit means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Sale means to transfer any ownership interest in a dwelling except by mortgage. The sale or transfer 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. Transfer and conveyance have the same meaning as sale for the purposes of this chapter.

Scrap metal refers to its general definition, without regard to whether the metal is suitable or intended for reprocessing or recycling.

Secure. When used with respect to a structure, the term means configured or arranged to prevent unauthorized entry or access.

Servicing company means a person or entity that provides services to the mortgagee or to an agent of a mortgagee, including debt servicing, collection of payments, administration of escrow and insurance accounts, managing loss mitigation, foreclosing, and securing and managing properties on behalf of the mortgagee or the mortgagee's agent.

Smoke pipe means a connector between the solid or liquid fuel-burning appliance and the chimney.

Storm window means a durable, framed, supplementary window that seals tightly against the window frame and prevents the entrance of outside air into the structure.

Structure means any existing principal building, whether or not inhabited or inhabitable, and any existing accessory building, such as a garage, which is not inhabited or inhabitable. Structure may also be included within the meaning of premises, as indicated by the context.

Tenant means a person occupying a rented premises.

Unfit means a structure that is unfit for habitation, occupancy, or use because of the degree to which the structure is dilapidated, in disrepair or lacks maintenance; that is unsanitary, has an infestation, contains filth and contamination; that contains habitability violations; or that lacks adequate ventilation, illumination, sanitary (including, but not limited to, running water) facilities or equipment, or heating facilities or equipment, smoke detectors, carbon monoxide detectors, electrical facilities or fixtures or equipment, plumbing facilities or fixtures or equipment, sewage systems or equipment, or endangers safety due substantial non-compliance with this chapter.

Unsafe equipment means any equipment within the structure or servicing the structure which is in such disrepair or condition that such equipment is unsafe for operation and use.

Unsafe structure means a structure that endangers safety for reason that it is in imminent danger of failure or collapse, or a part of it has failed or collapsed, or it is in a condition of decay or dilapidation, or it has the presence of explosives, explosive fumes or vapors, toxic fumes, gases or materials, is the subject of the operation of unsafe equipment, or in substantial non-compliance with this chapter.

Vacant means a building that lacks the habitual presence of human beings who have a legal right to be on the premises and/or a building or portion thereof that is unsecure, unsafe, unsanitary, uninhabitable, collapsed, dilapidated, a fire hazard, not maintained, and/or without a utility.

Ventilation means the natural or mechanical process of supplying conditioned or nonconditioned air to, or removing such air from, any space.

Weather tight means sealed against the elements, with no light showing from any exterior opening except windows.

Window means a glazed opening in an exterior wall, including glazed portions of doors, within a conditioned space.

Workerlike means work executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work and in accordance with generally accepted professional procedures and construction standards.

Yard means an open space on a lot improved with a Structure.

Zoning ordinance means the City of Racine Zoning Ordinance.

ARTICLE II. – SCOPE AND ADMINISTRATION

Sec. 19-03. – General.

- (a) *Scope.* The provisions of this chapter shall apply to all existing residential and nonresidential structures and all premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; determine the responsibility of owners, operators, and occupants; regulate the occupancy of existing structures and premises, and provide for the administration and enforcement of this chapter and provide for penalties for conviction of violation of this chapter.
- (b) *Intent.* This chapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the occupancy and maintenance of structures and premises. The establishment and enforcement of minimum residential and nonresidential property maintenance standards is necessary to preserve and promote the public interest and protect private property. This includes, among others, the protection of physical, aesthetic and monetary values. Existing structures and premises that do not comply with these provisions shall be altered or repaired by the responsible person to provide compliance with this chapter.
- (c) *Responsibility.* The responsible person shall maintain the premises in compliance with this chapter. A person shall not occupy a premises, or permit another person to occupy a premises that does not comply with the requirements of this chapter. Occupants of a premises are responsible for caring for and maintaining in a clean, safe, and sanitary condition that part of the premises that they occupy and control. All responsible persons shall be jointly and severally responsible for securing compliance of their premises with this chapter.
- (d) *Severability.*
 - (1) If any provision of this chapter is, for any reason, held to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this chapter, which shall remain in full force and effect
 - (2) If the application of any provision of this chapter is for any reason held to be an invalid application to a particular premises or structure by any court of

competent jurisdiction, such provision shall continue to apply and remain in full force and effect to any premises or structure not specifically included in said judgment.

Sec. 19-04. – Applicability.

- (a) *General.* The provisions of this chapter shall apply to all matters affecting or relating to existing structures and to premises, as set forth herein. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. The provisions of this chapter do not apply to the construction occurring pursuant to a valid building permit.
- (b) *Conflict.* In any case where a provision of this chapter is found to be in conflict with a provision of the zoning ordinance or Code the provision which established the higher standard for the protection of the public health, safety and welfare shall prevail.
- (c) *Responsibility for maintenance.* Except as otherwise specified herein, each responsible person or tenant where the tenant is identified as responsible in the chapter shall be responsible for the maintenance of structures and premises under this chapter and subject to penalty for conviction of any violation of this chapter.
- (d) *Prior regulations.* Equipment, systems, devices and safeguards required by a previous state law, ordinance or code under which the structure was constructed, altered or repaired or premises developed, shall be maintained in good repair and in good working condition. The requirements of this chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in good repair and in good working condition in structures.
- (e) *Application of other ordinances.* Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code or the zoning ordinance. Repairs, additions or alterations to a structure, shall be done in accordance with the procedures and provisions of state law and Chapter 18 of the Code. Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the zoning ordinance.
- (f) *Existing remedies.* The provisions in this chapter shall not be construed to abolish or impair existing remedies of the city or its officers or agencies under state laws or other ordinances relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary or the abatement of public nuisances.
- (g) *Workerlike.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workerlike manner and installed in accordance with the manufacturer's installation instructions.

- (h) *Historic buildings.* The provisions of this chapter shall apply to structures designated by the federal government, state, or city as historic buildings. Any work to said structures shall also comply with Chapter 58, Chapter 114, Article V, Division 5, Subdivision 1, and Wis. Stats. § 101.121.
- (i) *Referenced statutes, ordinances, codes and standards.* The statutes, ordinances, codes, and standards referenced in this chapter shall be incorporated herein by reference and be a part of the requirements of this chapter to the prescribed extent of each such reference and include amendments, renumbering and successor acts.
- (j) *Requirements not covered by this code.* Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the code official, subject to a right of appeal under section 19-13.

Sec. 19-05. – Code official.

- (a) *Code official.* The code official shall have the authority to exercise the powers and duties of the position specified in this Code
- (b) *Code of conduct.* The code official, in administering and enforcing this chapter, shall abide by the City of Racine’s Code of Ethics.

Sec. 19-06. – Powers and duties of code officials.

- (a) *General.* The code official shall administer and enforce this chapter. The code official shall have the authority to render interpretation of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.
- (b) *Inspections.* The code official has the power to inspect premises and structures to determine compliance with this chapter. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties. The code official may authorize other city department heads to exercise any authority given to the code official under this chapter; the subject matter of any such authority granted to another department head becomes part of their official responsibilities. The code official and any department head with the foregoing authorization are authorized to delegate their authority under this chapter to employees in their departments; this authority to delegate expressly includes the authority to issue and be named in citations and complaints.
- (c) *Consensual right of entry.* The code official is authorized to enter structures or premises, at reasonable times, with the expressed or implied consent of the owner, operator, or occupant, to conduct administrative interior and exterior inspections

for administration and enforcement of this chapter and licensing/permitting purposes specified in other ordinances. If entry is refused or not obtained, the code official is authorized to pursue recourse to obtain entry as provided by law.

- (d) *Complaint based inspection.* Upon receipt of a written or verbal complaint, the code official may inspect or cause to be inspected the dwelling or dwelling unit which is the subject of the complaint. Such inspection shall be for the purpose of determining whether or not the condition of the dwelling or dwelling unit complies with the standards set forth in this article.
- (e) *Complainant record.* Any inspection of a rental property or rental unit upon a complaint from an inspector or other employee or elected official of the city, shall document a record of the name of the person making the complaint, the nature of the complaint, and any inspection conducted upon the complaint.
- (f) *Cooperation.* Every owner, operator, and occupant of a premises shall cooperate with and facilitate reinspections of premises at reasonable times pursuant to reasonable notice by the code official to determine code compliance with an order to repair. Failure by said owner, operator, or occupant to cooperate with and facilitate such reinspections by the code official shall be a violation of this chapter.
- (g) *Obstruction.* No owner or operator of a premises may deny the code official the right to enter and inspect any portion thereof under the control of an occupant where such occupant has consented to said entry and inspection.
- (h) *Denial of entrance.* No occupant of a premises may obstruct the owner thereof from complying with any order(s) of the code official made under authority of this chapter. Obstruction includes the denial of entry into a premises at reasonable times pursuant to reasonable notice.
- (i) *Identification.* The code official shall carry city issued identification when entering and inspecting premises in the performance of their duties under this chapter and display such identification, when asked.
- (j) *Notices, citations, and orders.* The code official may, as necessary, issue notices, citations, and orders to responsible persons and tenants, where relevant, to obtain compliance with this chapter.
- (k) *Department records.* The director of the code official's department, or designee, is responsible for keeping official records of all business and activities of the code official specified in the provisions of this chapter in accordance with state and city record keeping requirements.

Sec. 19-07. – Approval of alternative materials, methods, and equipment.

- (a) *Modifications.* Whenever there are practical difficulties involved in achieving strict

compliance with the provisions of this chapter, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes enforcement of the strict letter of this chapter impractical and the modification will be in compliance with the intent and purpose of this chapter and that such modification does not lessen health, life and fire safety protection.

- (b) *Alternative materials, methods and equipment.* The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any method of construction or equipment not specifically prescribed by the Code, provided that any such alternative has been approved, as hereinafter provided. An alternative material or method of construction or equipment may be approved where the code official finds that the proposed alternative complies with the intent of the provisions of this chapter, and that the material, method, or equipment proposed is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

Sec. 19-08. – Notice of violation and order to repair.

