

****All present are expected to conduct themselves in accordance with our City's Core Values****



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **COMMITTEE OF THE WHOLE**
Date/Time: **Tuesday, November 26, 2013, 5:30 p.m.**
Location: **City Hall (407 Grant Street) - COUNCIL CHAMBERS**
Bill Nagle, Romey Wagner, David Nutting, Jim Brezinski, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke
Members:

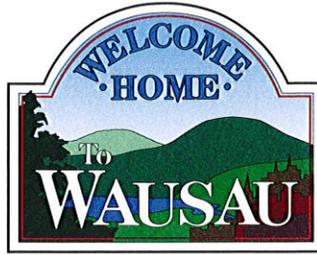
AGENDA ITEMS FOR CONSIDERATION (All items listed may be acted on)

- 1) Consider ordinance creating Section 16.04.039 Residential Rental Licensing
- 2) Authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code 3.40.010 (a)
- 3) Consider ordinance amending Section 16.04.037 Rent Abatement as affected by adoption of Residential Rental Licensing Ordinance
- 4) Update on discussions with Catholic Diocese regarding the construction of a parking ramp on property located on the 100 Block of Grant Street (Church of the Resurrection)

This Notice was posted at City Hall and emailed to the Daily Herald newsroom on 11/22/13

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

Other Distribution: Media, Council, Department/Division Heads



Office of the City Attorney

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

HIGHLIGHTS OF REVISED DRAFT
RESIDENTIAL RENTAL LICENSING ORDINANCE
W.M.C. §16.04.039

- This ordinance provides a program for the licensing of residential rental units in the City of Wausau. The program will be administered by the City's Division of Inspection and Zoning.
- The ordinance makes it unlawful for an owner of a dwelling unit to lease that unit to another person unless the owner has a valid residential rental license.
- Annual license fees are proposed at:

\$30.00	Single dwelling unit
\$60.00	Duplex (per structure)
\$30.00 per building plus \$15.00 per unit	3 or more dwelling units in one building
- The ordinance will not apply to rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, hotels, motels, or properties owned or operated by the City of Wausau or its Community Development Authority. Also added to clarify the exemption at the request of the Public Health & Safety Committee are community-based residential facilities, adult homes, and other facilities licensed or certified by the Wisconsin Department of Health Services.
- The ordinance will not apply to a rented living space with a term of lease which is less than 30 days.
- A waiver from the provisions of the ordinance may be obtained for the rental of a single family residence that is to be leased on a one time basis for a period of six (6) months or less upon approval of the PH&S Committee and the Common Council.
- A license will be issued, among other things, after inspection by the Division of Inspection and Zoning and its issuance of a "Certificate of Compliance." A Certificate of Compliance will be issued after a determination that the observable conditions of the dwelling or dwelling unit conform to the requirements of the municipal code.
- The Division of Inspection and Zoning may issue a provisional license to an owner at its discretion after review of the owner's application for a license and the past code violation history of a dwelling or dwelling unit and the owner. This is an important option particularly during the transition period of the licensing program to allow owners to lease units and permit the City the opportunity to inspect all residential rental units.

