

ORDINANCE 1059A

INOPERABLE OR UNREGISTERED VEHICLES

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

Section 1. Section 4-1-8 of the Lake Mills Municipal Code is created 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 4-1-4-N, 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, 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 4-1-4-N and requiring the owner or occupant of the premises to 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 cost of enforcing its Public Nuisance codes;
 2. To protect and provide for the public health, safety, and general welfare of the city;
 3. To help protect the character and the social and economic stability of the city by eliminating Public Nuisances;
 4. To help protect the value of land and buildings in the city;
 5. To help remedy problems associated with Public Nuisance related code violations in the city.
- C. Findings. In enacting the alternative enforcement of Public Nuisances 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 Public Nuisances 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 4-1-4-N, 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 under this section may, within 30 days of 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 ~~shall~~ may be stayed while the appeal is pending, but additional reinspection fees may continue to be charged, even if not collected, while the appeal is pending.
- F. The use of this alternative method for the enforcement of public nuisances does not negate the authority to proceed under section 4-1-6 if deemed necessary by the inspecting officer.

Section 2. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 3. This ordinance was sponsored by Council Representative Rudy Schaar.

Section 4. 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.

Ed Grunden, Council President

Attest:

James E. Heilman, City Clerk