- (a) *Notice of violation and order to repair.* Whenever the code official determines that there has been a violation of this chapter, a notice and order shall be given to the responsible person or tenant, where applicable, in the manner and form prescribed in this chapter.
- (b) *Form.* Such notice and order shall:
 - (1) Be in writing.
 - (2) Include a statement of the violation with reference to the applicable provision(s) of this chapter.
 - (3) Contain an order to repair and allow a reasonable date certain for the violation to be corrected.
 - (4) Be served upon the responsible person or tenant, where relevant.
- (c) *Method of Service.* Such notice and order shall be deemed to be properly served if personally served or if sent by first class mail to the responsible person or tenant where applicable.
- (d) *Public Information.* Notices and orders may be posted on the city web page for purposes of public information.

Sec. 19-09. – Reinspection fees.

Where orders have been issued to correct violations under this chapter and additional

inspections are made necessary by reason of the person's failure to make timely repairs as specified in the notice provided, a reinspection fee as determined by the budget and stated on the applicable fee schedule as established by the common council shall apply for each reinspection.

Sec. 19-10. – Enforcement of violations.

- (a) *Violations.* It shall be a violation of this chapter for any responsible person or tenant, where relevant, to fail to timely comply with any of the provisions of this chapter.
- (b) *Prosecution of violation.* If the order to repair is not complied within a timely manner, the code official may initiate the appropriate proceeding at law or in equity to restrain, correct or abate such violation, and to require the removal or termination of the unlawful occupancy of the premises.
- (c) *Enforcement authority.* The code official has the authority to issue and be named in citations or complaints regarding such ordinances and may designate such other person who may also issue and be named in citations or complaints regarding such ordinances.

Sec. 19-11. – Penalties.

- (a) *Bond amount.* Unless expressly stated otherwise in this chapter, any person charged with a violation of this chapter may pay a deposit of \$400 plus costs in lieu of a court appearance for each violation.
- (b) *Forfeiture.* Unless expressly stated otherwise in this chapter, any person convicted of a violation of this chapter may be subject to a forfeiture of not more than \$1,000.00 and the costs of prosecution for each violation.
- (c) *Continuing violation.* Unless otherwise provided, each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.
- (d) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business or utilization of the structure or premises.

Sec. 19-12. – Administrative appeal

- (a) *Aggrieved person.* Unless otherwise provided in this chapter, a person whose rights, duties, or privileges are adversely affected by a determination of a code official under this chapter has standing to request a review of the decision under this section.

- (b) *Exception.* This section does not apply to persons whose rights, duties, or privileges are adversely affected subject to the issuance of a citation or summons and complaint filed in a municipal court or court of record.
- (c) *Date of notice.* For purposes of this section, notice is deemed served on the second day after the date of mailing by first class mail.
- (d) *Request for review of determination.* Any person aggrieved may have a written or oral determination made by a code official under this chapter reviewed by written request mailed or delivered to the director of community development within 15 days of notice to such person of such determination. If a request for review is made under this subsection, the determination to be reviewed shall be termed an initial determination. The request for review shall state the ground(s) upon which the person aggrieved contends that the initial determination should be modified or reversed.
- (e) *Review of initial determination.* The director of community development or his or her designee shall review the initial determination within 15 days of receipt of the request for review. The director of community development or his or her designee may affirm, reverse, or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the director of community development or his or her designee's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right and process by which to appeal the decision on review.
- (f) *Appeal of decision on review.* Any person aggrieved may appeal from the decision on review by filing with or mailing to the director of community development or his or her designee written notice of appeal within 15 days of notice to such person of such decision on review. The notice of appeal shall state the ground(s) upon which the person aggrieved contends that the decision on review should be modified or reversed.
- (g) *Hearing on appeal.* Not more than 30 days from receipt of the notice of appeal, the due process board shall convene for a hearing on the appeal. The city shall serve the appellant with notice of such hearing by mail or personal service at least seven days before such hearing. At the hearing, the parties may present evidence, call and examine witnesses, and cross examine witnesses of the other party.
- (h) *Final determination.* Within ten days of the completion of the hearing, the due process board shall mail or deliver to the appellant its written final determination to affirm, reverse, or modify the decision on review and therein shall state the reasons therefor. The final determination shall advise the person aggrieved of the right to judicial review of the final determination.
- (i) *Judicial review.* Any party to a proceeding resulting in a final determination may seek judicial review within 30 days of notice to such party of such final

determination.

- (j) *Governing procedure.* The city elects not to be bound by Wisconsin Statutes chapter 68 for purposes of this section.
- (k) *Enforcement stayed.* Enforcement of the initial determination shall be stayed pending appeal of the initial determination, decision on review, or final determination.

Secs. 19-13 – 19-100. – Reserved.

ARTICLE III. – GENERAL REQUIREMENTS

DIVISION 1. – EXTERIOR PREMISES

Sec. 19-101. – Exterior storage.

All exterior property, including the abutting right-of-way, lawn park areas, and open porches and decks, shall be maintained by the responsible person in an orderly manner. All exterior storage shall be of weather-proof and water-proof material or stored in a weather-proof or water-proof container with lid.

Sec. 19-102. – Prohibited Exterior Storage.

- (a) The following items are expressly prohibited:
 - (1) Motor vehicle, boat, airplane, and recreational vehicle parts.
 - (2) Tires, excluding tires that are secured and used as swings, playground equipment, sandboxes, and, if at least half of the tire is buried in the ground, planters.
 - (3) Building materials that have not been integrated into the structure for thirty (30) days.
 - (4) Household furniture not designed for exterior use.
 - (5) Appliances, furnaces, water heaters, water softeners, furniture, or storage drums.
 - (6) Exterior storage of materials and equipment on residentially zoned property that are used in Commercial activities.
 - (7) Accumulation of brush, fallen trees, or a part thereof, or other similar items.

- (8) Scrap metal.
- (9) Any item that presents an unreasonable danger to other properties, pedestrians, or occupants.
- (10) Inoperable machinery.
- (11) Any rodent or insect haborage.
- (12) Signs that are not in good working condition or that are unreasonably weathered, faded, cracked, or peeling paint.
- (13) Rock, sand, gravel, dirt, mulch, and other landscaping items that have not been integrated into the landscaping within thirty (30) days.
- (14) Items stored on trailers must be covered with a tarp or in a container with lid. No garbage, trash, scrap metal, or other debris may be stored on a trailer except for the purpose of transporting these items, and in no case may they be stored on a trailer longer than twenty-four (24) hours prior to transportation.

Sec. 19-103. – Unpaved lawn park areas.

The unpaved public lawn park areas abutting private property between the curb and lot line shall be maintained by the abutting property owner in conformance with [section 82-2](#).

Sec. 19-104. – Grading and drainage.

All premises shall be graded and maintained to divert water away from any principal building.

Sec. 19-105. – Walkways, stairs, driveways, and parking facilities.

All walkways, stairs, driveways, and parking facilities shall be maintained in good repair.

Sec. 19-106. – Firewood storage.

Firewood, for personal use only, may be kept on residentially zoned or used property. It shall be stored as permitted in [section 42-32](#).

Sec. 19-107. – Accessory buildings/structures.

All accessory buildings and structures, including windows and doors which are a part thereof, shall be maintained structurally sound and in good repair.

Sec. 19-108. – Fences.

All fences shall be maintained in good repair, be structurally sound and plumb. Fence surfaces shall be free of rust, corrosion, deterioration, decay, missing parts, and peeling, flaking and chipped paint. Wood surfaces other than decay-resistant wood must be protected from the elements and decay by painting or other protective covering or treatment. Fences shall not be of a type prohibited by the zoning ordinance.

Secs. 19-109 – 19.200. – Reserved.

DIVISION 2. – EXTERIOR STRUCTURE

The exterior of a structure shall be maintained by the responsible person in accordance with this division.

Sec. 19-201. – Exterior surface repair and preservation.

All exterior walls and surfaces, including, but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair. All exterior surfaces shall be kept clean and free from decay, unsanitary conditions (including, but not limited to, mold and mildew), missing parts, serious cracking, irregularities, and peeling, flaking and chipped paint. Flaking and chipping paint, when removed, shall be collected and stored in containers and disposed of in accordance with federal and state law. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and affected surfaces treated and repainted in a workerlike manner. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All surface repairs shall be completed to closely match the existing surface color and texture.

Sec. 19-202. – Building numbers.

All building numbers shall be in conformance with the requirements set forth in section 18-777.

Sec. 19-203. – Structural members.

All structural members shall be maintained structurally sound, in good repair, and be capable of safely supporting the imposed loads.

Sec. 19-204. – Foundation walls.

All foundation walls shall be maintained structurally sound and free from open cracks

and breaks, in good repair, and shall be kept in such condition so as to prevent the entry of rodents.

Sec. 19-205. – Exterior walls.

All exterior walls shall be maintained structurally sound, free from holes, breaks, loose or rotting materials, in good repair, and maintained weatherproof. Responsible persons shall not remove any door or window in a residential dwelling, except to cover up a door or window not required for light or ventilation by removing existing trim, installing framing as necessary and siding to match the existing siding. All repairs shall be completed in a workerlike manner to match the existing materials, architecture and colors. The owner is required to obtain the approval of the code official for methods used to cover up any windows or doors in commercial, manufacturing, or industrial buildings as provided in this section.

Sec. 19-206. – Roofs and drainage.

Roofing, soffits, eaves, and flashing shall be maintained structurally sound, tight and not have defects that admit water. The roof coverings shall be in good repair and free from missing components. All repairs shall be made to closely match the type and color of the existing roof. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not discharge in a manner that degrades the integrity of a structure. Temporary use of tarpaulins (tarps) are allowed, but shall not be used as a permanent solution when a roof structure is leaking. Tarps are limited in use for thirty (30) days. The limitation on time can be extended when proof of a contract is presented to the code official.