- All owners of residential rental units, or the owner's property manager, must take a "Landlord Education Assistance Program (LEAP) in order to obtain the license. Administration of this class will be under the responsibility of the Wausau City Police Department. It designed to be a full day class. The cost of the class is proposed at \$25.00. Further information will be provided on the class by the Police Department.
- Owners must be current on the payment of personal property taxes, judgments, forfeitures and the like pursuant to W.M.C. §3.06.010 before a license will be issued.
- Certificates of Compliance will be valid for three years, thus a unit will only need to be inspected every three years, unless the Division of Inspection and Zoning subsequently finds the dwelling or unit is in violation of the housing, plumbing, electrical, fire, or zoning code, in which case the certificate may be revoked.
- A residential rental license will be valid for one year, from July 1 to June 30 of the following year.
- Neither Certificates of Compliance, nor residential rental licenses will be transferable.
- Residential rental licenses may be revoked, suspended, or non-renewed where, among other things, a Certificate of Compliance is revoked, there is a failure to comply with an order to correct a violation of the municipal code related to the dwelling or unit, a dwelling or unit is designated as a "chronic nuisance," or a landlord is designated as a "chronic nuisance landlord."
- The draft ordinance has been amended to remove the provision that a landlord may not be issued a license if it/he/she has any other dwelling subject to the ordinance which is not properly licensed.
- A residential rental license may be reinstated where it is denied, revoked, or non-renewed for failure to comply with an order of the Division of Inspection and Zoning upon request by the owner and the filing of a new application and payment of relevant fees. Where a license is denied, revoked, suspended or non-renewed for other reasons (for example, refusal to allow inspection, fraud or misrepresentation in the license application, or failure to pay required fees) an owner may not re-apply for a license for one hundred eight (180) days.
- Where a residential rental license is revoked, suspended, or non-renewed, a tenant may be eligible for rent abatement under W.M.C. §16.04.037 for 50 – 75% of the rent.
- Penalties for failing to apply for a residential rental license or renting after revocation, suspension, non-renewal or expiration of a license are proposed at not less than \$100.00 nor more than \$1,500.00 for the first violation; not less than \$500.00 nor more than \$2,000.00 for the second offense; and, not less than \$750.00 nor more than \$3,000.00 for the third or subsequent offense.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF COMMITTEE OF THE WHOLE	
Create Section 16.04.039 Residential Rental Licensing	
Committee Action:	Ordinance Number:
Fiscal Impact:	
File Number:	Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 16.04.039 Residential Rental Licensing, is hereby created to read as follows:

16.04.039 Residential Rental Licensing. (a) Findings. The Wausau City Council has determined that it is necessary to establish a systematic, city-wide program for the inspection and licensing of residential rental dwelling units in the city to ensure that those units provide safe, decent and sanitary living conditions for residents living in the rental units and to prevent deterioration of those units. The City Council finds that a significant percentage of housing code complaints occur at residential rental dwelling units and that the conditions which exist at these units adversely affect the neighborhoods in which they are located and the residents living nearby. This ordinance is enacted to encourage property owners who rent residential dwelling units to exercise their responsibility to ensure that the city ordinances governing the condition and maintenance of housing are followed to prevent blighted conditions in city neighborhoods and to protect the health, safety and welfare of the public.

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

(1) “Chief Inspector” shall include the designee of the Chief Inspector.

(2) “Department” means the City of Wausau Division of Inspection and Zoning.

(3) “Dwelling” means a building which includes one or more distinct living units. It does not include rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, adult home and other facilities licensed or certified by the Wisconsin Department of Health Services, hotels, motels, or properties owned or operated by the City of Wausau or its Community Development Authority.

in (4) “Certificate of Compliance” means a written and signed statement prepared by the Chief Inspector of the Department after an inspection has been made pursuant to this section that the condition of a dwelling or dwelling unit is compliance with the provisions of this municipal code.

(5) “Owner” means any person who alone or jointly or severally with others is the recorded or beneficial owner or has legal or equitable title to any dwelling or dwelling unit, or has charge, care or control of any dwelling or dwelling unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(6) “Person” includes an individual, a partnership, domestic or foreign limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

(7) “Sale, transfer or conveyance” means to transfer any ownership interest in a dwelling except by mortgage. 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.

is (8) “Unit” means any independently rented living space whose term of lease is 30 days or greater.

(c) Residential Rental License Required.

(1) No owner shall lease any dwelling unit to another person unless, at the time the dwelling unit is let, the owner possesses a valid residential rental license issued by the city for the operation of that dwelling unit. Unless a dwelling unit has a valid residential rental license or a provisional residential rental license, no owner of a dwelling or dwelling unit shall permit any person to occupy the dwelling or dwelling unit as a tenant or otherwise.

(2) A residential rental license may be issued upon proof and compliance with the following:

(A) Completion of an application for a residential rental license.

