

## ORDINANCE 1061A

### ADMINISTRATIVE PENALTIES; REINSPECTION FEES

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12 of Title 1 of the Lake Mills Municipal Code is hereby created.

#### CHAPTER 12

#### ADMINISTRATIVE PENALTIES

1-12-1: **ADMINISTRATIVE PENALTIES; REINSPECTION FEES:** If reinspection fees are issued in response to non-compliance with a Correction Order issued under either section 4-1-8 or 8-6B-3 of the Lake Mills Municipal Code, such fees shall be charged against the real estate upon which the reinspections were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge. If there has been a change of ownership or occupancy after the city issues a correction order, the reinspection fee may be waived if it is determined that the new owner or occupant was not aware of the prior order to correct a violation or condition. Correction Orders may be appealed under section 1-11-1 of the Lake Mills Municipal Code, and while any such appeal is pending, the collection and imposition of further reinspection fees shall be stayed.

Section 2. Section 4-1-8 of the Lake Mills Municipal Code is repealed and recreated as follows:

#### 4-1-8: **ALTERNATIVE ENFORCEMENT OF PUBLIC NUISANCES; REINSPECTION FEES:**

A. An alternative enforcement method as described in this section may be used if the Public Nuisance is as described in section 4-1-3 or 4-1-4, and if it is determined, after inspection by the Building Inspector under section 4-1-6-A, that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals, decency or welfare, but that the offense requires that Correction Orders be issued as follows:

1. Correction Order. The Building Inspector, or his or her designee, may issue a Correction Order reciting the existence of a public nuisance under section 4-1-3 or 4-1-4 and requiring the owner or occupant of the premises to correct, remove or abate the condition described in the order within the time period specified therein.

2. The correction order shall be served personally on the owner of the property, as well as the occupant, if different from the property owner, or at the option of the inspecting officer, the notice may be mailed to the last known address with a return receipt. If the owner or occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 3 notice under chapter 985 of the Wisconsin Statutes. The time limit specified in the order runs from the date of completion of service or publication.

3. If the recipient of the correction order fails or refuses to comply within the time period prescribed, the inspecting officer may issue Reinspection Fees in accordance with this section.

B. The purpose of Reinspection Fees is as follows:

1. To assist the city in paying the costs of enforcing its associated zoning, housing, building, public nuisance, and other codes;
2. To promote the appropriate regulation and control of buildings and real estate in the city;
3. To protect and provide for the public health, safety, and general welfare of the city;
4. To help protect the character and the social and economic stability of the city by eliminating public nuisances or other property-related violations;
5. To help protect the value of land and buildings in the city;
6. To help remedy problems associated with public nuisance and real estate-related code violations in the city.

C. Findings. In enacting the alternative enforcement of public nuisance regulations through the issuance of correction orders and by charging reinspection fees, the City Council finds that the cost of enforcement of the these codes is greater than the estimated revenues from reinspection fees expected to be received under this section.

D. Reinspection fee. To compensate for inspection and administrative costs under this section, a fee of \$50.00 may be charged to the owner or occupant of property for any reinspection by a City of Lake Mills Building Inspector, or his or her designee, to determine compliance with an order to correct conditions in violation of section 4-1-3 or 4-1-4, except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$100.00 may be charged for a second reinspection, a fee of \$200.00 for a third reinspection and a fee of \$400.00 for each subsequent reinspection for the same condition. A reinspection fee may also be charged when the Building Inspector, or his or her designee, finds a condition which is similar to a condition which was subject to a correction order within one year prior to the inspection. Reinspection fees shall be charged against the real estate upon which the reinspections were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge. If there has been a change of ownership or occupancy after the city issues a correction order, the reinspection fee may be waived if it is determined that the new owner or occupant was not aware of the prior order to correct a violation or condition.