Sec. 19-207. – Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. Any missing parts shall be replaced with matching parts.

Sec. 19-208. – Overhang extensions.

All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.

Sec. 19-209. – Stairways, decks, porches, ramps, and balconies.

Every exterior stairway, deck, porch, ramp, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and balconies shall be installed in accordance with the requirements of the Wisconsin Admin. Code SPS chs. 321 and 362 as amended.

Sec. 19-210. – Handrails/guardrails.

Every handrail and guardrail shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Handrails and guardrails shall comply with the Wisconsin Admin. Code SPS chs. 321 and 362 as amended.

Sec. 19-211. – Chimneys, towers, and antennas.

All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 19-212. – Windows.

Every window, storm window, skylight and screen window, including the frames shall be kept in sound condition, good repair and weathertight.

- (a) *Glazing.* All window glazing materials shall be maintained free from cracks and holes.
- (b) *Openable Windows.* Every window, other than a fixed window, shall be easily openable, capable of being held in position by existing window hardware, and have locking devices in good repair and good working order.
- (c) *Insect Screens.* During the period from April 15 to October 15, every openable window, every door and other outside openings required for ventilation of habitable rooms, food preparation areas, food service areas, and any area where products to be included or used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with tightly fitting screens of not less than sixteen (16) mesh per square inch and every swinging door shall have a self-closing device in good repair and good working condition. The use of half screens or interior type temporary screens is permitted if compliant with the requirements of this section.
- (d) *Storm Windows.* All exterior windows shall have storm windows installed and maintained to prevent excessive drafts and heat loss no earlier than October 15, but no later than November 15, annually, except where permanent and openable or where the prime sash is a double or triple-glazed sash.

Sec. 19-213. – Doors.

All exterior doors, door assemblies and hardware shall be maintained in good working

condition, in good repair, and weather tight.

- (a) *Door viewer.* Each main entrance door into a dwelling and dwelling unit shall contain an approved door viewer, except where a window in the door, or a window adjacent to the doorway, provides a clear view of the entrance.
- (b) *Door type and hinges.* Doors leading into each dwelling and dwelling unit shall be of solid-core type or insulated steel construction, equipped with door hinges so arranged as to be inside the dwelling or dwelling unit or with locking pin hinges.
- (c) *Deadbolt locks.* All doors leading into each dwelling and dwelling unit shall have a keyed deadbolt lock with a minimum one-inch throw, which is operable with a key on the exterior side of the door and a knob on the interior side of the door. The deadbolt strike plate shall be held in place by no less than two and one-half-inch screws. Sliding patio doors shall have an approved secondary locking device; e.g., locking pins or two (2) by fours (4) of proper length. Locks of all types shall be in good working condition and good repair.
- (d) *Egress.* From a structure or dwelling unit, all means of egress shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort except in institutional settings with prior approval of the code official.

Sec. 19-214. – Security maintenance.

All building security locks and related intercom communication systems shall be maintained and kept in good working condition and good repair.

Sec. 19-215. – Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water, in good repair and in good working condition.

Sec. 19-216. – Basement windows.

Every basement window shall provide protection against the entry of rodents, be in good working condition and be in good repair.

Secs. 19-217 – 19-300. – Reserved.

DIVISION 3. – INTERIOR STRUCTURE

The interior of a structure and appliances therein which were provided by the responsible person shall be maintained by the responsible person in compliance with this Section.

Sec. 19-301. – Interior wall, ceiling, and floor surfaces, and repairs.

All interior wall, ceiling, and floor surfaces, including, but not limited to, windows and doors, shall be maintained in good repair. All surfaces shall be free from serious cracking, irregularities and peeling, flaking and chipped paint. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

Sec. 19-302. – Structural members.

All structural members shall be maintained structurally sound, in good repair, and be capable of supporting the imposed loads.

Sec. 19-303. – Bathroom floors, walls, and ceiling.

Every bathroom floor, wall and ceiling surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such surfaces to be easily kept in a clean and sanitary condition.

Sec. 19-304. – Stairs and walking surfaces.

All interior stairs, ramps, balconies, porches, decks and other walking surfaces shall be maintained in a structurally sound condition, in good repair, with proper anchorage and capable of supporting the imposed loads. Stairways shall comply with the Wisconsin Admin. Code SPS chs. 321 and 362 as amended.

Sec. 19-305. – Handrails and guardrails.

Every handrail and guardrail shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Handrails and guardrails shall comply with the Wisconsin Admin. Code SPS chs. 321 and 362 as amended.

Sec. 19-306. – Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened, in good repair, and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Sec. 19-307. – Facility, fixture, cabinet, equipment, appliance, and utility installation and maintenance.

Every facility, fixture, cabinet, piece of equipment, appliance and utility shall be so constructed, installed and maintained so that it will be in good repair and in a good working condition. Any facility, fixture, cabinet, piece of equipment or appliance not in good working condition, which is supplied by the responsible person, shall be

repaired, removed, or replaced by the responsible person. It shall be the responsibility of the tenant or occupant to maintain supplied facilities, fixtures, cabinets, equipment, appliances and utilities, in a clean and sanitary condition when contained within the tenant's/occupant's dwelling unit.

Sec. 19-308. – Sanitary conditions.

The responsible person shall maintain the common areas of their premises in a clean, safe and sanitary condition. occupants (including owner occupants and tenants) of a premises shall be responsible for caring for and maintaining in a clean, safe, and sanitary condition that part of the premises which they occupy and control.

Sec. 19-309. – Freedom from dampness.

Every dwelling and dwelling unit shall be maintained reasonably free from dampness.

Sec. 19-310. – Infestation and extermination.

- (a) *Infestation.* All structures shall be kept free from infestation. All structures with infestation shall have the infestation exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (b) *Responsibility for extermination.* The responsible person for any structure shall be responsible for extermination. For buildings with three or fewer dwelling units, including single-family dwellings, the entire building shall be treated. Buildings with four or more dwelling units shall, at minimum, have the infested dwelling unit treated, as well as the dwelling units immediately above, below, and to all sides—regardless of whether there is a hallway separating them—of the infested unit
- (c) *Extermination.* If extermination is ordered by the code official, extermination shall be performed by a State of Wisconsin licensed exterminator. Effective extermination shall continue until the infestation is eliminated. The responsible person shall submit completed extermination reports from the licensed exterminator to the code official.
- (d) *Health department rules.* The health officer is empowered to establish by health department rule such other and further measures and regulations as are deemed necessary for the administration of this section.
- (e) *Appeal.* A person adversely affected by an order from a code official under this subsection may appeal under section article II, section 19-12 unless the order is from a health officer or designee. An order under this section from a health officer may be appealed under chapter 54, section 3.

Secs. 19-311 – 19-400. – Reserved.

ARTICLE IV. – PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Sec. 19-401. – General.

- (a) *Responsibility.* The responsible person of the structure shall provide and maintain plumbing systems facilities, and fixtures in compliance with this article.
- (b) *Prohibition.* A person shall not occupy or permit another person to occupy any structure that does not comply with the requirements of this article.
- (c) *Maintaining sanitary sewer and water service.* No responsible person may cause any sanitary sewer or water service to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies beyond the control of the responsible person.
- (d) *Maintaining fixtures.* Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 19-402. – Required facilities.

- (a) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, bathroom sink and kitchen sink which shall be maintained by the responsible person in good repair, in good working condition, and in a sanitary condition. The bathroom sink shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink may not be used as a substitute for the required bathroom sink. All dwellings must have running water to maintain clean and sanitary conditions of their interiors.
- (b) *Privacy.* Bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided by the responsible person for all bathrooms.

Sec. 19-403. – Plumbing systems and fixtures.

- (a) *Fixtures.* Fixtures shall be properly installed in good repair, in good working condition, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.
- (b) *Plumbing system hazards.* Plumbing systems shall be properly installed in good repair, in good working condition and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which designed. The plumbing system in a structure shall not constitutes a hazard to the occupants or

the structure by reason of inadequate service, inadequate venting, cross-connection, back siphonage, improper installation, deterioration or damage or for similar reasons.

Sec. 19-404. – Water supply system.

- (a) *Water supply source.* Every sink, lavatory, bathtub or shower, toilet, drinking fountain, laundry facility or other plumbing fixture shall be properly connected to either a public water supply system or to a state or city approved private water system and shall be supplied with hot or tempered and cold running water in accordance with the state plumbing code.
- (b) *Free from contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (c) *Adequate supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) *Water heating facilities.* Every dwelling unit shall have water heating facilities properly installed in good repair, good working condition, and maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, toilet and laundry facility at a temperature of not less than one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Celsius). A gas-burning water heater may not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Sec. 19-405. – Sanitary sewer and treatment system.

- (a) *System connection.* All plumbing fixtures shall be properly connected to either a public sewer and treatment system or to a state or city approved private sewage treatment system.
- (b) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall be maintained in good repair, good working condition and function as designed and be kept free from obstructions and leaks.

Secs. 19.406 – 19.500. – Reserved.

ARTICLE V. – MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 19-501. – General.

- (a) *Responsibility.* The responsible person of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with this Article.
- (b) *Prohibition.* A person shall not occupy or permit another person to occupy any structure that does not comply with the requirements of this chapter. No responsible person shall cause any mechanical or electrical service, facility or equipment which is required under this Code to be removed from, shut off from or discontinued from any occupied dwelling or dwelling unit rented or occupied by him/her, except for temporary interruption as may be necessary while actual repairs are in process, or during such temporary emergencies when discontinuance of service is approved by the code official.

Sec. 19-502. – Heating facilities and equipment.