(B) Issuance by the Department of a valid Certificate of Compliance for the dwelling unit to be let.

(C) Completion of the city’s Landlord Education Assistance Program (LEAP) by the owner or owner’s property manager:

(i) On or before December 31, 2015; or

(ii) Within six (6) months of obtaining an initial residential rental license issued by the city.

~~(D) Submission of the information required under section 16.040.030, appointment and registration of agents for residents and nonresidents who~~

~~own rental dwelling units in the city.~~

(E D) Payment of the fees as set forth in section 3.40.010(a). All fees are non-refundable and are not pro-rated for any partial license year.

(3) Each residential rental license is valid from July 1st until the following June 30th. Residential rental licenses are not transferable.

receiving

(4) Any person selling, transferring or conveying an ownership interest in a dwelling or dwelling unit shall expressly inform any person acquiring or an ownership interest in a dwelling or dwelling unit that a residential rental license is required by the city.

(5) The issuance of a residential rental license does not warrant that the dwelling or dwelling unit to which it is issued is free of ordinance violations or otherwise fit for human habitation.

(6) A residential rental license may be denied if the owner of the dwelling or dwelling unit has:

(A) Failed to provide all information required by the application form or has failed to sign the application form.

(B) Has provided false or incorrect information on the application form.

(C) Has refused to allow a Department representative to inspect the dwelling or dwelling unit or has failed to otherwise comply with the inspection provisions of subsection (e).

(D) Has failed to comply with an order to correct any condition in the dwelling or dwelling unit which violates any provision of the municipal code.

(E) Has failed to pay any delinquent charge specified in section 3.06.010.

~~(F) — Has any other dwelling unit subject to this section which is not properly licensed.~~

(d) Application.

(1) An application for a residential rental license shall be filed with the Department on forms provided by the Department within 30 days of July 1 and in the case of any sale, transfer or conveyance of a dwelling unit within 30 days of any such sale, transfer or conveyance. The application shall be signed by the owner and the owner shall provide all information requested on the form which will enable the Department to contact the owner, or at the option of the owner, an agent of the owner, including at minimum the street address of the dwelling or dwelling unit to be inspected, and the owner's legal name, the owner's telephone

~~number and date of birth~~ and shall be accompanied by the fee required in this section.

(2) After review of the application and the past code violation history of a dwelling or dwelling unit and the owner, the Department may issue, at its discretion, a provisional residential rental license pending inspection and issuance of a Certificate of Compliance and residential rental license as provided in this section.

(3) Any application filed after the time provided herein shall be assessed an additional late fee as set forth in section 3.40.010(a).

(e) Inspection.

(1) Upon receipt of an application and payment of the required fee, the Department will conduct an inspection of the dwelling or dwelling unit for compliance with the provisions of the municipal code. If a provisional license is not issued for a dwelling unit, the Department shall make the inspection within 30 days of the date of the completed application unless another date is mutually agreed upon by the Department and owner.

(2) Appointments for inspections shall be scheduled by the Department. The Department shall provide notice of the time and date of the inspection by first class mail to the address provided in the application at least 21 days before the scheduled inspection date.

(3) The owner shall arrange for access to the dwelling unit and all portions the property affected by the rental of the dwelling unit and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant. Failure to provide access to the property and dwelling unit on the agreed inspection date will subject the owner to the fees specified in section 16.04.025 and denial of the residential rental license.

(4) Inspections shall not be conducted:

(A) With a minor as the sole representative of the owner.

(B) Against the will of the tenant without the owner or the owner's agent present.

(C) Without prior notice to the tenant by the owner as required by ~~state~~ law or the lease agreement.

(D) In an occupied dwelling unit without the owner or owner's agent
or tenant being present.

(5) Any municipal code violations identified in the inspection for a residential rental license shall be abated within the time ordered by the Department.

lease (6) The first inspection of a newly constructed dwelling unit intended for
may be waived by the Chief Inspector of the Department for a period of up to 5
years after the issuance of the initial Certificate of Occupancy by the Department.
Such waiver does not relieve the owner of any other obligations of this section or
the municipal code.