E. Any property owner or occupant ~~failing to comply with~~ that has received a Correction Order as required under this section may, within 30 days or receipt of the order, appeal the decision ~~by the Building Inspector to issue the order under procedures set forth in section 1-11-1 of the Lake Mills Municipal Code to the Zoning Board of Appeals within 30 days of service of the Order~~. The collection of any reinspection fees incurred by the appellant ~~may~~ shall be stayed while the appeal is pending.

F. The use of this alternative method for the enforcement of Public Nuisance violations does not negate the authority to proceed under any other lawful remedy available, if deemed necessary by the inspecting officer.

Section 3. Section 8-6B-3, Housing Code Penalty is amended as follows:

8-6B-3: **PENALTY; REINSPECTION FEES:** Any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder shall be subject to an applicable penalty as provided in Section 1-4-1 or Section 1-12-1 of this Code. If a complaint of a violation of Title 8 Housing Code requirements is received, it shall be handled as follows:

A. As an alternative to issuing a municipal citation that is subject to the General Penalty in section 1-4-1 of this code, the following enforcement method may be used if, after inspection, the building inspector determines that a violation exists in the Housing Code, and if it is determined that the nature of such violation is not such as to threaten imminent danger to the public health, safety, peace, peace, morals, decency or welfare, but that the offense requires that Correction Orders be issued as follows:

1. Correction Order. The Building Inspector, or his or her designee, may issue a Correction Order reciting the existence of a building code violation under Title 8 and requiring the owner or occupant of the premises to correct, remove or abate the condition described in the order within the time period specified therein.

2. The correction order shall be served personally on the owner of the property, as well as the occupant, if different from the property owner, or at the option of the inspecting officer, the notice may be mailed to the last known address with a return receipt. If the owner or occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 3 notice under chapter 985 of the Wisconsin Statutes. The time limit specified in the order runs from the date of completion of service or publication.

3. If the recipient of the correction order fails or refuses to comply within the time period prescribed, the inspecting officer may issue Reinspection Fees in accordance with this section.

B. The purpose of Reinspection Fees is as follows:

1. To assist the city in paying the costs of enforcing its associated zoning, housing, building, public nuisance, and other codes;
2. To promote the appropriate regulation and control of buildings and real estate in the city;
3. To protect and provide for the public health, safety, and general welfare of the city;
4. To help protect the character and the social and economic stability of the city by eliminating public nuisances or other property-related violations;
5. To help protect the value of land and buildings in the city;
6. To help remedy problems associated with public nuisance and real estate-related code violations in the city.

C. Findings. In enacting the alternative enforcement of public nuisance, zoning, housing and building regulation and other ordinances through the issuance of correction orders and by charging reinspection fees, the City Council finds that the cost of enforcement of the city codes related to these codes is greater than the estimated revenues from reinspection fees expected to be received under this section.

D. Reinspection fee. To compensate for inspection and administrative costs under this section, a fee of \$50.00 may be charged to the owner or occupant of property for any reinspection by a City of Lake Mills Building Inspector, or his or her designee, to determine compliance with an order to correct conditions in violation of specified sections of the Housing Code in Title 8 of the Municipal Code, except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$100.00 may be charged for a second reinspection, a fee of \$200.00 for a third reinspection and a fee of \$400.00 for each subsequent reinspection for the same condition. A reinspection fee may also be charged when the Building Inspector, or his or her designee, finds a condition which is similar to a condition which was subject to a correction order within one year prior to the inspection. Reinspection fees shall be charged against the real estate upon which the reinspections were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge. If there has been a change of ownership or occupancy after the city issues a correction order, the reinspection fee may be waived if it is determined that the new owner or occupant was not aware of the prior order to correct a violation or condition.

E. Any property owner or occupant that has received a Correction Order under this section may, within 30 days of receipt of the order, appeal the decision to issue the order under procedures set forth in section 1-11-1 of the Lake Mills Municipal Code. The collection of any reinspection fees incurred by the appellant shall be stayed while the appeal is pending.

All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 4. This ordinance was sponsored by Council Representative Rudy Schaar.

Section 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Ed Grunden, Council President

Attest:

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James E. Heilman, City Clerk