- (a) *Facilities and equipment required.* Heating facilities and equipment shall be provided in structures by the responsible person as required by this article.
- (b) *Residential occupancies.* Dwellings and dwelling units shall be provided with heating facilities and equipment capable of maintaining a room temperature of sixty-seven (67) degrees Fahrenheit in all habitable rooms, and bathrooms.
- (c) *Heat Supply.* Every responsible person for any structure who rents one (1) or more dwelling units, either expressed or implied, shall furnish to the occupants thereof, a permanently attached heating system capable of maintaining a temperature of not less than sixty-seven (67) degrees Fahrenheit in all habitable rooms and bathrooms. Unless the lease provides otherwise, the owner of the property is responsible to provide heat. Portable space heaters may not be used as the main heat supply. Underwriters' Laboratories listed portable space heaters may be permitted as a temporary source of heat only while the main heat supply is being repaired.
- (d) *Central heating system requirements.* Every central heating system shall comply with the Wisconsin Admin. Code chs. SPS 323, 363, and 364 when applicable. It shall also comply with the following requirements:
 - (1) The central heating system shall be in good repair and good working condition.
 - (2) Every seal between the sections of a warm air furnace shall be tight, so noxious gases will not escape into heat ducts.

(e) *Permanently attached space heaters.* Every permanently attached space heater shall comply with the Wisconsin Admin. Code chs. SPS 323, 363, and 364, when applicable, and with all of the following requirements:

- (1) No space heater burning solid, liquid or gaseous fuels shall be a portable type.
- (2) Every space heater burning solid, liquid or gaseous fuels shall be properly vented in accordance with manufacturer's instructions.
- (3) Every coal burning or oil burning space heater shall have a fire-resistant panel beneath it.
- (4) The location of space heaters, the insulation of walls and ceilings close to such heaters and the construction, installation and guarding of smoke pipes and walls or ceilings through which they go shall meet the requirements of applicable state law and city ordinances.

Sec. 19-503. – Electrical facilities.

- (a) *Facilities required.* Every occupied structure shall be provided by the responsible person with an electrical system in compliance with the requirements of this Section.
- (b) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Sec. 19-504. – Electrical equipment.

All electrical equipment, wiring and appliances shall be properly installed and maintained in good repair, in good working condition, and be capable of performing the intended function. No loose cords or loose extension lines in excess of six feet in length shall be permitted and no ceiling or wall fixture shall be used for supply and power to equipment other than that for which they are designed.

Secs. 19-505 – 19-599. – Reserved.

ARTICLE VI. – FIRE SAFETY REQUIREMENTS

Sec. 19-601. – Smoke detectors.

The responsible person shall install and reasonably maintain smoke detectors outside of each separate sleeping area in the immediate vicinity of

the bedrooms and on each additional story of the dwelling unit, including basements and excluding crawl spaces and unfinished attics.

Sec. 19-602. – Carbon monoxide detectors.

The responsible person shall install and reasonably maintain a minimum of one (1) carbon monoxide detector in a dwelling

Sec. 19-603. – Number of exits.

Every dwelling, and dwelling unit shall have direct access to at least two (2) accessible unobstructed means of egress or stairways above the first floor, one (1) of which must lead to an open public street, alley, or court connected to a street.

Sec. 19-604. – Security for means of egress.

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

Sec. 19-605. – Unobstructed passageways.

Stairways, passageways, doors, windows, fire escapes or other means of egress shall be kept open and unobstructed. Exterior exits shall be unobstructed.

Sec. 19-606. – Hazardous materials.

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention ode.

Sec. 19-607. – Fuel oil tanks.

Abandoned fuel oil tanks shall be referred to the fire prevention bureau for review and disposition.

Sec. 19-608. – Fire doors.

All required fire doors shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

Secs. 19-609 – 19-700. – Reserved.

ARTICLE VII. – RESPONSIBILITIES OF TENANTS

Sec. 19-701. – Cleanliness.

No occupant of a dwelling or rooming unit shall fail to maintain, and upon departure, to leave that part of the dwelling and premises thereof, including basement facilities, that the occupant occupies and controls and that is provided for the occupant's use, in a clean and sanitary condition, free of litter and debris.

Sec. 19-702. – Solid Waste Disposal and Containers.

The occupant of a dwelling unit shall dispose of all solid waste located in such dwelling or dwelling unit in a clean and sanitary manner, by placing it in containers as specified in [section 78-50\(d\)](#). The occupants of each single-family dwelling and the owner or operator of each dwelling accommodating two or more families shall provide containers as specified in [section 78-50\(d\)](#) or a dumpster unit as approved by the health officer.

If an occupant, owner or operator has been issued orders for failure to properly store their solid waste as defined in [section 78-1](#) twice within a 12-month period, that party shall be ordered to obtain and properly use a storage container conforming to the requirements of [section 78-50\(d\)\(1\)](#) and shall be prohibited from using containers as described in [section 78-50\(d\)\(2\)](#).

Sec. 19-703. – Animals.

- (a) No occupant shall keep any animals or pets in a dwelling or rooming unit, or on any premises in such a manner as to create unsanitary conditions, including without limitation, accumulation of excrement.
- (b) All animal waste product accumulations must be removed from animal housing and yard areas every 24 hours and properly stored and disposed of with solid waste as proved in [section 78-46](#) or by disposing in the sanitary sewer.

Sec. 19-704. – Fixtures.

- (a) Every occupant of a dwelling unit shall keep all plumbing fixtures and heating facilities supplied by the owner or operator in good operating condition and free from damage, ordinary wear and tear excepted.
- (b) Every occupant of a dwelling unit shall keep all smoke detectors supplied with the proper type of batteries if such smoke detectors require batteries.

Sec. 19-705. – Property Damage.

No person shall willfully or wantonly damage, mutilate or deface any part of the residential real estate, or fixtures, furnishings or equipment, supplied by the owner or

operator of any dwelling unit. Property damage in excess of \$250.00 shall be prima facie evidence of willfully or wantonly caused damages.

Secs. 19.706 – 19.800. – Reserved.

ARTICLE VIII. – RENTAL EMPOWERMENT AND NEIGHBORHOOD TENANT SERVICES (RENTS)

DIVISION 1. – RESIDENTIAL RENTAL PROPERTY MANAGEMENT

Sec. 19-801. – Scope; applicability.

This subchapter governs minimum requirements for management of residential rental properties.

Sec. 19-802. – Minimum acceptable practices.

The owner of any residential rental property shall manage the property in accordance with the minimum acceptable management practices described in this section. Failure to comply with any of these practices may constitute a violation of this article. The owner of the residential rental property shall:

- (a) Comply with Wis. Admin. Code ch. ATCP 134 which is hereby adopted by reference and made a part of this article as if fully set forth herein.
- (b) Remove from the premises solid waste; abandoned, nuisance and junked vehicles; and other nuisances prior to action by the city.
- (c) Prevent reoccurrence of building code violations such that identical or similar code violation orders are not issued within any 18-month period.
- (d) Prevent an excess number of police and fire calls by acting promptly to eliminate the nuisance activities on the premises which generate such calls. For purposes of this subsection, "excess number of police and fire calls" shall mean more than three calls per ten rental units in any one-month period concerning nuisance activities. Calls for medical assistance and ambulances shall not be included when determining compliance with this requirement.
- (e) Adopt and enforce rules of conduct for tenants and their guests. Such rules shall take into account activities on and use of the property which affect the comfortable enjoyment of the building by the tenants and the health, safety and welfare of owners and residents of surrounding properties. At a minimum, these rules shall require compliance with municipal, state and federal laws.
- (f) Prevent trespassing and prowling on the premises, as regulated by the Code.

- (g) Prohibit and eliminate ongoing illegal activities such as prostitution and drug dealing on the premises, as documented by arrests for such activities at the property.
- (h) Provide tenants with the name and telephone number of the person to be contacted when tenants have service requests and complaints.
- (i) Designate, for all rental buildings, an operator or other responsible person who can be contacted within 24 hours and who shall respond to requests and complaints from tenants or public safety services within a reasonable period of time with affirmative action.
- (j) Maintain a current list of the names of all tenants authorized to live in the building or buildings. Upon request, such list shall be made available to public safety personnel within 24 hours.

Sec. 19-803. – Penalties.

Except as set forth in section 19-804, the penalties provided in section 19-11 shall apply to any person found in violation of this article. In imposing penalties for violations of this article, the court may consider whether the violator voluntarily agrees to attend the landlord training class.

Sec. 19-804. – Suspension of duty to pay rent.

- (a) *Deposit in escrow.* Notwithstanding any other provision of law or any agreement, whether oral or written, if an owner of a residential rental dwelling unit fails or neglects to comply with an order from a code official to correct a habitability violation, then upon the expiration of the time given in an order to correct those violations, the code official who issued the order to correct, upon application of the tenant, may authorize the tenant, as of the date of application, to deposit rental payments into an escrow account designated by the finance director. Notwithstanding the foregoing, a tenant shall not be authorized to withhold rent if the only violation is a non-habitability violation, or if the tenant has rent for that property that is unpaid past the due date. It shall be an affirmative defense to a rent withholding under this section to show that the damage or condition on which the violation is based is caused by negligence or improper use by the tenant.
- (1) The tenant may commence rental deposits into the escrow account after the order is past due and upon authorization by the code official provided that payment is made prior to expiration of a five-day pay or quit notice or service of a 14-day termination notice given by the lessor under Wis. Stats. chapter 704.
- (2) The owner or authorized contact person shall be notified of rent escrow deposit authorization by the code official by first class mail or email, if the

owner has previously provided an email address on a city property registration form, within five days of said authorization.