(f) Issuance of Certificate of Compliance.

(1) After inspection, the Department shall issue a Certificate of Compliance upon making a determination that the observable conditions of the dwelling or dwelling unit conform to the requirements of the municipal code. The certificate shall specify the date of issuance, the address of the dwelling unit to which it applies and the name of the owner. A certificate is not transferable. The certificate does not grant the owner the privilege of letting the dwelling unit for residential occupancy, but must be accompanied by a valid residential rental license. All violations of the municipal code shall be corrected prior to issuance of a Certificate of Compliance.

(2) A certificate shall be valid for three (3) years. If after issuance of a Certificate of Compliance, the Department subsequently finds the dwelling or unit has conditions which affect safe, decent and sanitary living conditions of persons occupying a dwelling unit or violate the provisions of the housing, plumbing, electrical, fire, or zoning code, the Department may revoke the Certificate of Compliance.

(g) Waiver. A waiver may be given from the provisions of this section for the rental of a single family residence that is to be leased on a one time basis for a period of six (6) months or less upon the written request of the owner to the Public Health and Safety Committee and as may be approved by the Public Health and Safety Committee and the common council in its sole discretion. Such single family residence continues to be subject to all other provisions of the municipal code including the housing, plumbing, electrical, fire and zoning codes.

(h) Revocation, Suspension, or Non-renewal of Residential Rental License.

renew (1) The Chief Inspector of the Department may revoke, suspend, or non-
a residential rental license for violations of this section including:

(A) Failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the municipal code.

(B) Revocation of the Certificate of Compliance.

(C) Fraud, misrepresentation, or false statement contained in the residential rental license application.

(D) Failure to pay any fees required to be paid under this section.

(E) Refusal to allow a Department representative to inspect the dwelling or dwelling unit, or other failure to comply with the inspection provisions of subsection (e).

(F) Designation of the dwelling or dwelling unit as a chronic nuisance premises under section 9.24.070.

(G) Designation of the owner as a chronic nuisance landlord under section 9.24.070.

(2) No owner shall lease a dwelling unit to another person after the residential rental license is revoked, suspended, or non-renewed. Upon revocation, suspension, or non-renewal of a residential rental license, the Department shall immediately notify the tenant(s) of the affected dwelling unit that the owner does not have a rental license and that the tenant may be eligible for rent abatement under section 16.04.037.

(3) Whenever an owner wishes to appeal the decision of the Chief Inspector of the Department to revoke, suspend, or non-renew a residential rental license the owner shall, within ten business (10) days of the notice of the revocation, suspension, or non-renewal, deliver to the city clerk, a written objection, addressed to the Public Health and Safety Committee, stating specific reasons for contesting the decision. Upon receipt of the written objection, the matter shall be placed on the agenda for the Public Health and Safety Committee for a review hearing at the next regular meeting, unless the appeal is filed within four (4) days of the next meeting in which case it shall be heard at the following meeting. The decision of the Public Health and Safety Committee shall constitute a final decision. The city elects not to be bound by Chapter 68, Wisconsin Statutes with respect to administrative procedure in this regard.

(4) If the owner wishes to further contest the determination, he or she may, within thirty (30) days of receiving the written decision of the Public Health and Safety Committee seek a review of the decision by certiorari.

(i) Reinstatement of Residential Rental License. Where a residential rental license was denied, revoked, or non-renewed for failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the municipal code, an owner may seek reinstatement of the residential rental license upon the filing of a new application for the dwelling unit and payment of a reinstatement fee as set forth

in

section 3.40.010(a) in addition to the application fee. Where a residential rental license was denied, revoked, or non-renewed for any reason other than failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit, the owner may not re-apply for a residential rental license for one hundred eighty (180) days from the date of the denial, revocation, suspension or non-renewal. A residential rental license that has been suspended may be reinstated upon compliance with the requirements of the Chief Inspector of the Department which formed the basis of the suspension and payment of the reinstatement fee.

