

H-303.2	<p>Basement Water and Moisture Problems</p> <ol style="list-style-type: none"> <li>1. Basement water violation use in non-habitable area; water, mold and/or mildew accumulation</li> <li>2. Basement water violation use in habitation: damp, continually wet, standing water, mold and mildew accumulation</li> </ol>	<p>5-25%</p> <p>5-75%</p>
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(Ord. 61-5605 §28(part), File No. 13-1109; Ord. 61-5602 §1, 2013, File No. 12-0206; Ord. 61-5504 §1, 2012, File No. 12-0206)

16.04.039 Residential Rental Licensing. (a) Findings. The Common Council finds that a significant percentage of housing code and fire code violations occur at residential rental dwelling units located within the City and that the conditions which exist at these units adversely affect the individuals residing in such units, the neighborhoods in which they are located and the residents living nearby. As a reasonable and necessary means of realizing the purposes and objectives of this Title 16, Housing Code, as well as to prevent blighted conditions in city neighborhoods and to protect the health, safety and welfare of the public the Common Council has determined that it is necessary to establish a program of regularly scheduled inspections within designated districts which demonstrate evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single-family home conversions to rental units.

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

- (1) “Habitability violation” shall have the same meaning as in Wis. Stat. §66.0104(1)(ah).
- (2) “Department” means the City of Wausau Division of Inspection and Zoning.
- (3) “Designated neighborhood stabilization and enhancement district” means that area defined in accordance with Wis. Stat. §66.0104 and adopted by resolution by the Common Council.
- (4) “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, hotels, motels, or properties owned or operated by the City of Wausau or its Community Development Authority.
- (5) “Unit” means any independently rented living space whose term of lease is 30 days or greater.

(c) Regularly scheduled inspections. The City hereby establishes a program of regularly scheduled inspections of all residential rental dwelling units located within a designated neighborhood stabilization and enhancement district.

(d) Inspection. Inspections shall only be conducted:

(1) In an occupied dwelling unit with consent from an adult tenant or adult designee present at the time of the inspection;

(2) In a vacant dwelling unit with consent from the owner or owner's agent who is present at the time of the inspection; or

(3) Upon obtaining a special inspection warrant pursuant to Wis. Stat. §66.0119.

(e) Abatement. Code violations identified during the residential rental dwelling unit inspection shall be abated within the time ordered by the Department to prevent re-inspections and associated re-inspection fees. The time to abate or cure a habitability violation will be not less than thirty (30) days; however, where the habitability violation exposes a tenant to imminent danger, the City may require an abatement or cure period of less than thirty (days).

(f) Inspection fee. The Department will charge a fee for the residential rental unit inspection or re-inspection as approved by the Common Council and set forth in the City of Wausau Fees and Licenses Schedule pursuant to section 3.40.010(a) of this Code. Such fee will not exceed those permitted pursuant to Wis. Stat. §66.0104(e). Unpaid inspection fees will be collected as a special charge as provided in Wis. Stat. §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.

(g) Inspection upon request or complaint. All properties in the City, including residential rental dwelling units, shall remain subject to inspection requests. None of the inspection provisions in this section shall prohibit, condition, or otherwise limit any inspection conducted pursuant to this code or other applicable law. The Department will inspect residential rental dwelling units based on tenant or citizen requests or complaints.

(h) Notice of inspection.

(1) The Department shall serve written notice of the date and time of any inspection to be conducted under this section by mailing such notice by first class mail at least 21 calendar days prior to the date of the inspection. The Department shall mail the notice to the occupants of each residential dwelling unit, the owner, and the authorized contact person to the addresses provided on the residential rental contact registration as provided in section 16.04.030 of this Code. In the case of multiple owners of the same property, notice to any one of the owners or

the authorized contact person shall comply with the notice requirement under this section.

(2) Should the tenant, owner, authorized contact person of the owner of the residential rental dwelling unit , or other person in control of the dwelling unit refuse admittance to the Department for purposes of the inspection or any re-inspection the Department may proceed to obtain a special inspection warrant pursuant to Wis. Stat. §66.0119.

(i) 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. (Ord. 61-5814 §2, §3, 2019, File No. 93-0717)  
(Prior: Ord. 61-5702 §1, 2016; Ord. 61-5654 §1, 2015, File No. 13-1115; Ord. 61-5645 §1, 2014; Ord. 61-5601 §1, 2013, File No. 13-1115)

16.04.040 Penalty. Any person who willfully violates any provisions of this title shall for each such violation forfeit not less than twenty-five nor more then two hundred dollars. Each day such violation continues shall constitute a separate offense. (Ord. 61-4469 §3, 1980.)