- (b) *Escrow account.* The finance director is authorized to create a special revenue fund for the purpose of depositing rental payments collected which shall be held in an escrow account and released as set forth in subsection (f).
- (c) *Appeal from tenant authorization by owner.* Tenant authorization to deposit rental payments into an escrow account pursuant to this section shall be stayed if an appeal of rent escrow deposit authorization is made by the owner to the due process board within ten days of the date of the authorization to withhold rent notification.
 - (1) The due process board shall have the power to affirm or reverse the authorization of rent escrow deposit or require the return to the owner all or part of the rent paid to the city escrow account or postpone to a future date the commencement of rent escrow deposit. The due process board may determine which, if any, of the habitability violations was caused by the act or omission of the tenant and make a specific finding of such fact. Such finding shall not relieve the owner or agent from the duty to correct violations of the building code, fire code, health code, or a combination thereof in a timely manner.
 - (2) The due process board shall authorize rent escrow deposit under this section in such instances to continue only until violations are certified as corrected by the code official. If a rent payment shall become due during the pendency of an appeal, the tenant shall deposit the rental payment into the escrow account designated by the finance director when due.
 - (3) If the due process board does not authorize continued rent escrow deposit, all money deposited in the escrow account due to lessor shall be paid to the lessor without deduction of administrative fees from the account. If the due process board does authorize continued rent escrow deposit, administrative fees as herein authorized shall be deducted by the city prior to the making of any other disbursements.
- (d) *Receipt of rent withheld.* Upon acceptance of rent, the finance director shall cause a receipt to be mailed certified mail, return receipt mail requested, or equivalent private delivery service, to the owner or authorized contact person, which will serve as a notice that rent has been paid. Within five days of the due date, if rent remains unpaid, notice of nonpayment will be mailed to the owner or authorized contact person by certified mail, return receipt requested, or equivalent private delivery service.
- (e) *Deposit by tenant.* The right of the tenant to deposit rental payments into the escrow account established by this section shall not preclude or adversely affect in any way the right of the property owner to use any of the rights and remedies

provided by the laws of the State of Wisconsin pertaining to the relationship of owner and tenant, including, but not limited to, commencing eviction proceedings after notice of nonpayment of rent has been sent. The city has no responsibility for the collection of rent which is not paid when due.

(f) *Release of funds.* Monies deposited in the escrow account shall be released as follows:

(1) *During pendency of rent escrow deposit.* Monies deposited in the escrow account, during pendency of escrow deposit:

(a) Shall be retained in an amount as set forth in the fee schedule established by the common council to cover administration expenses for the following purposes:

(1) A fee to establish the account, to be assessed only after rent escrow deposit has been authorized by the code enforcer.

(2) A fee, payable each month, to maintain the account if no transaction occurs during the month.

(3) A fee per transaction made by the finance director from the escrow account.

(4) A fee to close the account.

(b) Shall be released at the discretion of the finance director to pay utilities where the utility costs are included as part of the rent.

(c) May be released at the discretion of the finance director or official officer to reimburse any city department or to pay any private contractor hired by the city, for the costs of razing the building, closing or securing vacant and open dwelling units, and the cutting of long grass and weeds.

(d) May be released at the discretion of the code official to the owner or authorized contact person upon presentation of itemized receipts for reasonably necessary work completed at the direction of the code enforcer.

(2) *After completion of required repairs.* After all repair orders of the code official that formed the basis for the rent escrow deposit are complied with to the satisfaction of the official, the code official after applicable deductions under this section, shall release all remaining funds that had been deposited by the tenant for that lessor, to the owner or authorized contact person. The finance director shall make payment to owner or authorized contact person by check within a reasonable time in the due course of business.

(g) *Exemptions.* The following are exempt from rent escrow deposit as provided for under this section:

- (1) Owners of owner-occupied one and two-family residential classified properties, including owner-occupied condominium units.
- (2) Government-owned properties, including federal, state, county, City of Racine, Racine Area School District, Racine Water and Wastewater Properties, Gateway Technical College Properties, and property owned by public utilities where ownership is recorded with the Racine County register of deeds.
- (3) Owners of jails, convents, monasteries, parish rectories, parsonages, and similar facilities where the ownership is recorded with the Racine County Register of Deeds.
- (4) Owners of nursing homes, hospitals, and community-based residential facilities.

(h) *Prosecution.* Use of rent escrow deposit shall not prohibit the city from prosecuting violations of the code relating to the property.

(i) *Violation.* It shall be a violation:

(1) *Harassment.* For any person to use any provision of this section to harass any other person.

(a) To harass will include, but is not limited to, making spurious complaints to the code enforcer or any other law enforcement official, terminating a tenancy or giving notice preventing the automatic renewal of a lease, or constructively evicting a tenant by any means, including the termination or substantial reduction of heat, water, or electricity to the dwelling unit, or increasing, without good cause, the rent to a unit by more than ten percent over the rental rate in effect at the time during which the tenant applied for rent escrow deposit.

(b) "Good cause" used herein means that the owner must show a good reason for his or her action, other than one related to or caused by the operation of this section or in response to increased costs related to the repair or correction of code violations, including but not limited to normal uniform rental increases due to utility increases or other increased costs to the landlord, or for other bona fide, nondiscriminatory business reason. "Good cause" as used in this section, shall include the nonpayment of rent to the lessor or to the escrow account or the commission of waste.

- (2) *Wrongful acceptance of rental payments.* For any person, contrary to this section, to accept rental payments for premises subject to authorized rent escrow deposit, whether the rental payments are tendered by or on behalf of the tenant occupying the premises at the time rent escrow deposit is authorized or by, or on behalf of, any subsequent or other tenant who occupies the premises during the existence of such rent escrow deposit authorization, shall be in violation of this section. Each payment accepted shall constitute a separate violation.
- (3) *Penalty for violation.* Upon conviction of a violation of this section, any person shall forfeit not less than \$100.00 nor more than \$500.00 plus court costs.

Secs. 19-805 – 19-900. – Reserved.

DIVISION 2. – RESIDENTIAL RENTAL AND COMMERCIAL PROPERTY REGISTRATION PROGRAM

Sec. 19.901. – Findings and purpose.

The common council hereby finds and declares that it is necessary to establish a program of residential rental and commercial property registration to ensure the proper enforcement of the city's building, fire, zoning, and health codes and to safeguard persons, property, and general welfare. The Common Council of the City of Racine has determined that, in order to best safeguard the health, safety, and general welfare of the public and to expeditiously process enforcement issues, it is necessary to maintain a listing of current residential rental and commercial property owner contact information. The Common Council of the City of Racine has further determined that in order to expeditiously process enforcement issues, the property owner shall provide owner contact information and may designate an authorized contact person located within the State of Wisconsin for service of process.

Sec. 19.902. – Registration.

(a) *Property registration.*

- (1) *Registration required.* The following shall file with the city the required registration form provided by the city for registering the property in compliance with this section.
 - (a) The owner of a residential rental dwelling unit located in the city shall file one registration for each tax-key-numbered parcel classified as residential, including properties classified as a vacant lot.
 - (b) The owner of a commercial property located in the city shall file one registration for each tax-key-numbered parcel classified as commercial,

including properties classified as a vacant lot.

- (2) There shall be a fee as set forth in the fee schedule established by the common council to file the initial registration form and to file a new registration form due to a change in ownership pursuant to subsection (4), below.

(b) *Exemptions.* The following are exempt from registering as required under this section.

- (1) Owners of owner-occupied one and two-family residential classified properties, including owner-occupied condominium units.
- (2) Government-owned properties, including federal, state, county, City of Racine, Racine Area School District, Racine Water & Wastewater Properties, Gateway Technical College Properties, and property owned by public utilities where ownership is recorded with the Racine County Register of Deeds.
- (3) Owners of jails, convents, monasteries, parish rectories, parsonages, and similar facilities where the ownership is recorded with the Racine County Register of Deeds.
- (4) Owners of nursing homes, hospitals, and community-based residential facilities.

(c) *Registration information required.*

- (1) The property owner is legally responsible for compliance with the registration requirements of this section and submittal of the required registration form with all required information. Each property owner shall be subject to the penalties set forth in section 19-903 for failure to comply with the requirements of this section.
- (2) The registration form shall be provided by the city on the city's website and paper copies shall be available in both the city clerk's office and the chief assessor's office.
- (3) Information required to be submitted to the city shall be typed or printed legibly and shall include the following:
 - (a) In the case of a person or persons owning the property: legal name of an owner; domicile residence address of owner including street, city, state, zip code, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted. The domicile address shall not be a post office box or similar depository.

- (b) In the case of property ownership by corporation, limited partnership, limited liability partnership, or other similar ownership as registered with the State of Wisconsin: Wisconsin Corporation Identification Number; legal name of entity; legal name of registered agent; domicile residence address of registered agent including street, city, state, zip code, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted. The domicile address shall not be a post office box or similar depository.
 - (c) In the case of a trust, trustee, or life estate holder: Wisconsin Registration Identification Number; legal name of representative; domicile residence of representative including street, city, state, zip code, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted. The domicile address shall not be a post office or similar depository.
 - (d) An authorized contact person: legal name, domicile residence address including street, city, state, zip code, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted. The authorized contact person may be the property owner.
 - (e) The property address and tax-key-number of the property being registered.
- (4) The city's registration form shall allow owners to register multiple units on the same form so long as all units on the form are located on the same tax-key-numbered parcel.
 - (5) Registration information required to be submitted to the city shall be typed or printed legibly on the provided registration form.
 - (6) The completed registration form shall be provided to the city in person or by first class mail to the location or mailing address specified on the form, or may be electronically filed or submitted per the instructions on the form.
- (d) *Registration and changes in information.*
- (1) Initial registration. No later than June 1, 2020, each owner of a property required to be registered by this section shall file the required registration form and pay the required fee.
 - (2) *Change of ownership.* Upon any conveyance of any property required to be registered under this section, the new owner of the property shall file a new

registration form and pay the required fee within 30 days of the conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court confirmation of the sale.

- (3) *Death.* In the event of death of the property owner required to be registered under this section, the subsequent owner shall file a new registration form and pay the required fee within 60 days after conveyance from the estate or other acquisition of interest.
- (4) *Change of contact information.* If any contact information listed on the registration form on file with the city changes, other than ownership events listed in subsections (2) and (3) above, the owner shall file within 30 days of the change of contact information a revised registration form. There shall be no fee to file a revised registration form.