(j) Remedies and Application of Other Provisions.

(1) The remedies provided in this section are not to be construed to be exclusive of any other remedy under the municipal code, and the Department may take further actions to ensure compliance with this section including but not limited to seeking injunctive relief, obtaining inspection warrants.

(2) Nothing in this section limits, impairs, alters or extends the rights and remedies of persons in the relationship of landlord and tenant that exists under applicable law.

(3) Nothing in this section shall be construed to limit the authority of the Department to perform housing inspections in accordance with this code or enforcing any other provision of state or federal law.

(k) Penalty.

(1) Any owner failing to apply for a residential rental license for a dwelling unit or who lets a dwelling unit to another person after the residential rental license is revoked, suspended, non-renewed or expired, shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,500.00 for the first violation; not less than \$500.00 nor more than \$2,000.00 for the second offense; and not less than \$750.00 nor more than \$3,000.00 for the third or subsequent offense. Each day that a violation continues to exist constitutes a separate offense.

(2) An owner failing to comply with any other provisions of this section shall be subject to the penalties provided in section 16.04.040.

(l) Severability. If any provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF COMMITTEE OF THE WHOLE

Create Section 16.04.039 Residential Rental Licensing

Committee Action:

Ordinance Number:

Fiscal Impact:

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 16.04.039 Residential Rental Licensing, is hereby created to read as follows:

16.04.039 Residential Rental Licensing. (a) Findings. The Wausau City Council has determined that it is necessary to establish a systematic, city-wide program for the inspection and licensing of residential rental dwelling units in the city to ensure that those units provide safe, decent and sanitary living conditions for residents living in the rental units and to prevent deterioration of those units. The City Council finds that a significant percentage of housing code complaints occur at residential rental dwelling units and that the conditions which exist at these units adversely affect the neighborhoods in which they are located and the residents living nearby. This ordinance is enacted to encourage property owners who rent residential dwelling units to exercise their responsibility to ensure that the city ordinances governing the condition and maintenance of housing are followed to prevent blighted conditions in city neighborhoods and to protect the health, safety and welfare of the public.

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

(1) “Chief Inspector” shall include the designee of the Chief Inspector.

(2) “Department” means the City of Wausau Division of Inspection and Zoning.

(3) “Dwelling” means a building which includes one or more distinct living units. It does not include rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, adult home and other facilities licensed or certified by the Wisconsin Department of Health Services, hotels, motels, or properties owned or operated by the City of Wausau or its Community Development Authority.

(4) “Certificate of Compliance” means a written and signed statement prepared by the Chief Inspector of the Department after an inspection has been

in made pursuant to this section that the condition of a dwelling or dwelling unit is compliance with the provisions of this municipal code.

(5) “Owner” means any person who alone or jointly or severally with others is the recorded or beneficial owner or has legal or equitable title to any dwelling or dwelling unit, or has charge, care or control of any dwelling or dwelling unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(6) “Person” includes an individual, a partnership, domestic or foreign limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

(7) “Sale, transfer or conveyance” means to transfer any ownership interest in a dwelling except by mortgage. 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.

is (8) “Unit” means any independently rented living space whose term of lease is 30 days or greater.

(c) Residential Rental License Required.

(1) No owner shall lease any dwelling unit to another person unless, at the time the dwelling unit is let, the owner possesses a valid residential rental license issued by the city for the operation of that dwelling unit. Unless a dwelling unit has a valid residential rental license or a provisional residential rental license, no owner of a dwelling or dwelling unit shall permit any person to occupy the dwelling or dwelling unit as a tenant or otherwise.

(2) A residential rental license may be issued upon proof and compliance with the following:

(A) Completion of an application for a residential rental license.

(B) Issuance by the Department of a valid Certificate of Compliance for the dwelling unit to be let.

(C) Completion of the city’s Landlord Education Assistance Program (LEAP) by the owner or owner’s property manager:

(i) On or before December 31, 2015; or

(ii) Within six (6) months of obtaining an initial residential rental license issued by the city.