(e) *Violation.*

(1) It shall be a violation:

- (a) Failure to file registration form. For an owner timely to fail to file a required registration form, including an initial registration form, a new registration form, or a revised registration form.
 - (b) Failure to pay registration fee. For an owner timely to pay the required fee upon filing a required registration form, including an initial registration form, a new registration form, or a revised registration form.
 - (c) Knowingly providing false information. For a person, entity, or property owner knowingly to provide false information in any registration form required under this section.
- (2) Every tax-key-numbered parcel for which a person, entity, or property owner is required to file a registration form constituted the basis for a separate offense.
 - (3) Every day upon which a violation occurs or continues constitutes a separate offense.
 - (4) Notice of a violation or violations shall be outlined in written form and served upon the owner of the property by first-class mail to the last known address of the owner. The owner may request a one-time extension for compliance, which will be considered by the code official after receiving a written communication from the owner, authorized contact person/agent, or legal representative stating good cause.

Sec. 19-903. – Penalties.

Penalty for violation. Upon conviction of a violation of this article, any person, entity, or property owner shall forfeit not less than \$100.00 nor more than \$500.00 plus court costs.

Secs. 19-904 – 19-1000. – Reserved.

DIVISION 3. – PROPERTIES PENDING FORECLOSURE REGISTRATION PROGRAM

Sec. 19-1001. – Findings; purpose and scope.

- (a) *Findings.* The Common Council of the City of Racine finds that a significant relationship exists among properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Property owners involved in foreclosure have less incentive to maintain their properties, and properties in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment of properties. Abandoned buildings may become havens for vandalism, arson, and drug crimes, can drain valuable governmental resources, and may create a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection, and aggressive monitoring of properties in the foreclosure process help to stabilize and improve affected neighborhoods, and aid in code enforcement efforts and public safety. A mortgagee that does not register, inspect, secure, and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public health, safety, and welfare.
- (b) *Purpose and scope.* The purpose of this section is to establish a registration program to monitor all real properties pending foreclosure to identify at-risk properties and to regulate the securing and maintenance of abandoned properties in foreclosure. This section is intended to reduce and prevent neighborhood blight; to ameliorate conditions that threaten public health, safety, and welfare; to promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and to maintain property values and assessments. It is declared to be a matter of public policy and an exercise of the city's police power that mortgagees initiating foreclosure proceedings against a property are required to register such status with the city. This registration process will give the city the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the securing and maintenance of property under foreclosure and abandoned property as required in this section, and those responsible for the property inspections required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of property from complying with applicable building codes and ordinances. The owner shall at all times comply with applicable building

codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.

Sec. 19-1002. – Registration

(a) Registration required.

(1) Within five working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee or agent shall register the property in the name of the mortgagee with the clerk on a form or by an electronic process prescribed by the code official, regardless of occupancy. This form or electronic process shall include all of the following:

- (a) Information identifying the property by address and tax key number.
- (b) The mortgagor of record and the mortgagee of record.
- (c) The register of deeds recording document number for the mortgage being foreclosed and the date of recording.
- (d) The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.
- (e) The date of recording of the lis pendens for commencement of the foreclosure proceedings.
- (f) The case number of the foreclosure action and the plaintiff in the foreclosure action.
- (g) The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.
- (h) Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing, and maintaining vacant property as required under this section.

(2) A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this section and who remains subject to the foreclosure proceedings shall register with the city within 30 days of the effective date of this section. The mortgagee or agent shall be subject to the requirements of this section, except for the initial inspection under subsection (d).

(b) *Amendment.* Within 20 days of a change in information for the registration of a

property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee's agent shall file an amended registration with the clerk on a form or by an electronic process prescribed by the code official.

(c) *Termination of registration.*

- (1) To terminate a registration, the mortgagee or the mortgagee's agent shall file a registration termination with the clerk on a form or by an electronic process prescribed by the code official within ten days of either of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
 - (a) A court-confirmed sale of the property in foreclosure with the deed having been issued in the foreclosure proceedings, in a non-arm's length transaction, and the deed or evidence of the deed having been recorded in the register of deeds office.
 - (b) A court order dismissing the foreclosure proceedings and a discharge of the lis pendens having been recorded in the register of deeds office.
- (2) The mortgagee or agent shall provide in the termination filing the register of deeds recording information for one of the following:
 - (a) The deed or the evidence of the deed, as provided in subsection (c)(1)(a).
 - (b) The lis pendens discharge, as provided in subsection (c)(1)(b).
- (3) If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide with the termination filing the register of deeds recording information for the discharge or satisfaction of the mortgage.

Sec. 19-1003. – Inspection of abandoned property.

- (a) *Initial inspection.* Whenever a mortgagee or agent initiates foreclosure proceedings against a property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than 30 days from the date of filing of the foreclosure proceedings. One or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.
- (b) *Periodic inspections.* The mortgagee or agent shall perform a reinspection of the property subject to the foreclosure proceedings at least once every 30 days following the initial inspection until a registration termination is filed. One or more photographs shall be taken at each reinspection and shall be dated and

preserved.

- (c) A mortgagee or agent shall maintain written records, including photographs, of any inspection or reinspection required by this section, and, in the case of abandoned property, records of actions taken under section 19-1005. Written records and photographs of inspection and reinspection shall be made available to the code official upon request.

Sec. 19-1004. – Notification of abandoned property.

If inspection of the property required under section 19-1003 shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within five business days on a form or by an electronic process prescribed by the code official, that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance and secure access, as required in section 19-1005.

Sec. 19-1005. – Duty to secure, maintain, and post abandoned property.

- (a) The property maintenance duties of a mortgagee or agent with an abandoned property shall be limited to the following:
 - (1) Ensuring that there are no accessible structures on the premises.
 - (2) Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety, or welfare, including:
 - (a) Removing or abating fire hazards.
 - (b) Removing or containing potentially toxic materials and explosives.
 - (c) Securing the perimeters of swimming pools, ponds, or other bodies of water.
 - (d) Maintaining public walkways and thoroughfares free from ice, snow, mud, and other debris consistent with the requirements of [ch. 82](#) of this Code.
 - (e) Eliminating weeds and other plant growth consistent with the requirements of [ch. 42](#), art. III of this Code or the weed regulations set forth in Wis. Stats. §§ 66.0407 and 66.0517.
- (b) A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of

subsection (a).

- (c) Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the code official may make a finding that the condition of the property constitutes an immediate threat to public health, safety, and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the code official's order within ten days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any applicable building, health, fire, zoning, or public nuisance ordinance within this Code.
- (d) The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the code official to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Clerk of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Wisconsin, including guidelines related to winterization and heating systems. The code official may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the city of the reasonable costs incurred by the city related to abatement of conditions that are subject to FHA guidelines specified in this subsection, or which are subject to an order under subsection (c) and which threaten public health, safety, and welfare.
- (e) A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:
 - (1) The name, address, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under section 19.1003.
 - (2) That no trespassing is allowed upon the premises without consent of the agent.

Sec. 19-1006. – Fees.

- (a) The fee for registration of property pending foreclosure shall be as set forth in the fee schedule established by the common council and shall be due upon registration.

- (b) The registration form and fee may be transmitted electronically or by any other means to be determined by the code official. The annual registration shall be valid from the date the property was initially obligated to register pursuant to the governing ordinance, the registration form is completed and filed with the clerk or designee and the registration fee is received by the clerk or its designee.
- (c) There shall be no fee for filing an amended registration or for filing a registration termination.
- (d) If the foreclosing or foreclosed property is not registered, or if the registration fee is not paid within 30 days of when the registration or renewal is required pursuant to this section, a later fee equivalent to ten percent of the annual registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

Sec. 19-1007. – Violation.

- (a) It shall be a violation:
 - (1) *Failure to register.* For any mortgagee or agent to fail to register as required under section 19.1002(a), to fail to file an amendment as required under section 19.1002(b), or to fail to file a termination as required under section 19.1002(c).
 - (2) *Failure to inspect.* For any mortgagee or agent to fail to inspect or reinspect a property as required under section 19-1003.
 - (3) *Failure to notify regarding abandoned property.* For any mortgagee or agent to fails to provide notification of an abandoned property as required under section 19-1004.
 - (4) *Failure to secure and maintain abandoned property.* For any mortgagee or agent having a duty to register abandoned property to fail to secure and maintain the property as required under section 19-1005.
 - (5) *Failure to maintain records or to post signage.* For any mortgagee or agent to fails to maintain or provide records required in section 19-1003, or to post signage as required in section 19-1005.
- (b) Any mortgagee or agent who violates this section shall be jointly and severally responsible
- (c) Each and every day that an offense continues constitutes a separate offense.

Sec. 19-1008. – Penalties.

- (a) *Failure to register or to file amendment.* Any mortgagee or agent who violates section 19-1007(a)(1) shall forfeit not less than \$500.00 nor more than \$2,000.00 plus court costs.
- (b) *Failure to inspect.* Any mortgagee or agent who violates subsection section 19-1007(a)(2) shall forfeit not less than \$250.00 nor more than \$1,000.00 plus court costs.
- (c) *Failure to notify regarding abandoned property.* Any mortgagee or agent who violates section 19-1007(a)(3) shall forfeit not less than \$500.00 nor more than \$2,000.00 plus court costs.
- (d) *Failure to secure and maintain abandoned property.* Any mortgagee or agent who violates subsection section 19.1007(a)(4) shall forfeit not less than \$8,500.00 nor more than \$2,500.00 plus court costs.
- (e) *Failure to maintain records or to post signage.* Any mortgagee or agent who violates section 19-1007(a)(5) shall forfeit not less than \$100.00 nor more than \$500.00 plus court costs.

Secs. 19-1009 – 19-1100. – Reserved.

DIVISION 4. – RESIDENTIAL RENTAL INSPECTION PROGRAM

Sec. 19-1101. – Findings; purpose and scope.