(D) Payment of the fees as set forth in section 3.40.010(a). All fees are non-refundable and are not pro-rated for any partial license year.

(3) Each residential rental license is valid from July 1st until the following June 30th. Residential rental licenses are not transferable.

receiving

(4) Any person selling, transferring or conveying an ownership interest in a dwelling or dwelling unit shall expressly inform any person acquiring or an ownership interest in a dwelling or dwelling unit that a residential rental license is required by the city.

(5) The issuance of a residential rental license does not warrant that the dwelling or dwelling unit to which it is issued is free of ordinance violations or otherwise fit for human habitation.

(6) A residential rental license may be denied if the owner of the dwelling or dwelling unit has:

(A) Failed to provide all information required by the application form or has failed to sign the application form.

(B) Has provided false or incorrect information on the application form.

(C) Has refused to allow a Department representative to inspect the dwelling or dwelling unit or has failed to otherwise comply with the inspection provisions of subsection (e).

(D) Has failed to comply with an order to correct any condition in the dwelling or dwelling unit which violates any provision of the municipal code.

(E) Has failed to pay any delinquent charge specified in section 3.06.010.

(d) Application.

(1) An application for a residential rental license shall be filed with the Department on forms provided by the Department within 30 days of July 1 and in the case of any sale, transfer or conveyance of a dwelling unit within 30 days of any such sale, transfer or conveyance. The application shall be signed by the owner and the owner shall provide all information requested on the form which will enable the Department to contact the owner, or at the option of the owner, an agent of the owner, including the street address of the dwelling or dwelling unit to be inspected and the owner's legal name and shall be accompanied by the fee required in this section.

(2) After review of the application and the past code violation history of a dwelling or dwelling unit and the owner, the Department may issue, at its discretion, a provisional residential rental license pending inspection and issuance

of a Certificate of Compliance and residential rental license as provided in this section.

(3) Any application filed after the time provided herein shall be assessed an additional late fee as set forth in section 3.40.010(a).

(e) Inspection.

(1) Upon receipt of an application and payment of the required fee, the Department will conduct an inspection of the dwelling or dwelling unit for compliance with the provisions of the municipal code. If a provisional license is not issued for a dwelling unit, the Department shall make the inspection within 30 days of the date of the completed application unless another date is mutually agreed upon by the Department and owner.

(2) Appointments for inspections shall be scheduled by the Department. The Department shall provide notice of the time and date of the inspection by first class mail to the address provided in the application at least 21 days before the scheduled inspection date.

(3) The owner shall arrange for access to the dwelling unit and all portions the property affected by the rental of the dwelling unit and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant. Failure to provide access to the property and dwelling unit on the agreed inspection date will subject the owner to the fees specified in section 16.04.025 and denial of the residential rental license.

(4) Inspections shall not be conducted:

(A) With a minor as the sole representative of the owner.

(B) Against the will of the tenant without the owner or the owner's agent present.

(C) Without prior notice to the tenant by the owner as required by state law or the lease agreement.

or (D) In an occupied dwelling unit without the owner or owner's agent tenant being present.

(5) Any municipal code violations identified in the inspection for a residential rental license shall be abated within the time ordered by the Department.

lease

(6) The first inspection of a newly constructed dwelling unit intended for
may be waived by the Chief Inspector of the Department for a period of up to 5
years after the issuance of the initial Certificate of Occupancy by the Department.
Such waiver does not relieve the owner of any other obligations of this section or
the municipal code.

(f) Issuance of Certificate of Compliance.

(1) After inspection, the Department shall issue a Certificate of Compliance upon making a determination that the observable conditions of the dwelling or dwelling unit conform to the requirements of the municipal code. The certificate shall specify the date of issuance, the address of the dwelling unit to which it applies and the name of the owner. A certificate is not transferable. The certificate does not grant the owner the privilege of letting the dwelling unit for residential occupancy, but must be accompanied by a valid residential rental license. All violations of the municipal code shall be corrected prior to issuance of a Certificate of Compliance.

(2) A certificate shall be valid for three (3) years. If after issuance of a Certificate of Compliance, the Department subsequently finds the dwelling or unit has conditions which affect safe, decent and sanitary living conditions of persons occupying a dwelling unit or violate the provisions of the housing, plumbing, electrical, fire, or zoning code, the Department may revoke the Certificate of Compliance.

(g) Waiver. A waiver may be given from the provisions of this section for the rental of a single family residence that is to be leased on a one time basis for a period of six (6) months or less upon the written request of the owner to the Public Health and Safety Committee and as may be approved by the Public Health and Safety Committee and the common council in its sole discretion. Such single family residence continues to be subject to all other provisions of the municipal code including the housing, plumbing, electrical, fire and zoning codes.

(h) Revocation, Suspension, or Non-renewal of Residential Rental License.

renew

(1) The Chief Inspector of the Department may revoke, suspend, or non-renew
a residential rental license for violations of this section including:

(A) Failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the municipal code.

(B) Revocation of the Certificate of Compliance.

(C) Fraud, misrepresentation, or false statement contained in the residential rental license application.

(D) Failure to pay any fees required to be paid under this section.

(E) Refusal to allow a Department representative to inspect the dwelling or dwelling unit, or other failure to comply with the inspection provisions of subsection (e).

(F) Designation of the dwelling or dwelling unit as a chronic nuisance premises under section 9.24.070.

(G) Designation of the owner as a chronic nuisance landlord under section 9.24.070.

(2) No owner shall lease a dwelling unit to another person after the residential rental license is revoked, suspended, or non-renewed. Upon revocation, suspension, or non-renewal of a residential rental license, the Department shall immediately notify the tenant(s) of the affected dwelling unit that the owner does not have a rental license and that the tenant may be eligible for rent abatement under section 16.04.037.

of (3) Whenever an owner wishes to appeal the decision of the Chief Inspector the Department to revoke, suspend, or non-renew a residential rental license the owner shall, within ten business (10) days of the notice of the revocation, suspension, or non-renewal, deliver to the city clerk, a written objection, addressed to the Public Health and Safety Committee, stating specific reasons for contesting the decision. Upon receipt of the written objection, the matter shall be placed on the agenda for the Public Health and Safety Committee for a review hearing at the next regular meeting, unless the appeal is filed within four (4) days of the next meeting in which case it shall be heard at the following meeting. The decision of the Public Health and Safety Committee shall constitute a final decision. The city elects not to be bound by Chapter 68, Wisconsin Statutes with respect to administrative procedure in this regard.

(4) If the owner wishes to further contest the determination, he or she may, within thirty (30) days of receiving the written decision of the Public Health and Safety Committee seek a review of the decision by certiorari.

(i) Reinstatement of Residential Rental License. Where a residential rental license was denied, revoked, or non-renewed for failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of the municipal code, an owner may seek reinstatement of the residential rental license upon the filing of a new application for the dwelling unit and payment of a reinstatement fee as set forth

in

section 3.40.010(a) in addition to the application fee. Where a residential rental license was denied, revoked, or non-renewed for any reason other than failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit, the owner may not re-apply for a residential rental license for one hundred eighty (180) days from the date of the denial, revocation, suspension or non-renewal. A residential rental license that has been suspended may be reinstated upon compliance with the requirements of the Chief Inspector of the Department which formed the basis of the suspension and payment of the reinstatement fee.

(j) Remedies and Application of Other Provisions.

(1) The remedies provided in this section are not to be construed to be exclusive of any other remedy under the municipal code, and the Department may take further actions to ensure compliance with this section including but not limited to seeking injunctive relief, obtaining inspection warrants.

(2) Nothing in this section limits, impairs, alters or extends the rights and remedies of persons in the relationship of landlord and tenant that exists under applicable law.

(3) Nothing in this section shall be construed to limit the authority of the Department to perform housing inspections in accordance with this code or enforcing any other provision of state or federal law.