- (a) *Findings and purpose.* The Common Council of the City of Racine finds that it is necessary to establish a program of regularly scheduled, systematic inspections of residential rental dwelling units within neighborhood stabilization and enhancement districts within the city to ensure that those units provide safe, decent, and sanitary living conditions for tenants living in the residential rental dwelling unit and to prevent further deterioration of those units. The common council finds that a significant percentage of code complaints and violations occur at residential rental dwelling units and that the conditions that exist at these units adversely affect the occupants, as well as the neighbors and neighborhoods in which they are located. This ordinance is enacted to encourage property owners who own and operate residential rental dwelling units to exercise their responsibility to ensure that the city ordinances governing the condition and maintenance of residential rental dwelling units are followed to protect the health, safety, and welfare of the public and prevent blighted conditions in city neighborhoods.
- (b) *Residential property inspection program.*
 - (1) The City of Racine hereby establishes a program of regularly scheduled inspections of all residential rental dwelling units located within neighborhood stabilization and enhancement districts in the city. The neighborhood

stabilization and enhancement areas shall be defined in accordance with state statute, and the common council shall adopt the districts by resolution.

(2) *Exemptions.* The following are exempt from the residential property inspection program:

- (a) Owner-occupied one and two-family residential classified properties, including owner-occupied condominium units.
- (b) Government-owned properties, including federal, state, county, City of Racine, Racine Area School District, Racine Water and Wastewater Properties, Gateway Technical College Properties, and property owned by public utilities where ownership is recorded with the Racine County register of deeds.
- (c) Jails, convents, monasteries, parish rectories, parsonages, and similar facilities where the ownership is recorded with the Racine County register of deeds.
- (d) Nursing homes, hospitals, and community-based residential facilities.
- (e) Residential rental dwelling units that are less than eight years old.

Sec. 19-1102. – Circumstances.

Inspections shall only be conducted:

- (a) In an occupied dwelling unit with consent from an adult tenant or adult designee present at the time of the inspection;
- (b) In a vacant dwelling unit with consent from the owner or owner's agent who is present at the time of the inspection; or
- (c) Upon obtaining a special inspection warrant pursuant to Wis. Stats. § 66.0119.

Sec. 19-1103. – Program inspection.

- (a) If pursuant to a program inspection no habitability violation is discovered, then the city may not perform a program inspection for at least five years.
- (b) If pursuant to a program inspection a habitability violation is discovered and the violation is corrected within a period of 30 days, then the city may not perform a program inspection for at least five years.
- (c) If pursuant to a program inspection a habitability violation is discovered and the violation is not corrected within 30 days, then the city may

require a program inspection annually.

- (d) If pursuant to an annual program inspection, no habitability violation is discovered for two consecutive annual program inspections, then the city shall not perform a program inspection for at least five years.

Sec. 19-1104. – Inspection upon complaint.

- (a) If pursuant to an inspection conducted upon a complaint and a habitability violation is discovered that is not corrected within a period of 30 days, then the city may conduct an annual inspection pursuant to the program.
- (b) If pursuant to an annual program inspection, no habitability violation is discovered for two consecutive annual program inspections, then the city shall not perform a program inspection for at least five years.

Sec. 19-1105. – Imminent danger.

The city may provide a period of less than 30 days for the correction of a habitability violation so long as the violation exposes a tenant to imminent danger.

Sec. 19-1106. – Extension for good cause.

The city shall provide an extension to the period for correction of a habitability violation upon a showing of good cause so long as the violation does not expose a tenant to imminent danger, in which case such extension shall not be granted.

Sec. 19-1107. – Notification.

The city shall provide the property owner with notice of a habitability violation that contains a specification of the violation and the exact location of the violation that is sent via first-class mail to the registered property owner at the registered address.

Sec. 19-1108. – Fees.

The code official and the fire department are authorized to charge an inspection fee and/or a reinspection fee for program inspections as set forth in the fee schedule established by the common council. Inspection fees shall be collected as a special charge as provided in Wis. Stats. § 66.0627, and entered on the tax roll if unpaid, or may be collected in any other manner allowed by law. The enactment of this ordinance shall constitute notice to property owners of such charge. It shall be a violation of article VIII, division 5 for any owner or owner's agent directly or indirectly to impose upon any tenant any such property inspection or reinspection fee.

Sec. 19-1109. – Inspection requests.

All properties in the city, including residential rental dwelling units, shall remain subject to inspection requests. The code official and the fire department shall continue to inspect residential rental dwelling units based on tenant or resident requests or complaints.

Sec. 19-1110. – Remedies.

- (a) The remedies provided in this section are not to be construed to be exclusive of any other remedy under the municipal code, including but not limited to the prohibition on retaliation set forth in article VIII, division 5, and the code official and police department may take further actions to ensure compliance with this section including but not limited to seeking injunctive relief and obtaining inspection warrants.
- (b) Nothing in this section shall be construed to limit the authority of the department of building inspection and the department of public health to perform housing inspections in accordance with this Code or enforcing any other provision of state or federal law.

Secs. 19-1111 – 19.1200. – Reserved.

DIVISION 5. – EVICTION OR RETALIATION PROHIBITED

Sec. 19-1201. – Eviction or retaliation prohibited.

No owner, operator, or any person acting as an agent for a landlord, shall retaliate against an occupant because the occupant has reported or threatened to report a violation of the City of Racine Code of Ordinances or nuisance activity to any governmental authority. Retaliation includes, but is not limited to:

- (a) Terminating a tenancy or giving notice preventing the automatic renewal of a lease.
- (b) Constructively evicting an occupant by any means, including the termination or substantial reduction of heat, water, or electricity to the dwelling or dwelling unit.
- (c) Intimidate or actively discourage a tenant and/or persons associated with a tenant, or threaten to do the same, from reporting nuisance activities or code violations to appropriate city departments.
- (d) No non-owner occupant of premises that become the subject of activity by any city department under this section shall be evicted or retaliated against for having notified a department of the existence of such conditions or for having been the occupant at the time the code enforcer took such action.

- (e) Increasing charges, directly or indirectly to impose upon any tenant any property inspection or reinspection fee, reduce services, refuse to renew a rental agreement,

Sec. 19-1202. – Rebuttable presumption.

It shall be a rebuttable presumption that any act or attempt by an owner, operator, or any person acting as an agent for a landlord to initiate any of the aforesaid unlawful activities within six months of notification of the nuisance activities or code violations is done in retaliation and is void and is subject to a forfeiture of not less than \$100.00 nor more than \$2,000.00 for each such act or attempt.

In order to overcome such presumption, it must be shown by a preponderance of the evidence that such acts were based upon good cause. "Good cause" used herein means that the landlord must show a good reason for his or her action, other than one related to or caused by the operation of this ordinance or in response to increased costs related to the repair or correction of code violations, including but not limited to normal uniform rental increases due to utility increases or other increased costs to the landlord, or for other bona fide, nondiscriminatory business reason. This section shall not be read to prevent owners from exercising their rights to evict a tenant consistent with local, state, and federal landlord tenant laws.

Sec. 19-1203. – Exceptions.

Such an occupant may be evicted for his or her failure to pay rent, or if the occupant commits waste upon the property, or if the occupant commits a substantial violation of a written rental agreement.

Secs. 19-1204 – 19-1300. – Reserved.

ARTICLE IX. – UNSAFE STRUCTURES AND EQUIPMENT

Sec. 19-1301. – Closing of structure and equipment.

If a structure is found by a code official to be unsafe, unfit for occupancy, unlawfully occupied, contains unsafe equipment, or present an unreasonable risk of injuring the health or safety of any occupants, the code official is authorized to order the structure and/or unsafe equipment closed and secured by a date certain. Upon failure of the responsible person to close the structure or unsafe equipment within the time specified in the order, the code official may cause the structure or unsafe equipment to be closed through its employees or agents, or by contract or arrangement by private persons and placarded.

Sec. 19-1302. – Notice and order.

Whenever the code official has ordered the closing of a structure or unsafe equipment, the notice and order shall be posted in a conspicuous place on or about the structure or unsafe equipment affected by such notice and served on the responsible person as prescribed in section 19.08(c).

Sec. 19-1303. – Placarding.

Upon failure of the responsible person served with a Notice and Order to abate, remove and/or close the structure or unsafe equipment in accordance with the order within the time given, the code official shall post on the structure a placard bearing the words unfit for habitation/occupancy, and on unsafe equipment a placard bearing the words unsafe for operation/use.

Sec. 19-1304. – Prohibited occupancy.

Any person who enters, inhabits, or who occupies or uses a placarded structure or operates or uses placarded unsafe equipment, and any responsible person who authorizes or permits anyone to enter, inhabit or occupy or use a placarded structure or operate or use placarded unsafe equipment shall be in violation of this Code. For purposes of performing inspection, replacement, repair, maintenance or restoration work required to bring the structure or unsafe equipment into compliance with this Code, any person may enter, occupy or use any structure, or repair, replace or remove any unsafe equipment which has been closed.

Sec. 19-1305. – Removal of placard.

Any person who defaces or removes a placard without the approval of the code official shall be in violation of this Code.

Sec. 19-1306. – Securing and maintaining vacant buildings.

The responsible person shall secure and maintain the unoccupiable structure as required under article X of this chapter.

Sec. 19-1307. – Emergency measures.

- (a) *Emergency Closing of a Structure.* When, in the opinion of the code official, a structure is unsafe, unfit for occupancy, unlawfully occupied, contains unsafe equipment, or is a vacant building under article X, and there is imminent danger of failure or collapse of a structure, or a part of any structure has fallen and the occupation of the remaining structure will endanger safety, or there is actual or potential danger to the occupants, users or those in the proximity of any structure, the code official is authorized and empowered to order and require the responsible person to close the structure. The code official shall, in such event, cause such structure to be placarded at each apparent and accessible working entrance door, including garage doors, with a placard bearing the words: unfit

for habitation/occupancy. In the event the code official has required a structure to be closed, it shall be unlawful for any person to enter, inhabit, occupy or use such structure, except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, demolishing the structure, or otherwise securing compliance with an order of the code official.

- (b) *Emergency Securing and Repairs.* Notwithstanding any other provisions of this chapter, in the event the code official has required the emergency closing of a structure, or identified an open and accessible structure which endangers safety, the code official may cause the securing of the structure to render such structure temporarily safe, whether or not the procedure described in this Code for providing notices and orders has been instituted; and shall cause such other reasonable action to be taken as the code official deems necessary to meet such emergency. The code official may also employ the necessary labor and materials to perform or cause to be performed emergency repairs as expeditiously as possible.
- (c) *Closing public streets, sidewalks, ways and places.* The code official may temporarily order the authority having jurisdiction to close streets, sidewalks, public ways and public places adjacent to unsafe structures, and prohibit the same from being used while any unsafe structure endangers safety.

Sec. 19-1308. – Appeal.

A person adversely affected by an order from a code official under this article may appeal under section article II, section 19-12 unless the order is from a public health officer or designee. An order under this section from a public health officer may be appealed under chapter 54, section 3.

Secs. 19-1309 – 19-1400. – Reserved.

ARTICLE X. – VACANT BUILDINGS

Sec. 19-1401. – Findings and purpose.

- (a) *Findings.* The common council finds that a significant relationship exists between vacant buildings and increased calls for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Vacant buildings become havens for vandalism, arson, and drug crimes, representing not only a clear drain of valuable governmental resources, but also creating a significant reduction of the quality of life for the surrounding neighborhood. Registration, inspection, and aggressive monitoring of vacant properties helps to stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety. The common council further finds that a property owner that does not register, permit inspection, secure, and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety.

- (b) *Purpose.* The registering, inspecting, securing, and maintaining of vacant buildings is essential for the proper enforcement of the city's building, fire, and zoning codes, and to safeguard persons, property, and general welfare.

Sec. 19-1402. – Property owner requirements.

The owner of any property on which a building has become vacant and requires registration under this article shall:

- (a) *Register.* Register the property as prescribed under section 19-1403.
- (b) *Provide access.* Provide the city with access to the property and building as prescribed under section 19-1405.
- (c) *Meet and maintain.* Meet and maintain the minimum maintenance requirements as prescribed under section 19-1406.

Sec. 19-1403. – Registration required.

- (a) *Registration required.* The owner of any property on which a building has become vacant and requires registration under this article shall, within 30 days after (1) the building becomes vacant, (2) assuming ownership, or (3) the effective date of this ordinance, whichever is latest, file a registration form provided by the city and pay a registration fee as prescribed under this section for each such building.
- (b) *Exemptions.* The following properties or buildings are not subject to this article:
 - (1) Residential condominiums and rental units, unless the vacancy rate of the building that they are situated in exceeds 67%.
 - (2) Property owned by the city of Racine or community development authority.
 - (3) Abandoned residential property pending foreclosure while subject to article VIII, division 3.
 - (4) Property that is vacant because of a natural disaster while subject to emergency response requirements.
 - (5) Property that is part of an estate that is in probate and is not subject to bankruptcy, provided the personal representative or executor resides in the State of Wisconsin.
 - (6) Property undergoing an active renovation or rehabilitation, provided a written plan for such renovation or rehabilitation has been submitted to and approved by the code official. The code official may revoke his or her approval of an exemption under this provision for a violation of any condition or provision of application for such approval, for a violation of any ordinance, law, or lawful order relating to the property, or if in the opinion of the code official, the continuation of the exemption will be contrary to this article's purpose of safeguarding persons, property, and general welfare.
- (c) *Registration form.* The owner of any property on which a building has become

vacant and requires registration under this article shall submit a completed vacant building registration form that is provided by the city and made available both electronically on the city's website and on paper at the department of customer service and office of the city clerk. A completed vacant property registration form shall consist of the following information:

- (1) *Location.* The property address and tax-key-number of the property on which the vacant building being registered is located.
- (2) *Ownership.*
 - a. *By individual.* Legal name of an owner; domicile residence of owner, including street, city, state, and zip code; owner's telephone number; and, if available, owner's electronic mail address.
 - b. *By entity.* Wisconsin Corporation Identification Number; legal name of entity; legal name of registered agent; address of registered agent, including street, city, state, and zip code; agent's phone number; and, if available; agent's electronic mail address.
 - c. *By trust or life estate.* Wisconsin Registration Identification Number; legal name of trustee or representative; domicile residence of trustee or representative, including street, city, state, and zip code; trustee or representative's phone number; and, if available, trustee or representative's electronic mail address.
- (3) *Authorized contact person.* Legal name; domicile address, including street, city, state, and zip code; telephone number; and, if available, electronic mail address.
- (d) *Initial registration fee.* Pay an initial registration fee in the amount set forth in the fee schedule that is established by the common council

Sec. 19-1404. – Renewal registration and renewal fee.

The owner of any property on which a building has become vacant and requires registration under this article shall renew the registration under section 19-1403 for successive 6-month periods for as long as the building remains vacant and shall pay a registration renewal fee in the amount set forth in the fee schedule that is established by the common council

Sec. 19-1405. – Inspection required.

- (a) *Inspection required.* The owner of any property on which a building has become vacant and requires registration under this article and upon each renewal registration thereafter shall provide the code official with access to the property and building to conduct an exterior and interior inspection to determine compliance with section 19-1406.
- (b) *Special inspection warrant.* If the owner of any property subject to subsection (a) does not provide the code official with access to the property or building, the city may apply for a special inspection warrant pursuant to Wisconsin Statutes section

66.0119.

- (c) *Notification.* If pursuant to an inspection under this section the code official finds the property and/or vacant building to be in violation of the minimum maintenance requirements under section 19-1406, then the code official shall send by first class mail to the property owner or, if provided, the authorized contact person a written notification of the violation and order to correct the violation.
- (d) *Correction.* Within 30 days of the date of the mailing of the notification of violation and order to correct, the property owner shall correct the violation.
- (e) *Reinspection fee.* Where the notification of violation and order to correct has been issued under this section and additional inspections are made necessary by the failure to make timely repairs as specified in the notice, a reinspection fee established in the fee schedule that is established by the common council shall apply for each reinspection.

Sec. 19-1406. – Minimum maintenance requirements.

The owner of any property on which a building has become vacant and requires registration under this article shall continuously comply with the following minimum maintenance requirements:

- (a) *Exterior premises maintenance.* Minimum exterior premises maintenance requirements include the following:
 - (1) *Vegetation.* All noxious weeds on the premises shall be kept such as to comply with section 42-58; all trees, plants, or shrubs shall be kept such as to comply with section 102-13(a); and all dead, broken, and/or rotting trees, plants, or shrubs shall be cut and removed.
 - (2) *Snow and ice.* Snow and ice on the premises shall be removed so as to comply with section 82-109.
 - (3) *Solid waste.* Solid waste on the premises shall be removed so as to comply with section 42-31.
 - (4) *Insects and rodents.* No structure, vehicle, receptacle, or object on the premises shall be maintained or operated in any manner such as to allow or contribute to the allowance of rodent or insect harborage.
 - (5) *Standing water.* Water from any source shall not accumulate or stand on the ground on the premises.
 - (6) *Fences and gates.* All fences and gates on the premises shall be in sound condition and good repair.
- (b) *Exterior structure maintenance.* Minimum exterior structure maintenance requirements pertain to the outside of the vacant building and include the following:
 - (1) *Windows and doors.* All windows and doors shall be in sound condition, good

repair, and weather tight, as well as equipped with a locking mechanism that functions properly.

- (2) *Walls*. Exterior walls shall be in good repair, free of holes, breaks, loose or rotting wood, and any other condition that admits to the interior rain, dampness, and/or animals.
 - (3) *Ingress and egress*. All points of ingress and egress shall be secured to prevent unauthorized entry.
 - (4) *Roof*. The roof shall be adequately supported, in good repair, and weather tight.
 - (5) *Rainwater*. Gutters, downspouts, and scuppers shall be in good repair and adequate to redirect rainwater away from the building.
 - (6) *Outdoor areas*. Stairs, steps, porches, verandas, balconies, walks, and/or other outdoor areas shall be in sound condition and good repair.
- (c) *Interior structure maintenance*. Minimum interior structure maintenance requirements pertain to the inside of the vacant building and include the following:
- (1) *Plumbing*. Plumbing pipes and fixtures shall not leak, and water shall be drained or heated to prevent freezing.
 - (2) *Exit doors*. Every exit door shall be secured with an internal locking mechanism and capable of being opened from the inside without the use of a key or special knowledge.
 - (3) *Stairs*. Stairs and staircases shall have treads and risers that are uniform dimensions, are securely fastened, and in sound condition and good repair.
 - (4) *Extermination*. Insects and rodents shall be exterminated consistent with section 19.309.
- (d) *Unsafe or unsecure buildings*. The owner of any property on which a building has become vacant is subject to article IX of this chapter.

Sec. 19-1407. – Penalties.

- (a) *Failure to register*. Any property owner who is subject to registration under this article and fails to register such property under section 19-1403 may pay a deposit of \$2500.00 plus costs in lieu of a court appearance. Upon conviction, the property owner shall forfeit not more than \$5000.00.
- (b) *Failure to provide access for inspection*. Any property owner who is subject to an inspection under this article and fails to provide the city with access to such property or building under section 19-1405 may pay a deposit of \$1000.00 plus costs in lieu of a court appearance. Upon conviction, the property owner shall forfeit not more than \$2000.00.
- (c) *Failure to meet or maintain*. Any residential property owner who is subject to the minimum maintenance requirements under this article and fails to either meet or maintain such minimum maintenance requirements under section 19-1406 may pay a deposit of \$1000.00 plus costs in lieu of a court appearance. Upon conviction, the

property owner shall forfeit not more than \$2000.00.

Secs. 19-1408 – 19-1500. – Reserved.

Part 3: Chapter 18, Article V, of the Municipal Code of the City of Racine is renamed and amended as follows.

ARTICLE V. – LEAD-BEARING PAINT HAZARD PROGRAM

Secs. 18-707 – 18-730. – Reserved.

Part 4: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: Initial registration fees and renewal registration fees as set forth in the fee schedule that is established by the common council.

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.