(k) Penalty.

(1) Any owner failing to apply for a residential rental license for a dwelling unit or who lets a dwelling unit to another person after the residential rental license is revoked, suspended, non-renewed or expired, shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,500.00 for the first violation; not less than \$500.00 nor more than \$2,000.00 for the second offense; and not less than \$750.00 nor more than \$3,000.00 for the third or subsequent offense. Each day that a violation continues to exist constitutes a separate offense.

(2) An owner failing to comply with any other provisions of this section shall be subject to the penalties provided in section 16.04.040.

(l) Severability. If any provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

RESOLUTION OF THE COMMITTEE OF THE WHOLE

Authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code §3.40.010(a)

Committee Action:

Fiscal Impact:

File Number:

Date Introduced: November 26, 2013

RESOLUTION

WHEREAS, the Common Council of the City of Wausau has adopted a Residential Rental Licensing Program set forth at W.M.C. §16.04.039 establishing a systematic, city-wide program for the inspection and licensing of residential rental dwelling units in the city to ensure that those units provide safe, decent and sanitary living conditions for residents living in the rental units and to prevent deterioration of those units; and

WHEREAS, effective implementation of that Residential Rental Licensing Program requires the adoption of various fees; and

WHEREAS, the City of Wausau has adopted a comprehensive Fees and License Schedule at W.M.C. §3.40.010; and

WHEREAS, the Committee of the Whole, at its November 26, 2013, meeting, recommends that the City adopt various fees to be charged under the newly adopted Residential Rental Licensing Program as set forth in the attached Exhibit and incorporate these as part of the City of Wausau Fees and Licenses Schedule.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the fees set forth in the attached Exhibit are hereby adopted and incorporated into the City of Wausau Fees and Licenses Schedule adopted pursuant to W.M.C. §3.40.010.

Approved:

James E. Tipple, Mayor

CITY OF WAUSAU

RESIDENTIAL RENTAL LICENSING FEE SCHEDULE

Category	Fee
Landlord Education Assistance Program (LEAP)	\$25.00
Annual residential rental license fees: <ul style="list-style-type: none">■ Single dwelling unit■ Duplex (two dwelling units contained in one dwelling) per structure■ 3 or more dwelling units in one building■ Late fee per each late application	\$30.00 \$60.00 \$30.00 per building plus \$15 per unit \$100.00
Reinstatement fee	\$150.00
Residential rental license inspection fees: <ul style="list-style-type: none">■ First inspection■ Second inspection ■ Missed inspection appointments/failure to allow access	No charge No charge if violation corrected \$60.00 if not corrected \$35.00

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF COMMITTEE OF THE WHOLE	
Amend Section 16.04.037 Rent Abatement as affected by adoption of Residential Rental Licensing ordinance	
Committee Action:	Ordinance Number:
Fiscal Impact:	None
File Number:	Date Introduced: November 26, 2013

The Common Council of the City of Wausau do ordain as follows:

Add ([redacted])

Section 1. That Section 16.04.037 Rent Abatement, is hereby amended to read as follows:

16.04.037 Rent Abatement

....

(c) Definitions.

....

- (5) “Eligible tenant(s)” means any current tenant(s) of a landlord of residential premises where the landlord has had a residential rental license denied, revoked, suspended or non-renewed, or fails to comply with an order of the Inspection and Zoning Division of the Department of Engineering to correct a rent impairing violation by the original due date in the orders unless that date is found unreasonable by the Public Health and Safety Committee, provided that the tenant has lived in an affected dwelling unit for some portion of the time period from the date of the initial inspection by the building inspector to the close of the thirty (30) day period during which a request for abatement hearing may be filed. Any tenant, to be an eligible tenant, must have a valid rental contract with the landlord and must have the landlord’s authorization to occupy the property.

....

(k) Effective Date of Ordinance.

Violation	Description	% of Abatement
WMC 16.04.039	Rental of a residential dwelling unit after denial, revocation, suspension or non-renewal of residential rental license	50-75%

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk