



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0013-25 – Age Restriction on Sale of
Intoxicating Hemp-derived Products

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Robin K. Zbikowski, Senior Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that prohibits a person from selling and/or providing intoxicating hemp-derived cannabinoids to any person under the age of 21.

BACKGROUND & ANALYSIS:

Cannabinoids are chemical compounds of the Cannabis plant. Cannabinoids can be intoxicating or non-intoxicating, which means that some cannabinoids (but not all) produce psychoactive effects (the feeling of being “high”).

Delta-9 tetrahydrocannabinol (THC), for example, is an intoxicating cannabinoid, and it is the most abundant of cannabinoids contained in the Cannabis plant. Where delta-9 THC is found in greater concentrations (more than 0.3%), it is called marijuana. Marijuana is illegal in Wisconsin. Where delta-9 THC is found in lesser concentrations (not more than 0.3%), it is called hemp. The Federal Agriculture Improvement Act of 2018 (2018 Farm Bill) removed hemp from the Controlled Substances Act, which means that hemp may no longer be regulated as a controlled substance. So long as hemp contains delta-9 THC in a concentration of not more than 0.3%, it may be cultivated, processed, and sold in accordance with federal and state law.

The issue is that while hemp-derived products cannot contain more than 0.3% delta-9 THC, such products may contain other intoxicating cannabinoids (or molecular alterations thereof, called isomers, such as delta-8 THC, delta-10 THC, etc.). But, some hemp-derived products may contain only non-intoxicating cannabinoids, such as cannabidiol (CBD). As a result, a person may purchase a hemp-derived product that may (or may not) contain intoxicating cannabinoids.

This proposed legislation places hemp-derived products into two categories: Those that contain intoxicating cannabinoids and those that do not. Further, this proposed legislation prohibits the sale (or providing) of only *intoxicating* hemp-derived cannabinoids, as well as products that are packaged, advertised, or otherwise held out as such, to any person who is under the age of 21 at the time of the transaction. It also prescribes the penalties for doing so.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0013-25 – Age Restriction on Sale of Intoxicating Hemp-derived Products

An ordinance to create Chapter 66, Article XXXIII 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 66, Article XXXIII of the Municipal Code of the City of Racine is created to state as follows:

ARTICLE XXXIII. – INTOXICATING HEMP-DERIVED PRODUCTS

Sec. 66-1301. – Definitions.

- (a) *Hemp* is as defined in Wis. Stat. § 94.55 and amended from time to time.
- (b) *Intoxicating hemp-derived cannabinoids* mean any hemp-derived product that contains either:
 - (1) The cannabinoid delta-9 tetrahydrocannabinol (THC) in a concentration of not more than 0.3 percent.
 - (2) A cannabinoid other than delta-9 tetrahydrocannabinol (THC), or an isomer derived from delta-9 THC, including delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), HHC-O-acetate (HHC-O), THC acid (THCA), THC-O-acetate (THC-O), tetrahydrocannabiphorol (THCP), and tetrahydrocannabivarin (THCV), among others.
- (c) *Non-intoxicating hemp-derived cannabinoid* means any hemp-derived product that does not contain intoxicating hemp-derived cannabinoids, including cannabidiol (CBD).

State law reference – Wis. Stat. § 94.55, Definition of hemp.

Sec. 66-1302. – Prohibition.

No person shall sell or provide any intoxicating hemp-derived cannabinoids, or any product packaged, advertised, or otherwise held out as to contain intoxicating hemp-derived cannabinoids, to any person who is under the age of 21 at the time of the transaction.

Sec. 66-1303. – Penalties.

- (a) *Bond amount.* Any person charged with a violation of this article may pay a deposit of \$1,500 plus costs in lieu of a court appearance.

(b) *Forfeiture.* Any person found in violation of this article shall forfeit not more than \$3,000.

Part 2: 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: N/A

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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0014-25 – Towing License Suspensions

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Ian R. Pomplin, Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that amends the procedure related to towing license suspensions.

BACKGROUND & ANALYSIS:

The City of Racine requires a license for all towing companies that want to be placed on a rotation list to perform on-call services when requested by the Racine Police Department (“RPD”). Most often, towing services are required in response to vehicle accidents, abandoned vehicles, illegally parked vehicles, and immobile vehicles. Licensees perform towing services for both privately owned and city owned vehicles at the request of RPD. Oftentimes, these towing services are performed without the consent or knowledge of the owners, who subsequently have to pay for these services in order to get their vehicles released. In order to protect members of the public, the City sets maximum rates and fees that may be charged by each licensee for the performance of such services.

The City of Racine has the ability to suspend or revoke towing licenses if towing companies are acting improperly or illegally. Certain suspensions may be issued by the chief of police, other suspensions and revocations must be reviewed by the public safety and licensing committee. The suspensions issued by the chief of police are instant and generally relate to overbilling of customers and safety violations. After the issue has been remedied, the chief of police is able to lift the suspension. This change in the ordinance provides clarity on the type of corrections that the chief of police is allowed to require before the suspension is lifted.

Further, under the current ordinance, the public safety and licensing committee must wait until three non-safety or non-overbilling violations occur before the committee is required to hold a hearing on suspension or revocation. This proposed change would provide the public safety and licensing committee the discretion to hold a hearing after the first violation or after any subsequent violation and determine whether the license should be suspended or revoked.

RECOMMENDED ACTION: To Approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0014-25 – Towing license suspensions

An ordinance to amend Chapter 22, Article XXIII 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: To delete and recreate Chapter 22, Article XXIII, Section 22-840 of the Municipal Code of the City of Racine, Wisconsin, to state as follows:

Sec. 22-840. Suspension and revocation of license.

- (a) In the event that a licensee fails to remain in conformance with this article with respect to documentation, vehicles, equipment, facilities, or personnel or it has been found to be improperly charging or billing customers, regardless of whether it has been criminally charged for such actions, its license shall immediately be suspended by the chief of police pending corrective action by the licensee. The licensee shall be reinstated upon sufficient proof being furnished to the chief of police that the violation has been corrected, including but not limited to actions such as a change in policy, repair of equipment or facilities, return of improperly charged money, or other evidence the violation will not recur. The licensee may, within ten days after the date of suspension, appeal the determination to the public safety and licensing committee which shall then hold a hearing on the matter as provided in subsection (b) below. A suspension issued under this subsection during the term of the license may be used as cause for non-renewal of the license upon its expiration at the end of the license year.
- (b) In the event that a licensee fails to comply with or violates the provisions of this article other than those specifically outlined in subsection (a) above, the license may be suspended or revoked. The chief of police shall direct an investigation to determine the circumstances surrounding the basis for the violation. Any substantiated violation of this article shall be forwarded to the public safety and licensing committee for its review. The committee may schedule a hearing upon a licensee's first or subsequent violation during any license year. The committee shall notify the licensee of the hearing date which shall be within 30 days after the determination to hold a hearing thereon. Written notice of the violation(s) shall be provided to the licensee at least ten calendar days before such hearing. Testimony at the hearing shall be under oath and subject to the right of cross examination. The committee shall make findings and recommendations and shall refer the matter to the common council for action on any recommended license suspension or revocation. A suspension issued under this subsection during the term of the license may be used as cause for non-renewal of the license upon the license expiration at the end of the license year.

Part 2: 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: N/A

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 5 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.

PROPOSED



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0015-25 – Towing rates; payment

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Ian R. Pomplin, Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that updates the towing rates set by the city.

BACKGROUND & ANALYSIS:

The City of Racine requires a license for all towing companies that want to be placed on a rotation list to perform on-call services when requested by the Racine Police Department (“RPD”). Most often, towing services are required in response to vehicle accidents, abandoned vehicles, illegally parked vehicles, and immobile vehicles. Licensees perform towing services for both privately owned and city owned vehicles at the request of RPD. Oftentimes, these towing services are performed without the consent or knowledge of the owners, who subsequently have to pay for these services in order to get their vehicles released. In order to protect members of the public, the City sets maximum rates and fees that may be charged by each licensee for the performance of such services.

The current towing rates under Section 22-838 of the Municipal Code were last updated February 8, 2023. Since then, the cost of towing services has risen due to inflation. The Racine Police Department is recommending that the rates be modified to more accurately reflect the current costs of towing services. The Racine Police Department has spoken with other municipalities and towing companies to determine the current market rate for towing and these numbers more accurately reflect that rate.

RECOMMENDED ACTION: To Approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0015-25 – Towing rates; payment

An ordinance to amend Chapter 22, Article XXIII 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: To delete and recreate Chapter 22, Article XXIII, Section 22-838 of the Municipal Code of the City of Racine, Wisconsin, to state as follows:

Sec. 22-838. Towing rates; payment.

- (a) The licensees agree to tow vehicles as provided under this article at rates not exceeding those as indicated below. Any billings for city vehicle tows shall be made to the police department. Any billings for general public tows shall be made directly to the vehicle owner.
- (b) Licensees may, from time to time, request the public safety and licensing committee to review the towing rates set forth in the schedule agreed to by the parties, the original of which is retained by the police department and dated July 16, 2009, and make recommendations to the common council as to adjustments in the rates according to generally acceptable towing industry standards.
- (c) Any special equipment or materials must be approved by the officer in charge on the scene.
- (d) The city does not guarantee or imply any specific or minimum number of tows and/or other services for any licensee.
- (e) The schedule of maximum towing rates for towing vehicles and providing related services at the request of the city under this article is as follows:

SCHEDULE OF TOWING RATES

	Regular price	Sundays and holidays
GENERAL PUBLIC TOWS (<i>regardless of where the vehicle is taken</i>)		
Class A towing		
Standard tow, 8:00 a.m. to 5:00 p.m. (DAYS) Wheel lift or flat bed	\$200.00	\$250.00

Standard tow, 5:01 p.m. to 7:59 a.m. (NIGHTS) Wheel lift or flat bed	\$250.00	\$300.00

<i>Class B towing</i>		
Per unit, \$100.00 minimum	\$250.00/hr	\$300.00/hr
<i>Additional fees: (per unit)</i>		
Motorcycles:	Add \$50.00	
Mileage for out of town trips:	\$5.00per mile	
Snow shoveling	\$50.00/hr	
Winch (Accident)	\$100.00	
Winch-out or off-road winch-out (Non-accident; no towing fee applies)	\$74.00 show-up fee plus up to \$200.00winching fee	
Standby time (Prorated)	\$50.00/half hr	
Crash wrap	\$40.00per window	
Tire or wheel change	\$30.00 per tire	
No-tow show-up and service call fee	50% of tow rate	
Specialty/low clearance truck or equipment	\$50.00	
<i>Clean up fees</i>		
Oil-Dri (or equivalent): application and cleanup	\$75.00	
Debris clean up	\$50.00/hr	
<i>Storage fees</i>		
Cars, pickups, motorcycles (outside storage), per day	\$80.00	

Cars, pickups, motorcycles (inside storage by owner request or as otherwise reasonably required) per day	\$100.00	
Larger vehicle add-on charge (25 feet or larger)	\$2.00/ft per day	
After-hours release charge of vehicle and/or property (any release is at the discretion of the towing agency)	\$75.00	
CITY VEHICLE TOWS		
Tows/storage for any city vehicles	\$160.00	\$200
Any add-ons related to towing/storage of city vehicles	80% of the general public rate	
Note: City vehicle rates apply to those vehicles that are owned by the city, where service is performed as a result of a call from a city police officer or city employee authorized to request such service on behalf of the city.		

- (f) The police department dispatcher will, if possible, inform the licensee of the make, model and year of the vehicle(s) to be towed at the time of requested service. The licensee shall charge only for equipment reasonably necessary for performance of the services rendered. The police chief shall designate a departmental representative to make final determinations on appeals of licensees from compensation granted hereunder.

Part 2: 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: N/A No towing fee is paid to the City of Racine. Rates established by this Schedule of Towing Rates are the maximum rates towing companies may charge vehicles owners for a City-requested tow.

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 5 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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0016-25 – Open Burning

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Robin K. Zbikowski, Senior Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication co-sponsored by Mayor Mason and Alder Pabon on behalf of the Racine Fire Department requesting the recreation of the Open Burning Ordinance to regulate all open burning within the city.

BACKGROUND & ANALYSIS:

The proposed Open Burning Ordinance regulates open burning from a single location within the Code, which reduces confusion about the law in this area. Additionally, it is formatted like the newer provisions in the Code to promote uniformity.

This proposed piece of legislation prohibits any open burning within the city's geographical boundaries. However, it also enumerates certain exceptions to this prohibition. Of these is an exception for cooking fires (in grilles and other appliances) and training fires (for the fire department). There is also an exception for recreational fires, which are smaller fires on private property. All recreational fire is subject to certain requirements, including that such is contained in a permanent or portable fire pit, is roofed at all times, is positioned no less than ten feet from another structure or lot line, and that it burns only dry wood, among other requirements.

Under certain circumstances, a person who submits an application and pays a fee may be granted by the Fire Prevention Bureau a bonfire permit or an open burning permit. A bonfire permit allows for a larger fire on private property and an open burning permit allows for a fire on public property (e.g. a beach fire). Both types of open burning are subject to the parameters of the permit and the Code.

A fee accompanies fires by permit in both the existing and the proposed ordinances, and thus there is no budgetary impact pursuant to the proposed ordinance.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: Bonfire permit fee and open burning permit fee as determined by the budget as set forth in the fee schedule and established by the common council.

Ordinance 0016-25 – Open Burning

An ordinance to Repeal and delete in its entirety Chapter 50, Article III, Division 3; Create Chapter 50, Article V; Amend Chapter 50, Article I, Section 50-3(b); Repeal, delete, and recreate Chapter 70, Article III, Division 1, Section 70-78; Amend Chapter 70, Article I, Section 70-1(b); and Part 6: Create Chapter 2, Article III, Division 8, Section 2-263(j), of the Municipal Code of the City of Racine.

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

Part 1: Chapter 50, Article III, Division 3 is repealed and deleted.

Part 2: Chapter 50, Article V is created as follows:

ARTICLE V. – OPEN BURNING

Sec. 50-530. – Enforcement.

The fire chief or designee and police chief or designee shall have the power to enforce the provisions of this article.

Sec. 50-531. – Definitions.

Bonfire means a fire that has a total fuel area of more than three feet but less than six feet in diameter and more than three feet but less than six feet in height for the purpose of leisure, religion, ceremony, cooking, warmth, or other similar purpose.

Fire pit means a permanent structure built with masonry blocks and a metal insert or a portable bowl or pit that is designed and manufactured for the holding or burning of wood and excludes a burn barrel.

Open burning means the burning of any material wherein the products resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney.

Recreational fire means a fire that has a total fuel area of three feet or less in diameter and three feet or less in height for the purpose of leisure, religion, ceremony, cooking, warmth, or other similar purpose.

Sky lantern means a small hot air balloon made of paper with an opening at the bottom where a small fire is suspended or similar aerial device.

Sec. 50-532. – Prohibitions.

- (a) *Open burning.* No person shall kindle, start, or maintain any open burning within the City of Racine.
- (b) *Sky lanterns.* No person shall kindle, start, or maintain any sky lantern within the City of Racine.

Sec. 50-533. – Exceptions.

The prohibition on opening burning within the City of Racine under section 50-532(a) does not apply to the exceptions under this section.

- (a) *Training.* Open burning by the fire department for training or instructional purposes.
- (b) *Cooking.* Cooking fires ignited and maintained on grilles or similar cooking appliances for the express purpose of cooking food for human consumption.
- (c) *Recreational fires.* Recreational fires on private property and in compliance with section 50-534 of this Code.
- (d) *Bonfires.* Bonfires on private property pursuant to a bonfire permit issued by the Fire Prevention Bureau and in compliance with section 50-535 of this Code.
- (e) *Permitted open burning.* Open burning on public property pursuant to an open burning permit issued by the Fire Prevention Bureau and in compliance with section 50-536 of this Code.

Sec. 50-534. Recreational fire requirements.

Any person who kindles, starts, or maintains and/or any person who permits the kindling, starting, or maintaining of a recreational fire on private property shall abide by the requirements under this section.

- (a) *Container.* Recreational fire shall always be contained within an outdoor fireplace or fire pit.
- (b) *Cover.* Recreational fire shall be fully roofed by a spark screen with mesh holes each no greater than one-half inch and/or a solid cover.
- (c) *Location.* Fire pits shall be located 10 feet or more from any structure and any lot line.

- (d) *Size.* Recreational fire shall have a total fuel area of three feet or less in diameter and three feet or less in height.
- (e) *Hazards.* Recreational fire is prohibited when local circumstances make open burning hazardous or potentially hazardous, including, but not limited to, wind gusts over 15 miles per hour, ozone alerts, dry conditions, and burning bans.
- (f) *Allowable fuel.* Recreational fire shall burn only clean, dry, untreated wood.
- (g) *Prohibited fuel.* Recreational fire shall not burn any garbage, rubbish, leaves, construction waste, rubber, plastic, leather, chemicals, petroleum-based substances, organic material that comes from gardening; lawn care; or landscaping, or any material that produces offensive smoke or odor, among all else not an allowable fuel under subsection (f).
- (h) *Time.* Recreational fire is permitted any day between the hours of 3:00 p.m. and 11:00 p.m.
- (i) *Supervision.* No person shall leave unattended any recreational fire unless and until the fire is completely extinguished and the remaining embers are cold or have been thoroughly wet down.
- (j) *Extinguishment.* A fire extinguisher, garden hose, or other method of fire control shall always be readily available during any recreational fire.
- (k) *Disposal.* No person shall dispose of any coals after extinguishment for at least 48 hours.

Sec. 50-535. – Bonfire permits and requirements.

Only the person who has been issued a bonfire permit by the Fire Prevention Bureau pursuant to this section may kindle, start, or maintain a bonfire on private property and shall abide by the requirements under this section.

- (a) *Purpose.* A bonfire permit may be issued by the Fire Prevention Bureau for the purpose of a bonfire on private property pursuant to the parameters of this section or the parameters of the bonfire permit where such parameters differ from this section.
- (b) *Application.*
 - (1) *Form and fee.* Applicants for a bonfire permit shall submit to the Fire Prevention Bureau a completed bonfire application on a form provided by the Fire Prevention Bureau and pay a fee as determined by the budget as set forth in the fee schedule and established by the common council.

(2) *Application requirements.* Applicants shall provide the following information on or appended to the bonfire permit application form:

- a. Permit holder's name, address, and phone number;
- b. Permit holder's business affiliation's name and address;
- c. Date and time of bonfire;
- d. Location of bonfire.
- e. Plan for audience management, fire protection, and emergency services; and
- f. An indemnification agreement; and
- g. Any other information requested by the Fire Prevention Bureau on the open burning application form.

(3) *Duration.* A bonfire permit issued under this section is valid only during the time period indicated on the bonfire permit.

(4) *Transferability.* A bonfire permit issued under this section is nontransferable.

(5) *Review.* The Fire Prevention Bureau may review a completed bonfire permit application within 15 days of its receipt. Failure to do so constitutes a denial.

(6) *Determination.* The Fire Prevention Bureau may approve, approve with conditions, or deny an application for a bonfire permit. Within 5 days of any denial, the Fire Prevention Bureau shall mail to the applicant a written determination letter with notice of the denial and the reason(s) for the denial.

(7) *Appeal.* Any person aggrieved by the Fire Prevention Bureau's determination may within 15 days of the date on the determination letter appeal in writing to the due process board by filing with or mailing to the Fire Prevention Bureau written notice of appeal. The notice of appeal shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. 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 7 days before such hearing. At the hearing, the parties may present evidence, call and

examine witnesses, and cross examine witnesses of the other party. The due process board shall issue its decision pursuant to section 2-263(j).

- (c) *Supervision.* No person shall leave unattended any bonfire unless and until the fire is completely extinguished and the remaining embers are cold or have been thoroughly wet down.
- (d) *Extinguishment.* A fire extinguisher, garden hose, or other method of fire control shall always be readily available during any bonfire.
- (e) *Disposal.* No person shall dispose of any coals after extinguishment for at least 48 hours.

Cross reference– Due Process Board, § 2-261 et seq.

Sec. 50-536. – Open burning permits and requirements.

Only the person who has been issued an open burning permit by the Fire Prevention Bureau pursuant to this section may kindle, start, or maintain open burning on public property and shall abide by the requirements under this section.

- (a) *Purpose.* An open burning permit may be issued by the Fire Prevention Bureau for the purpose of open burning on public property pursuant to the parameters of this section or the parameters of the open burning permit where such parameters differ from this section.
- (b) *Application.*
 - (1) *Form and fee.* Applicants for an open burning permit shall submit to the Fire Prevention Bureau a completed open burning application on a form provided by the Fire Prevention Bureau and pay a fee as determined by the budget as set forth in the fee schedule and established by the common council.
 - (2) *Application requirements.* Applicants shall provide the following information on or appended to the open burning permit application form:
 - a. Permit holder's name, address, and phone number;
 - b. Permit holder's business affiliation's name and address;
 - c. Date and time of open burning;
 - d. Location of open burning.

- e. Plan for audience management, fire protection, and emergency services; and
 - f. An indemnification agreement; and
 - g. Any other information requested by the Fire Prevention Bureau on the open burning application form.
- (3) *Duration.* An open burning permit issued under this section is valid only during the time period indicated on the open burning permit.
- (4) *Transferability.* An open burning permit issued under this section is nontransferable.
- (5) *Review.* The Fire Prevention Bureau may review a completed open burning permit application within 15 days of its receipt. Failure to do so constitutes a denial.
- (6) *Determination.* The Fire Prevention Bureau may approve, approve with conditions, or deny an application for an open burning permit. Within 5 days of any denial, the Fire Prevention Bureau shall mail to the applicant a written determination letter with notice of the denial and the reason(s) for the denial.
- (7) *Appeal.* Any person aggrieved by the Fire Prevention Bureau's determination may within 15 days of the date on the determination letter appeal in writing to the due process board by filing with or mailing to the Fire Prevention Bureau written notice of appeal. The notice of appeal shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. 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 7 days before such hearing. At the hearing, the parties may present evidence, call and examine witnesses, and cross examine witnesses of the other party. The due process board shall issue its decision pursuant to section 2-263(j).
- (c) *Supervision.* No person shall leave unattended any permitted open burning unless and until the fire is completely extinguished and the remaining embers are cold or have been thoroughly wet down.
- (d) *Extinguishment.* A fire extinguisher, garden hose, or other method of fire control shall always be readily available during any permitted opening burning.

- (e) *Disposal*. No person shall dispose of any coals after extinguishment for at least 48 hours.

Cross reference– Due Process Board, § 2-261 et seq.

Sec. 50-537. – Order to extinguish.

No person shall refuse to comply with an order issued by the chief of fire or designee or chief of police or designee to extinguish any open burning of any kind, whether on private or public property and regardless of any bonfire or open burning permit.

Sec. 50-538. – Penalties.

- (a) *Bond amount*. Any person charged with a violation of this article may pay a deposit of \$400 plus costs in lieu of a court appearance.

- (b) *Forfeiture*. Any person found in violation of this division shall forfeit not more than \$1,000.

- (c) The Fire Prevention Bureau may find any person who violates this article ineligible for a bonfire permit under section 50-535 and/or an open burning permit under section 50-536.

Secs. 50-539 – 50-550. – Reserved.

Part 3: Chapter 50, Article I, Section 50-3(b) of the Municipal Code of the City of Racine is amended as follows:

- Amending the section number from “50-264” to “50-532.”
- Amending the phrase “Open fire violations” to “Open burning violation”; and
- Amending the forfeiture from “\$150” to “\$400.”

Part 4: Chapter 70, Article III, Division 1, Section 70-78 is repealed, deleted, and recreated as follows:

Sec. 70-78. – Open burning.

Except for the purpose of training under section 50-533(a) or the purpose of cooking under section 50-533(b), only the person who has been issued an open burning permit by the Fire Prevention Bureau pursuant to section 50-536 may kindle, start, or maintain open burning in a park, on a beach, or at any other recreation area and shall abide by the requirements under section 50-536.

Cross reference– Exceptions, § 50-533; Open burning permits and requirements, § 50-536.

Part 5: Chapter 70, Article I, Section 70-1(b) of the Municipal Code of the City of Racine is amended as follows:

- Amend the phrase “Fires” to “Open burning”; and
- Amend the forfeiture amount from “75.00” to “400.00.”

Part 6: Chapter 2, Article III, Division 8, Section 2-263 of the Municipal Code of the City of Racine is amended to create subsection (j) as follows:

- (j) Conduct due process hearings on appeal filed by any person aggrieved by the Fire Prevention Bureau’s denial of a bonfire permit under section 50-535 or denial of an open burning permit under section 50-536. Within 20 days after such hearing, the board shall mail or deliver to the appellant its written decision to affirm, reverse, or modify the Fire Prevention Bureau’s determination and shall state therein the reasons therefor.

Cross reference– Bonfire permits and requirements, § 50-535; Open burning permits and requirements, § 50-536.

Part 7: 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: Bonfire permit fees and open burning permit fees as determined by the budget as set forth in the fee schedule and 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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0017-25 – Hotel and Motel
Occupancy Limits

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Matthew J. Perz, Assistant City Attorney
REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that clarifies a motel or hotel must limit occupancy to 29 days at the facility within a 90-day period and include a guest registration requirement. This is not applicable to extended stay motels or hotels.

BACKGROUND & ANALYSIS:

The current restrictions on motel and hotel operators require that guests have occupancy periods of no more than 29 days within a 90-day period. Some motel and hotel operators have guests change rooms every 29 days to claim a new “occupancy period.” This proposed ordinance clarifies that occupancy is determined by the time spent at the facility and not in different rooms within the facility.

Additionally, the proposed legislation requires all guests to be identified in the registry. Ensuring accurate guest information assists in identifying guests who may be trying to stay longer than permitted in the facility by using alternate guest names as the registered guest.

Current state regulations require that the name of each guest be recorded in the registry under Wis. Admin Code § 72. A final rule has been proposed by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) that would increase some registration requirements but does not require that each guest be listed in the registry.

However, a city may enact ordinances regarding the licensees and premises for which the local health department is the designated agent which are stricter than DATCP rules if the ordinance does not conflict with the rule. Wis. Stat. § 97.615(2)(g). The proposed legislation incorporates the anticipated ATCP changes from the final rule and includes a requirement that all guests need to record their true names and addresses. These changes are no less stringent than the current rule and will be consistent with the proposed rule changes.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0017-25 – Hotel and Motel Occupancy Limits

An ordinance to amend Chapter 22, Article XVIII, Division 2, Section 22-580(a)(1), and Chapter 144, Article V, Division 3, Subdivision V, Section 114-468(5)d 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 22, Article XVIII, Division 2, Section 22-580(a)(1), of the Municipal Code of the City of Racine is amended as follows:

The words “at the facility” shall be inserted between the words “29 days” and the word “within.”

Part 2: Chapter 22, Article XVIII, Division 2, Section 22-580(a)(7) and (8), of the Municipal Code of the City of Racine is created as follows:

- (7) The operator shall provide a written or electronic register and include all of the following:
 - (a) The full name of the registered guest.
 - (b) The registered guest’s contact information including phone number, mailing address or email.
 - (c) Arrival and departure dates.
 - (d) Number of guests in the party.
 - (e) The true name and address of each guest in the party.
- (8) The register shall be kept intact and available for inspection by representatives of the department or its agent for at least three years.

Part 3: Chapter 144, Article V, Division 3, Subdivision V, Section 114-468(5)d of the Municipal Code of the City of Racine is amended as follows:

The words “at the facility” shall be inserted between the words “29 days” and the word “within.”

Part 3: 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: N/A

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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0018-25 – Certificate of Occupancy
for Adult Family Homes

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Matthew J. Perz, Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that requires certificate of occupancies for adult family homes and prohibiting adult family homes from being established within 2,500 feet of any other adult family home or community living arrangement if residents do not qualify as handicapped or disabled under federal law.

BACKGROUND & ANALYSIS:

The State of Wisconsin, or designee, can license or certify adult family homes to serve up to four residents in a residential setting to receive care, treatment, or services that exceed mere room and board. The State of Wisconsin regulates adult family homes; however, the State does not regulate certificates of occupancy. Certificates of occupancy help promote the safety of residents by ensuring that buildings meet local building codes.

Additionally, the State of Wisconsin explicitly permits municipalities to restrict adult family homes from opening withing 2,500 feet of another adult family home or community based residential facility. However, Congress passed the American with Disabilities Act and Fair Housing Act Amendments after the State delegation of authority to municipalities restricting where adult family homes may be located. Federal law gives added protection to those individuals who meet the criteria for being handicapped or disabled under federal law. Federal law prevents discrimination against handicapped or disabled individuals by prohibiting restrictions where a handicapped or disabled individual may live solely because of their handicap or disability.

The proposed legislation requires adult family homes to obtain a certificate of occupancy to ensure compliance with local building codes for the safety of the residents. Operating an adult family is designated as a limited permitted use in all districts where dwellings are permitted. A new certificate of occupancy is required for a change in use or if there is a new licensed or certified provider. The legislation is retroactive but exempts any existing licensed or certified provider of an adult family home from the certificate of occupancy fee requirement for a year, or longer, at the discretion of the chief building inspector, to become compliant with this legislation.

Adult family homes that serve only handicapped or disabled individuals are exempt from the 2,500 foot location restriction to comply with federal law.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: Dependent upon number of Adult Family Home Occupancy Permits issued.

Ordinance 0018-25 – Certificate of Occupancy for Adult Family Homes

An ordinance to amend Chapter 114, Article I, Section 114-1(b); to create Chapter 114, Article II, Division 5, , Section 114-99; to amend Chapter 114, Article V, Division 2, Subdivision II, Sections 114-272 and 114-274(a); to amend Chapter 114, Article V, Division 2, Subdivision V, Sections 114-327 and 114-328; to amend Chapter 114, Article V, Division 3, Subdivision II, Section 114-407(a); to amend Chapter 114, Article V, Division 3, Subdivision IV, Section 114-447(b); to amend Chapter 114, Article V, Division 3, Subdivision IV, Section 114-448; and to create Chapter 114, Article VII, Division 14, Section 114-841 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 114, Article I, Section 114-1(b) of the Municipal Code of the City of Racine is amended to include the following definition in alphabetical order:

Adult family home means a place where up to four adults reside and receive care, treatment, or services that are above the level of room and board, that may include up to seven hours per week of nursing care per resident, and that is licensed or certified by the State of Wisconsin, a county, or their designee.

State Law reference – Definitions, Wis. Stat. §§ 50.01(1), 50.032, 50.033.

Part 2: Chapter 114, Article II, Division 5, Section 114-99 of the Municipal Code of the City of Racine is created as follows:

Sec. 114-99. - Adult family homes.

- (a) *Change in use.* Any change in licensure or certification of an adult family home is a change in use that requires a new certificate of occupancy under section 18-112.
- (b) *Identification.* Every adult family home shall have a certificate of occupancy that names the current or intended licensed or certified provider.
- (c) *Retroactive application intended.* The fee for a certificate of occupancy shall be waived for any current licensed or certified provider of an adult family home that was in operation on the effective date of this ordinance, that has been in continuous operation since such time, and that does not have a valid occupancy permit. This fee waiver does not apply to subsequently licensed or certified providers of the adult family home.
- (d) *Time frame.* Any licensed or certified provider of an adult family home that was operating on the effective date of this ordinance and that does not have a valid certificate of occupancy shall obtain a valid certificate of occupancy by no later than one year after the effective date of this ordinance unless granted an extension by the chief building inspector or designee.

Cross reference – Change in use, § 18-112.

Part 3: Chapter 114, Article V, Division 2, Subdivision II, Section 114-272 of the Municipal Code of the City of Racine is amended to create subsection (10) as follows:

(10) Adult family homes in accordance with section 114-841.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 4: Chapter 114, Article V, Division 2, Subdivision II, Section 114-274(a) of the Municipal Code of the City of Racine is amended to create subsection (17) as follows:

(17) Adult family homes in accordance with section 114-841.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 5: Chapter 114, Article V, Division 2, Subdivision V, Section 114-327 of the Municipal Code of the City of Racine is amended to create subsection (14) as follows:

(14) Adult family homes in accordance with section 114-841.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 6: Chapter 114, Article V, Division 2, Subdivision V, Section 114-328 of the Municipal Code of the City of Racine is amended to create subsection (20) as follows:

(20) Adult family homes in accordance with section 114-841.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 7: Chapter 114, Article V, Division 3, Subdivision II, Section 114-407(a) of the Municipal Code of the City of Racine is amended to create subsection (5) as follows:

(5) Adult family homes in accordance with section 114-841.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 8: Chapter 114, Article V, Division 3, Subdivision IV, Section 114-447(b) of the Municipal Code of the City of Racine is amended to create subsection (47) as follows:

(47) Adult family homes in accordance with section 114-841 and located above the first

floor.

Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 9: Chapter 114, Article V, Division 3, Subdivision IV, Section 114-448 of the Municipal Code of the City of Racine is amended to create subsection (19) as follows:

(19) Adult family homes in accordance with section 114-841 and located below the second floor.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 10: Chapter 114, Article VII, Division 14 of the Municipal Code of the City of Racine is created as follows:

DIVISION 14. – ADULT FAMILY HOMES

Sec. 114-841. Limited Permitted Use.

- (a) *Distance.* No adult family home may be established within 2,500 feet of any other adult family home or any community living arrangement, unless all of the persons served by the new adult family home are handicapped or disabled under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the new adult family home because of their handicap or disability, or the adult family home is approved as a conditional use.
- (b) *Transferability.* No conditional use approved under this section shall be transferable to another location, licensee, or certificate holder.
- (c) *Policy.* The zoning administrator may develop policies to ensure compliance with this section.

State Law reference – Community and other living arrangements, Wis. Stat. § 62.23(7)(i)2r.a.

Part 11: 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: Certificate of occupancy fee as determined by the budget as set forth in the fee schedule and established by the common council for each property to be exempted. 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.

PROPOSED



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0019-25 – Review of Adult Family Homes
and Community Living Arrangements

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Matthew J. Perz, Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that sets forth a process for Common Council review of adult family homes and community living arrangements as permitted under Wisconsin State Statute section 62.23(7)(i)9, 9m), and (10). Review must be limited to the impact on the health, safety or welfare of the residents of the city and must conform to federal protections for residents covered under the American with Disabilities Act and Fair Housing Act Amendments.

BACKGROUND & ANALYSIS:

The common council may periodically conduct limited hearings regarding licensed adult family homes and community living arrangements but must also maintain compliance with strict federal requirements protecting disabled and handicapped residents. In general, the common council may periodically review the operation of adult family homes and community living arrangements to make a determination as to the effect on the health, safety or welfare of the residents of the city. If the common council determines that the existence of a licensed family home or a community living arrangement poses a threat to the health, safety or welfare of the residents of the city, the common council may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained. By statute, any hearing regarding adult family homes must be held specifically by the common council.

However, Congress has passed the Fair Housing Act (42 U.S.C. § 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), and the Rehabilitation Act (28 U.S.C § 701 et seq.) to prevent discrimination against handicapped or disabled individuals. These federal protections prohibit restricting where a handicapped or disabled individual may live solely because of their handicap or disability.

The proposed legislation creates a review process balancing the city's authority with the protected rights of residents. The planning, heritage, and design commission, in conjunction with the city fair housing department, reviews adult family homes and community living arrangements that have been identified as potentially adversely affecting the health, safety or welfare of the residents of the city. The process incorporates an opportunity for the licensee of the facility to inform the commission of any reasonable accommodations the city could provide to mitigate the negative effect on the health, safety or welfare of the residents of the city.

After review, the planning, heritage, and design commission may pursue necessary steps to provide reasonable accommodation, request that the city attorney's office pursue informal disposition or other remedies available under law, or request a hearing before the common council. The proposed legislation explicitly requires that any action taken be compliant with federal protections and that actions by the city may not be based upon

impermissible criteria.

If a common council review hearing is held, the proposed legislation incorporates the state law requirements on how the hearing shall be held, how the determination shall be made, and the licensee's right to judicial review.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0019-25 – Review of Adult Family Homes and Community Living Arrangements

An ordinance to create Chapter 62, Article III; and to amend Chapter 114, Article II, Division 1, Section 114-33 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 62, Article III of the Municipal Code of the City of Racine is created as follows:

ARTICLE III. – REVIEW OF ADULT FAMILY HOMES AND COMMUNITY LIVING ARRANGEMENTS

Sec. 62-70. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section.

Adult family home is as defined in Wis. Stat. § 50.01(1) as amended from time to time.

State Law reference – Definitions, Wis. Stat. § 50.01(1).

Community living arrangement is as defined in Wis. Stat. § 62.23(7)(i) as amended from time to time.

State Law reference – Community and other living arrangements, Wis. Stats. §§ 46.03(22), 48.743(1), 50.01(1), and 62.23(7)(i).

Determination period means the interval beginning no earlier than 11 months and ending no later than 13 months following initial licensure and every year thereafter.

State Law reference – Wis. Stat. § 62.23(7)(i)9.

Licensee means any person licensed or required to be licensed under Wisconsin law to operate an adult family home or a community living arrangement.

Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the effect of the adult family home or community living arrangement on the health, safety, or welfare of the residents of the city and that reasonable persons would accept in support of a conclusion.

State Law reference – Wis. Stat. § 62.23(7)(de)1.b.

Sec. 62-71. – Authority.

The common council may determine whether an adult family home or community living arrangement located anywhere within the city poses a threat to the health, safety, or welfare

of the residents of the city.

State Law reference – Wis. Stat. § 62.23(7)(i)9. and 10.

Sec. 62-72. – Review process.

(a) Initial Determination.

- (1) *Identification.* Upon request of the department of city development, the chairperson of the planning, heritage, and design commission may place an item on the agenda to review an adult family home or community living arrangement.
- (2) *Initial determination.* The planning, heritage, and design commission shall determine whether there is evidence that an adult family home or a community living arrangement identified under subsection (a)(1) poses a threat to the health, safety, or welfare of the residents of the city.
- (3) *Action.* If the planning, heritage, and design commission makes an initial determination that there is evidence that an adult family home or a community living arrangement poses a threat to the health, safety, or welfare of the residents of the city, then the planning, heritage, and design commission may take either of the following actions:
 - a. *Reasonable accommodation hearing.* Request that the planning, heritage, and design commission convene for a reasonable accommodation hearing under subsection (b).
 - b. *Referral.* Refer the matter to the City Attorney's Office to pursue a proactive solution with the licensee that mitigates the potential threat. Any proposed proactive solution is subject to approval by the planning, heritage, and design commission.
- (4) *Additional information.* In lieu of making an initial determination under subsection (a)(2), the planning, heritage, and design commission may request that the department of city development provide it with additional information that may further assist it in making an initial determination under subsection (a)(2) at the next meeting of the planning, heritage, and design commission.

(b) Reasonable accommodation hearing.

- (1) *Notification.* The city shall serve the licensee with notice of the reasonable accommodation hearing by first class mail or personal service by at least 15 days before the reasonable accommodation hearing. The notice shall request, but not require, the appearance of the licensee. Service by mail is complete upon mailing.
- (2) *Discussion.* The licensee shall be advised that any statements regarding the alleged

underlying facts may be considered by the planning, heritage, and design commission at the reasonable accommodation hearing and/or the common council at any subsequent hearing. The licensee may elect not to discuss the alleged underlying facts at the reasonable accommodation hearing, and such silence may not be considered adversely to the licensee by the planning, heritage, and design commission.

(3) *Determination.* The planning, heritage, and design commission shall determine both from the reasonable accommodation hearing:

- a. Whether there is evidence that the adult family home or the community living arrangement poses a threat to the health, safety, or welfare of the residents of the city.
- b. Whether the city can make a reasonable accommodation that mitigates the threat to the health, safety, or welfare of the residents of the city.

(4) *Action.* If the planning, heritage, and design commission determines that there is evidence that the adult family home or the community living arrangement poses a threat to the health, safety, or welfare of the city, then the planning, heritage, and design commission may, after consultation with the city attorney's office, take any one or more of the following actions:

- a. Pursue necessary steps to provide reasonable accommodation.
- b. Request that the city attorney's office pursue informal disposition or other remedies available by law.
- c. Request a review hearing before the common council within the determination period.

(c) Review hearing.

(1) *Scheduling.* Upon a request under subsection (b)(5)d., the common council shall convene for a review hearing under subsection (c) within the determination period.

(2) *Notification.* The city shall serve the licensee with notice of the review hearing by certified mail or by service under Wisconsin Statutes section 801.11 at least 30 days before the review hearing. The notice shall state the alleged underlying facts that serve as evidence of a threat to the health, safety, or welfare of the residents of the city. Proof of certified mailing from the United States post office shall be sufficient to establish that proper notice has been provided. Service by mail is complete upon mailing

(3) *Hearing.* At the review hearing, the parties may be represented by an attorney, present evidence, call and examine witnesses, and cross-examine witnesses of the

other party. The common council may call witnesses, and the chairperson of the common council may sign and issues subpoenas on behalf of the common council.

- (4) *Sworn witnesses.* All witnesses shall be sworn by the common council.
- (5) *Admissibility.* The common council shall not be bound by common law or statutory rules of evidence. The common council shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony. The common council shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality, and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record
- (6) *Record of proceedings.* The common council shall take notes of the testimony and shall mark and preserve all exhibits. The common council may, and upon request of the licensed adult family home or the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the city.
- (7) *Final determination; decision.* The common council shall decide from the review hearing whether substantial evidence proves that the adult family home or the community living arrangement poses a threat to the health, safety, or welfare of the residents of the city. Not more than 20 days after the review hearing, the common council shall mail first class or deliver to the parties its written decision that includes therein the reasons for its determination.
- (8) *Cease order.* If the common council decides under subsection (c)(7) that an adult family home or a community living arrangement poses a threat to the health, safety, or welfare of the residents of the city, then the common council may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained.
- (9) *Operation.* The adult family home or community living arrangement shall cease operation within 90 days after the date of the order, the date of final judicial review of the order, or the date of the denial of special zoning permission, whichever is later.
- (10) *Judicial review.* The common council's determination shall be a final determination that is subject to judicial review under Wisconsin Statutes section 68.13. A free copy of the review hearing shall not be provided to the licensee.

State Law reference – Personal jurisdiction, manner of serving summons for, Wis. Stat. § 801.11; Judicial review, Wis. Stat. § 68.13.

Sec. 62-73. – Antidiscrimination.

- (a) *Compliance.* The city shall enforce this ordinance in full compliance with the Fair

Housing Act (42 U.S.C. § 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), and the Rehabilitation Act (28 U.S.C § 701 et seq.) The city shall not initiate or conduct reviews in a manner that targets or discriminates against individuals based on disability, familial status, or other protected characteristics under the Fair Housing Act, Americans with Disabilities Act, or Rehabilitation Act.

- (b) *Scope.* Any action taken under this ordinance shall be narrowly tailored to address identified threats to public health, safety, or welfare, and shall not be based on stereotypes or general fears.
- (c) *Reasoning.* All proposed reasons for the common council's written determination shall be reviewed by the city attorney's office or contracted legal counsel prior to issuance of a final determination.

Sec. 62-74. – Severability.

If any portion of this ordinance is deemed invalid by a court of competent jurisdiction, the remaining provisions shall remain in effect.

Cross reference – Duties, § 2-332; Planning, heritage, and design commission, § 114-33.

State Law reference – Wis. Stats. §§ 62.23(7)(i), (i)9, (10), and 885.01(3).

Part 2: Chapter 114, Article II, Division 1, Section 114-33 of the Municipal Code of the City of Racine is amended to create subsection (b)(4) as follows:

- (4) Conduct reviews of adult family homes and community living arrangements as established under section 62-72.

Cross reference – Review of adult family homes and community living arrangements, § 62-70, et seq.

Part 3: 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: N/A

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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0020-25 – Littering, Illegal Dumping,
and Incentivized Reporting

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Robin K. Zbikowski, Senior Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance that prohibits illegal dumping within the city and creates an incentive to report incidents of illegal dumping.

BACKGROUND & ANALYSIS:

Chapter 66 of the Code prohibits certain behaviors within the city, including littering under article XIV. The language thereunder provides some specifics as to what qualifies as “littering,” including the placement or throwing of handbills and circulars. This language is not only outdated but also suggests that littering is only a minor infraction of the law (e.g. a fast-food wrapper on a park bench). This piece of legislation revitalizes these outmoded aspects of the code.

Also addressed by this proposed ordinance is the city’s growing concern over incidents of “illegal dumping.” Like littering, illegal dumping is the unlawful depositing of solid waste, but in greater volume (e.g. dozens of used tires dumped on a vacant lot). This behavior impacts the environment, property values, and costs taxpayer dollars to clean up, among other concerns.

This proposed legislation recreates article XIV of chapter 66 to govern both littering and illegal dumping. It defines these behaviors and differentiates them by the volume of solid waste that is improperly deposited in each instance. If the volume of illegally deposited solid waste can fit inside the average kitchen-size garbage-can (a 20-gallon container), then it is littering. Conversely, if such cannot fit, then it is illegal dumping. Upon conviction, a person shall forfeit up to \$1000 for littering and \$5000 for illegal dumping.

Additionally, this legislation creates a reward program to incentivize a person with information about an incident of illegal dumping to provide identification and file a report with the police department. If the information provided contributes to an enforcement action for the illegal dumping violation, the director of city development may issue a reward in an amount up to \$1000. The issuance of any reward, no matter the amount, cannot be contingent on the outcome of any litigation over the illegal dumping violation.

Further, the format of this legislation is formatted like the newer provisions of the code, which enhances uniformity in and ageless application of the code.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: The discretionary payment of reward money up to \$1,000 in exchange for information that contributes to the prosecution of the illegal dumping violation.

Ordinance 0020-25 – Littering, Illegal Dumping, and Incentivized Reporting

An ordinance to repeal, delete, and recreate Chapter 66, Article XIV 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 66, Article XIV of the Municipal Code of the City of Racine is repealed, deleted, and recreated as follows:

ARTICLE XIV. – LITTERING AND ILLEGAL DUMPING

Sec. 66-370. – Definitions.

In this section:

Illegal dumping means the depositing or discharging of solid waste in an amount equal to or greater than a 20-gallon container on or along a highway, in any waters of the city, on any ice of any waters of the city, or on any other public or private property.

Solid waste is as defined under section 42-26.

Littering means the depositing or discharging of solid waste in an amount less than a 20-gallon container on or along a highway, in any waters of the city, on any ice of any waters of the city, or on any other public or private property.

Cross reference – Definitions (solid wastes), § 42-26.

State law reference – Wis. Stat. § 287.81, littering.

Sec. 66-371. – Littering prohibited.

No person shall engage in, cause, or otherwise contribute to an incident of littering within the city.

Sec. 66-372. – Illegal dumping prohibited.

No person shall engage in, cause, or otherwise contribute to an incident of illegal dumping within the city.

Sec. 66-373. Exception.

This article does not apply to a person who deposits or discharges solid waste in any amount that is in conformance with the requirements under chapter 42 and chapter 78.

Cross references – Environment, ch. 42; Solid Waste, ch. 78.

Sec. 66-373. – Penalty.

(a) Littering.

- (1) *Bond amount.* Any person charged with a littering violation may pay a deposit of \$500 plus costs in lieu of a court appearance.
- (2) *Forfeiture.* Any person convicted of a littering violation shall forfeit not more than \$1,000.

(b) Illegal dumping.

- (1) *Bond amount.* Any person charged with an illegal dumping violation may pay a deposit of \$2,500 plus costs in lieu of a court appearance.
- (2) *Forfeiture.* Any person convicted of an illegal dumping violation shall forfeit \$5,000 for the first offense and \$7,500 for the second or subsequent offense.

Sec. 66-374. – Reporting illegal dumping.

Any person with information about an incident of illegal dumping within the city may provide his or her identification and file a report with the police department. If possible, the report shall contain the following information:

- (a) The name and description of each suspect.
- (b) The date, time, and approximate location of the illegal dumping.
- (c) A description of the illegal dumping.
- (d) A description of any vehicle involved in the illegal dumping.

Sec. 66-375. – Incentive program.

The director of city development or designee may issue a monetary reward in an amount up to \$1,000 that is payable to the person who provides his or her identification and files a report with the police department under section 66-374 that contributes to an enforcement action for the illegal dumping violation. The payment of a reward shall not be contingent on the outcome of any litigation related to the illegal dumping incident.

Part 2: Chapter 66, Article I, Section 66-3(b) of the Municipal Code of the City of Racine is amended to repeal and delete the following three rows in the embedded table:

66-371	Littering	125.00
66-372	Commercial waste	325.00
66-373	Failure to remove accident debris	400.00

Part 3: 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: The discretionary payment of reward money up to \$1,000 in exchange for information that contributes to an enforcement action for an illegal dumping violation. 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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0021-25 – No Mow May

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Robin K. Zbikowski, Senior Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication co-sponsored by Mayor Mason and Alder Pabon requesting the creation of a No-Mow May Ordinance to establish an exemption in May to the noxious weeds height requirement.

BACKGROUND & ANALYSIS:

The Code requires that all noxious weeds be kept under six inches in height. In September 2023, the common council adopted a pilot No-Mow May Ordinance that provided property owners with the opportunity to exempt their property from the noxious weeds height requirement during the month of May. That ordinance was adopted with a sunset provision that took effect on December 31, 2024.

This proposed piece of legislation is like the previously adopted No-Mow May Ordinance, except that it is not intended to be a pilot program, there is no sunset provision, and it does not require property owners to pay a fee to register for the exemption.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: The costs to produce No-Mow May yard signs.

Ordinance 0021-25 – No Mow May

An ordinance to create Chapter 42, Article III, Section 42-63 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 42, Article III, Section 42-63 of the Municipal Code of the City of Racine is deleted and recreated to state as follows:

Sec. 42-63. – No Mow May

- (a) *Exemption.* Property owners registering pursuant to and in compliance with this section shall be exempt from the height restriction for noxious weeds during the month of May.
- (b) *Requirements.* No property owner may be exempt from the height restriction for noxious weeds during the month of May without first registering with the city for an exemption and displaying an official yard sign as prescribed by this section.
- (c) *Registration form.* To register for an exemption each May, a property owner shall, between June 1 and April 30, submit a completed registration form to the department of customer service for each property to be exempted. Registration forms shall be provided by and made available at the city clerk's office from June 1 through April 30 each year.
- (d) *Yard sign.* Registrants shall receive from the department of customer service an official yard sign that shows the year in which it was issued and that must be displayed continuously throughout May and in a conspicuous place on the property for which the exemption was issued.
- (e) *Term.* Exemptions and official yard signs issued under this section are valid only from May 1 through May 31 for the year in which they are issued.
- (f) *Transfer prohibited.* Exemptions and official yard signs issued under this section are not transferable.

Part 2: 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: The annual cost to produce and provide yard signs for registered property owners. 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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0022-25 – Property Maintenance Code

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Matthew J. Perz, Assistant City Attorney

REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting the current property maintenance code be revised to incorporate standards similar to the International Property Maintenance Code.

BACKGROUND & ANALYSIS:

The International Code Council is the largest international association of building safety and professionals and provides model codes and standards. The International Property Maintenance Code (IPMC) is “intended to establish provisions that adequately protect health, safety and welfare and that neither unnecessarily increase construction costs nor give preferential treatment to particular types or classes of materials, products or methods of construction.”¹ The model code serves as a template and can be modified to conform to state-specific requirements and restrictions.

The proposed legislation creates a new Chapter 19 that incorporates various aspects of the IPMC, provisions of the recent 2023 Property Maintenance Code revision from the City of Kenosha, and Chapter 18, Articles V, IX, X, and XI of the Racine Code of Ordinances.

ARTICLE I. – DEFINITIONS

Sec. 19-01. – Title.

Sec. 19-02. – Definitions.

ARTICLE II. – SCOPE AND ADMINISTRATION

Sec. 19-03. – General.

Sec. 19-04. – Applicability.

Sec. 19-05. – Code official.

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

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

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

Sec. 19-09. – Reinspection fees.

Sec. 19-10. – Enforcement of violations.

Sec. 19-11. – Penalties.

Sec. 19-12. – Administrative appeal

ARTICLE III. – GENERAL REQUIREMENTS

¹ International Code Council, *International Property Maintenance Code*, 2021 ed. (Washington, D.C.: International Code Council, 2020), iii.

DIVISION 1. – EXTERIOR PREMISES

- Sec. 19-101. – Exterior storage.
- Sec. 19-102. – Prohibited Exterior Storage.
- Sec. 19-103. – Unpaved lawn park areas.
- Sec. 19-104. – Grading and drainage.
- Sec. 19-105. – Walkways, stairs, driveways, and parking facilities.
- Sec. 19-106. – Firewood storage.
- Sec. 19-107. – Accessory buildings/structures.
- Sec. 19-108. – Fences.

DIVISION 2. – EXTERIOR STRUCTURE

- Sec. 19-201. – Exterior surface repair and preservation.
- Sec. 19-202. – Building numbers.
- Sec. 19-203. – Structural members.
- Sec. 19-204. – Foundation walls.
- Sec. 19-205. – Exterior walls.
- Sec. 19-206. – Roofs and drainage.
- Sec. 19-207. – Decorative features.
- Sec. 19-208. – Overhang extensions.
- Sec. 19-209. – Stairways, decks, porches, ramps, and balconies.
- Sec. 19-210. – Handrails/guardrails.
- Sec. 19-211. – Chimneys, towers, and antennas.
- Sec. 19-212. – Windows.
- Sec. 19-213. – Doors.
- Sec. 19-214. – Security maintenance.
- Sec. 19-215. – Basement hatchways.
- Sec. 19-216. – Basement windows.

DIVISION 3. – INTERIOR STRUCTURE

- Sec. 19-301. – Interior wall, ceiling, and floor surfaces, and repairs.
- Sec. 19-302. – Structural members.
- Sec. 19-303. – Bathroom floors, walls, and ceiling.
- Sec. 19-304. – Stairs and walking surfaces.
- Sec. 19-305. – Handrails and guardrails.
- Sec. 19-306. – Interior doors.
- Sec. 19-307. – Facility, fixture, cabinet, equipment, appliance, and utility installation and maintenance.
- Sec. 19-308. – Sanitary conditions.
- Sec. 19-309. – Freedom from dampness.
- Sec. 19-310. – Infestation and extermination.

ARTICLE IV. – PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

- Sec. 19-401. – General.
- Sec. 19-402. – Required facilities.
- Sec. 19-403. – Plumbing systems and fixtures.
- Sec. 19-404. – Water supply system.
- Sec. 19-405. – Sanitary sewer and treatment system.

ARTICLE V. – MECHANICAL AND ELECTRICAL REQUIREMENTS

- Sec. 19-501. – General.
- Sec. 19-502. – Heating facilities and equipment.
- Sec. 19-503. – Electrical facilities.

Sec. 19-504. – Electrical equipment.

ARTICLE VI. – FIRE SAFETY REQUIREMENTS

Sec. 19-601. – Smoke detectors.

Sec. 19-602. – Carbon monoxide detectors.

Sec. 19-603. – Number of exits.

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

Sec. 19-605. – Unobstructed passageways.

Sec. 19-606. – Hazardous materials.

Sec. 19-607. – Fuel oil tanks.

Sec. 19-608. – Fire doors.

ARTICLE VII. – RESPONSIBILITIES OF TENANTS

Sec. 19-701. – Cleanliness.

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

Sec. 19-703. – Animals.

Sec. 19-704. – Fixtures.

Sec. 19-705. – Property Damage.

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

DIVISION 1. – RESIDENTIAL RENTAL PROPERTY MANAGEMENT

Sec. 19-801. – Scope; applicability.

Sec. 19-802. – Minimum acceptable practices.

Sec. 19-803. – Penalties.

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

DIVISION 2. – RESIDENTIAL RENTAL AND COMMERCIAL PROPERTY REGISTRATION PROGRAM

Sec. 19.901. – Findings and purpose.

Sec. 19.902. – Registration.

Sec. 19-903. – Penalties.

DIVISION 3. – PROPERTIES PENDING FORECLOSURE REGISTRATION PROGRAM

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

Sec. 19-1002. – Registration

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

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

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

Sec. 19-1006. – Fees.

Sec. 19-1007. – Violation.

Sec. 19-1008. – Penalties.

DIVISION 4. – RESIDENTIAL RENTAL INSPECTION PROGRAM

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

Sec. 19-1102. – Circumstances.

Sec. 19-1103. – Program inspection.

Sec. 19-1104. – Inspection upon complaint.

Sec. 19-1105. – Imminent danger.

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

Sec. 19-1107. – Notification.

Sec. 19-1108. – Fees.

Sec. 19-1109. – Inspection requests.

Sec. 19-1110. – Remedies.

DIVISION 5. – EVICTION OR RETALIATION PROHIBITED

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

Sec. 19-1202. – Rebuttable presumption.

Sec. 19-1203. – Exceptions.

ARTICLE IX. – UNSAFE STRUCTURES AND EQUIPMENT

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

Sec. 19-1302. – Notice and order.

Sec. 19-1303. – Placarding.

Sec. 19-1304. – Prohibited occupancy.

Sec. 19-1305. – Removal of placard.

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

Sec. 19-1307. – Emergency measures.

Sec. 19-1308. – Appeal.

ARTICLE X. – VACANT BUILDINGS

Sec. 19-1401. – Findings and purpose.

Sec. 19-1402. – Property owner requirements.

Sec. 19-1403. – Registration required.

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

Sec. 19-1405. – Inspection required.

Sec. 19-1406. – Minimum maintenance requirements.

Sec. 19-1407. – Penalties.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

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 withing 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 harborage.
- (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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0023-25 – Racine Works,
Applicability of Apprenticeship Requirements
to Subcontractors

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Scott R. Letteney, City Attorney
REVIEWED BY:

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance clarifying the requirement that subcontractors under the Racine Works Program must participate in an apprenticeship program

BACKGROUND & ANALYSIS:

Under the existing Racine Works Program Ordinance, section 46-41, contractors are required to participate in “a Class A Apprenticeship Program that is currently approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for three years.” The proposed ordinance defines “subcontractor” and clarifies that subcontractors performing work under a Racine Works Program contract must also participate in a qualifying apprenticeship program.

The proposed ordinance would add the following language to the existing Racine Works Program Ordinance:

Subcontractor means an individual or business entity that is hired by a contractor to perform specific tasks or complete a portion of a larger contract and that participates in an apprenticeship program as defined in this section. No contractor may hire a subcontractor that does not participate in an apprenticeship program as defined in this section to perform tasks or complete a portion of a larger contract under a qualifying contract.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0023-25 – Racine Works, Applicability of Apprenticeship Requirements to Subcontractors

An ordinance to amend Chapter 46, Article II, 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 46, Article II, Section 46-41(b) of the Municipal Code of the City of Racine is amended as follows:

The following definition shall be inserted following the definition of Resident:

Subcontractor means an individual or business entity that is hired by a contractor to perform specific tasks or complete a portion of a larger contract and that participates in an apprenticeship program as defined in this section. No contractor may hire a subcontractor that does not participate in an apprenticeship program as defined in this section to perform tasks or complete a portion of a larger contract under a qualifying contract.

Part 2: 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: N/A

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 5 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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0024-25 – City Identification Card
Program

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Scott R. Letteney, City Attorney
REVIEWED BY:

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance creating a City Identification Card Program

BACKGROUND & ANALYSIS:

By the terms of the proposed ordinance,

the city recognizes that many residents of the City of Racine do not have adequate access to recognized forms of identification and therefore may have difficulty obtaining services and participating in programs and activities from the city and local business. The city finds that the establishment of a city identification card program will aid the general welfare of the community and will be a positive and productive resource for all city residents to access services, programs and activities in the city.

The proposed ordinance would create a City Identification Card Program whereby City of Racine residents would be able to obtain a City-issued identification card to provide residents “a means to demonstrate residency within the city in order to access city programs, services, and activities, and to provide a means to substantiate a person's identity.” The City identification card would not be a substitute for a state or federal identification card and would not be authorized to provide identification “for voting and purchasing of age-restricted products.”

The City Identification Card Program would be administered by the Department of Customer Service. The proposed ordinance sets forth the process and standards necessary for residents to prove their identity and residence in order to obtain a City identification card.

A fee would be required for the issuance of a City identification card as established by the Common Council.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0024-25 – City Identification Card Program

An ordinance to create Chapter 62, Article III, of the Municipal Code of the City of Racine, Wisconsin.

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

Sec. 62-101. - Findings.

The city recognizes that many residents of the City of Racine do not have adequate access to recognized forms of identification and therefore may have difficulty obtaining services and participating in programs and activities from the city and local business. The city finds that the establishment of a city identification card program will aid the general welfare of the community and will be a positive and productive resource for all city residents to access services, programs and activities in the city.

Sec. 62-102. - 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:

City identification card means the city identification card issued by the city that displays the cardholder's full legal name, date of birth, residence address, photograph, and expiration date.

Program administrator means the director of customer service.

Resident means a person who resides in the city and has resided in the city for a minimum of 30 continuous days prior to applying for a city identification card.

Sec. 62-103. - Issuance and purpose of city identification card.

- (a) The purpose of the city identification card is to provide a resident with a means to demonstrate residency within the city in order to access city programs, services, and activities, and to provide a means to substantiate a person's identity. The municipal identification card shall not replace state-issued identification as mandated by Wisconsin law for voting and purchasing of age-restricted products, nor does it grant a right to lawful presence or status, unless state law provides for the use of municipal-issued identification for these purposes.
- (b) The program administrator is authorized to issue a city identification card to any resident who satisfies the application requirements set forth in this division and pays the applicable fee as established by the common council.

- (c) The program administrator will cause the city identification card to be produced in a form to prevent unauthorized replication or counterfeiting.
- (d) A city identification card shall be valid for five years for minors at the date of issuance, ten years for adults under the age of sixty-five at the date of issuance, and indefinitely for adults over the age of sixty-five as of the date of issuance, as long as information provided on the city identification card remains current. A person must surrender a city identification card when the card expires, or when the person no longer resides within the city, or when the person is no longer present within the city for a continuous period of 90 days.

Sec. 62-104. - Application.

- (a) As provided in this section, the program administrator may issue a city identification card to an applicant who under penalty of perjury submits a complete application, demonstrates proof of identity, demonstrates proof of residency within the city, and makes payment of the applicable fee.
 - 1. Proof of identity. An applicant must present a minimum of two of the following identity documents. At least one document, or two documents when taken together, must display the applicant's name and must display the applicant's date of birth. A document that demonstrates the applicant's identity must be an original or a copy certified by the issuing agency. A document may be submitted if expired, but the document must substantiate or confirm the identity of the applicant. If the applicant's current legal name is different from the identity document, the applicant must submit proof of a lawful change of name.
 - a. Driver license or identification card issued by any state, territory, or possession of the U.S.;
 - b. Tribal driver license or identification card;
 - c. Consular identification cards;
 - d. U.S. permanent resident card;
 - e. Birth certificate issued by any state, territory, or possession of the U.S. (excluding hospital records/certificates and abstracts of birth);
 - f. U.S. certificate of birth abroad (FS-240, 545 or DS-1350);
 - g. U.S. passport or passport card;
 - h. U.S. state identification card;
 - i. Tribal or Bureau of Indian Affairs affidavit of birth;
 - j. Foreign passport;
 - k. A current visa issued by a government agency;
 - l. U.S. Citizenship and Immigration Services (USCIS) Employment Authorization Card (EAC);
 - m. U.S. certificate of naturalization;
 - n. U.S. certificate of citizenship;
 - o. U.S. military DD-214;
 - p. U.S. military identification card (active duty, reserve or retired);

- q. Released offender identification from the Wisconsin Department of Corrections (with photo);
 - r. Photo identification card issued by the national government of a foreign country that meets all of the following requirements:
 - i. The issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and
 - ii. The card has a photograph of the applicant and the applicant's date of birth;
 - s. U.S. Social Security Administration card;
 - t. U.S. military dependent identification card;
 - u. U.S. Armed Forces driver license;
 - v. U.S. Department of Veterans Affairs card;
 - w. U.S. Department of Justice inmate identification card;
 - x. U.S. Selective Service card;
 - y. W-2 form issued by an employer in any state, territory or possession of the U.S.;
 - z. Concealed carry permit issued by any state, territory or possession of the U.S.;
 - aa. Medical insurance identification card;
 - bb. Professional license issued by any state, territory or possession of the U.S.;
 - cc. Bank card issued by a bank that does business in any state, territory or possession of the U.S.;
 - dd. Credit card issued by a bank that does business in any state, territory or possession of the U.S.;
 - ee. School identification (with photo) issued by a school in any state, territory or possession of the U.S.; or
 - ff. Marriage license or certificate;
 - gg. Any other documentation that the program administrator deems acceptable.
2. Proof of residency. To establish residency, an applicant must present one of the following documents, which must include both the applicant's name and a residential address located within city corporate boundaries. An applicant may prove residency using documents bearing the name of a spouse if the applicant presents a certified copy of a marriage certificate.
- a. Utility bill (e.g., cable, cell phone, gas, electric) dated within the prior 30 days;
 - b. Written verification confirming a minimum of 30 days of residency within the last 30 days issued by a Wisconsin licensed homeless shelter;
 - c. Written verification issued by a hospital, health clinic or Racine County social services agency confirming a minimum of 30 days of residency within the last 30 days;
 - d. Local property tax statement or mortgage payment receipt dated within the prior 30 days;
 - e. Bank account statement dated within the prior 30 days;

- f. Proof of current enrollment in a school located within city limits, which can be used to establish proof of residency for either student and/or parent of student;
 - g. Employment pay stub dated within the last 30 days;
 - h. Jury summons or court order issued by a state or federal court dated within the prior 30 days;
 - i. Federal or state income tax or refund statement dated within the prior 30 days; or
 - j. Insurance bill (homeowner's, renter's, health, life, or automobile insurance) dated within the prior 30 days.
 - k. Any other documentation that the program administrator deems acceptable.
- (b) A minor may demonstrate residency through the residency of the applicant's parent or legal guardian if:
- 1. the applicant cannot produce any of the items set forth above; and
 - 2. the parent or legal guardian satisfies the requirements for a city identification card.
- (c) The city shall maintain only that data for the city identification card as required by applicable state law.

Sec. 62-105. - Implementation.

The program administrator is authorized to adopt rules and regulations consistent with this article or as necessary to issue and administer the city identification card. The city shall require applicants to sign and declare the information provided in their applications under penalty of perjury.

Sec. 62-106. - Fees.

An applicant for a city identification card must pay a fee in an amount to be set by the common council from time to time.

Sec. 62-107. - Acceptance by city departments.

- (a) When city identity or residency is required, a city department is authorized to accept a city identification card issued pursuant to this article as lawful identification and lawful proof of residency within the city.
- (b) Other than to demonstrate identity and city residency, this article is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of city benefits and services.
- (c) This section does not apply when:

1. A federal or state statute, administrative regulation or directive, or court decision requires the city to obtain different identification or proof of residency;
 2. A federal or state statute or administrative regulation or directive preempts local regulation of identification or residency requirements; or
 3. Prohibited by the terms and conditions imposed on the city by a funding source.
- (d) Nothing in this section is intended to prohibit city departments from requiring additional information from a person to verify the person's current address or other information required by the department to fulfill the department's responsibilities.
- (e) No city department must accept a city identification card if the department reasonably believes that the city identification card is counterfeit, altered, or improperly issued to the cardholder; or the individual presenting the city identification card is not the individual to whom it was issued; or otherwise is determined not to be accurate identification.
- (f) In undertaking the adoption and enforcement of this division, the city is assuming an undertaking only to promote the general welfare of its residents. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Sec. 62-108. - Cardholder's responsibilities.

- (a) A cardholder must notify the program administrator within 30 days of any change of name or change in address within the city. Upon receipt of notification and completion by the applicant/cardholder of the requirements contained in section 2-29, a new city identification card will be issued.
- (b) If a cardholder no longer resides within city or expects to reside outside the city for a period of more than 90 consecutive days, the cardholder must surrender the city identification card issued under this article by mailing the card to the program administrator with an acknowledgement of an intent to reside elsewhere.

Sec. 62-109. - Suspension and revocation of card.

A city identification card may be suspended or revoked by the program administrator for violation of rules and regulations adopted by the program administrator or for a violation of this article.

Part 2: 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. City identification cards will be issued at a later date to be determined, but in no case later than December 31, 2026.

Fiscal Note: N/A

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.

PROPOSED

Ordinance 0025-25 – Parades, Processions, and Open-Air Meetings Permits

An ordinance to amend Chapter 82, Article II, Division 1, 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 82, Article II, Division 1, Section 82-39 of the Municipal Code of the City of Racine is repealed and recreated as follows:

Purpose. This section is enacted to regulate and control parades, processions, or open-air meetings, and activities incidental thereto, within the city of Racine to the extent that the health, safety, and general welfare of the public and the good order of the city can be protected and maintained. This section applies to parades, processions, or open-air meetings, on a scheduled date or dates, requiring one or more licenses issued pursuant to sections 22-531, 22-538, or 42-132 of the Municipal Code of the City of Racine, lasting no longer than two consecutive days or consisting of reoccurring nonconsecutive days, to which the general public is solicited or otherwise encouraged to attend and requiring authorized use of any city-owned or city-controlled property including streets, parking lots, lands, select public facilities or city parks that may or may not require city services. Except vendors, as defined in this section, a permit issued pursuant to this section shall authorize all activities which would otherwise require a separate license to be issued pursuant to one or more of sections 22-531, 22-538, or 42-132 of the Municipal Code of the City of Racine.

(a) *Definitions.*

Open-air meeting. A planned or organized gathering of persons held outdoors in a space not fully enclosed by permanent walls and a roof, including but not limited to parks, plazas, sports venues, parking lots, or other outdoor areas accessible to the public for the purpose of discussion, expression, entertainment, ceremony, or other collective activity. The use of temporary coverings, such as tents, canopies, or stages, shall not by itself render the meeting enclosed or exempt from permitting requirements applicable to open-air events.

Parade. Parade means a planned or organized march or movement of persons, with or without vehicles, animals, floats, or other conveyances, along a street, sidewalk, or other public way, primarily for the purpose of display, entertainment, celebration, or commemoration, and intended to or likely to attract the attention of spectators.

Parade co-sponsorship. The Memorial Day Parade, the Juneteenth Day Parade, and Fourth Fest Parade shall be co-sponsored by the city. Co-sponsorship by the city does not mean there shall be no costs payable to the city by the parade's organizer who shall be the parade's primary sponsor.

Parade organizer. An approved applicant in charge or control of a parade. A parade organizer must be a non-profit or a not-for-profit entity.

Permit term. A period up to two consecutive days or an approved number of reoccurring nonconsecutive dates authorized in one calendar year.

Procession. A planned or organized movement of persons, with or without vehicles, animals, or other conveyances, along a street, sidewalk, or other public way, undertaken for ceremonial, memorial, expressive, or other solemn or purposeful activities, whether spectators are present or spectators are not present.

Reviewing authority. Applications for parade permits shall be reviewed by the public works and services committee, which shall then make its recommendation for approval, approval with conditions, or denial to the common council.

Vendor. A person, firm, party, or business entity who as part of the parade, procession, or open-air meeting offers anything for sale, trade, use, or reuse, including but not limited to, articles, food, produce, beverage, goods, service, art, craft, or product; or interacts with potential customers in or around the parade, procession, or open-air meeting, taking names for the purpose of making future sales, offering applications or materials for future sales, or in any other participating operation or attempting to publicly sell or offer for sale any such article or service. Nothing in this section shall be construed as negating a requirement to comply with Chapter 22, Article XIV of this code, or to obtain and maintain a street vendor's license in accordance with Chapter 22, Article XVII of this code.

- (b) *Permit Required.* A permit shall be required under this section prior to and as a condition of any person, party, firm, or corporation undertaking a parade, procession, or open-air meeting. A permit shall be issued in the name of the organizer, who shall be responsible for the conduct and supervision of all activities authorized under the permit, whether or not said organizer is present at the location of the parade, procession, or open-air meeting. However, this does not preclude enforcement of statutory or ordinance violations against individuals conducting the activities under such permit. Except vendors, a permit issued pursuant to this section shall authorize all activities that would otherwise require a separate license or permit to be issued pursuant to sections 22-531, 22-538, or 42-132 of the Municipal Code of the City of Racine
- (c) *Application.* Application for a parade, procession, or open-air meeting permit shall be fully completed, properly executed, and filed not more than 150 days and not less than 60 days prior to the proposed parade, procession, or open-air meeting with the department of customer service on a form designed for that purpose. The application shall:
1. Identify the organizer's name, address, telephone number(s), and email address;
 2. Set forth the exact dates and times of the parade, procession, or open-air meeting;
 3. Describe the specific location of the premises for which a permit is sought, including a scaled site plan; detailing the route for parades or processions; the estimated number of participants, vehicles, and floats; whether amplified sound, animals, or pyrotechnics will be involved; plans for food or alcohol sales; locations for vendors,

locations for portable restrooms; parking; garbage collection and other clean-up; and all other relevant information;

4. Include an operational plan describing the parade, procession, or open-air meeting and detailing actions the organizer will take to support the objectives of this section. The operational plan must address the permit standards and permit conditions contained herein and in (f) and (g) of this section;
5. Describe all city services required;
6. Any other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the parade permit should be issued.

(d) Permit Application Fee.

The non-refundable permit fee shall be as set forth in the fee schedule established by the common council per event application. A base permit fee shall apply for all parades or processions. For parade or procession routes exceeding ten blocks, a per-block fee shall be assessed for each additional block greater than ten, with all fees established by the common council.

(e) Review.

1. Received applications for parade, procession, or open-air meeting permits shall be referred by the department of customer service to the department of public works, the police department, the fire department, and the public health department and any other affected city departments for review and written comment.
2. Within 15 days of receiving the application from the department of customer service, the police department, fire department, public health department, and any other affected city department to which the department of customer service referred the application for permit shall send its comments to the department of public works.
3. Upon the conclusion of the 15-day departmental review period, the department of public works shall refer the application and departmental comments to the chair of the public works and services committee with a request that the chair submit a communication presenting the permit application pursuant to sec. 2-117.

(f) Standards For Permit Issuance.

1. The public works and services committee shall consider the following standards for permit issuance and recommend granting the permit only upon finding that:
 - a. The proposed parade, procession, or open-air meeting is an appropriate recreational or cultural use of the affected locations.
 - b. The operational plans submitted by the organizer will promote the health, safety, and general welfare of the public and the good order of the city.
 - c. The activity or use will comply with applicable federal, state, county, and city laws, rules, and regulations.

- d. The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.
 - e. The activity or use will not unreasonably interfere with the use of the location by the general public.
 - f. The activity or use will not entail an unusual, extraordinary, or burdensome expense to the city which is not recovered in the permit fees or charges.
 - g. The area that is the subject of the application is not reserved for another use on the date(s) requested.
2. Notwithstanding anything else contained in this section, the public works and services committee may require modifications to the parade, procession, or open-air meeting plan as submitted by the organizer, including as to the location, parade or procession length and route, date, and time.

(g) Permit Conditions.

1. Because all parade, procession, or open-air meeting are unique and independent in terms of type, purpose, location, size, duration, and participation, presenting unique issues and circumstances and challenges regarding the health, safety, and general welfare of the public, the public works and services committee, as a condition of issuance, may adopt reasonable operational rules, regulations, and requirements for the parade.
2. Notwithstanding subsection(g)1., the following permit conditions are applicable to all parades:
 - a. Compliance with applicable federal, state, county, and city laws, rules, and regulations including licensing conditions and operational requirements contained within sections 22-531, 22-538, and 42-132, of the Municipal Code of the City of Racine when a parade, procession, or open-air meeting activity would otherwise require a license or permit issued pursuant to one of those sections by the organizer and vendors.
 - b. The organizer shall be responsible for submitting a temporary traffic control plan providing and removing all temporary traffic control devices and detour signs.
 - c. The organizer shall provide a detour plan for the closure of all state connecting highways, arterial streets, and collector streets.
 - d. The organizer shall clean up area immediately following use.
 - e. Parade organizer shall supervise all persons using the location under authority of the parade permit to ensure compliance with the permit conditions.
 - f. Parade organizer shall procure any other license or permit required for the activity.
 - g. No later than 14 days prior to the event, parade organizer submit a list of all vendors who will be vending during the parade.

3. Notwithstanding subsection(g)1., the following additional permit conditions are applicable to parades that are not co-sponsored by the city:
 - a. Parade organizer shall pay any costs as defined by subsection (h).
 - b. Parade organizer shall execute an indemnification and hold harmless agreement in favor of the city and payment of the hold harmless agreement fee as set forth in the fee schedule established by the common council.
 - c. Parade organizer shall obtain and install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators. Parking meter hoods are valid for one event only.
 - d. Parade organizer shall reimburse the city for costs incurred in enforcing permit standards and conditions.
 - e. Parade organizer shall procure and maintain one or more liability insurance policy(ies) written by one or more insurance company(ies) licensed to do business in the State of Wisconsin as required by paragraph (j) of this Section.

(h) *City Services.*

1. Parades provide an enhancement to the quality of life for the residents of the city to which the city may contribute city services. Subject to subsection (g), if the parade will require the use of city equipment or services, the parade organizer shall pay the cost, as determined by the city staff, for the use of such equipment or services as set forth in the fee schedule established by the common council.
2. This may include, but is not limited to equipment rental, equipment installation, personnel costs for set up and tear down, and waste removal. As a condition of approval of an application, the applicant shall pay, at the time the application is filed, the cost of any city services identified. The cost for use of city venues with regularly established fees, for protective services provided by the Racine police department and the Racine fire department, overtime costs for City employees, as well as costs paid to third parties, even if charged by the city, such as utility charges and insurance premiums, shall be the sole responsibility of the parade organizer. All charges shall be paid in full within 30 days of billing.

(i) *Insurance.*

1. The parade organizer shall, at a minimum, procure and maintain during the term of the parade occurrence-based insurance policies, hereinafter specified insuring the parade and all associated parade activities. The public works and services committee may require additional coverages and/or increased coverage when deemed necessary.
 - a. *Commercial General Liability:*
 - General Aggregate—Two million dollars (\$2,000,000.00)
 - Each Occurrence—One million dollars (\$1,000,000.00)
 - b. *Automobile Liability:* (When required as a permit condition)

Combined single limit coverage for bodily injury and property damage per accident in the amount of one million dollars (\$1,000,000.00).

- c. *Liquor Liability Coverage* (When alcohol is approved for the parade)

General Aggregate—One million dollars (\$1,000,000.00)

Each Occurrence—One million dollars (\$1,000,000.00)

- d. *Umbrella Liability* in the following amounts over the Commercial General Liability and Automobile Liability amounts listed herein: (When required as a permit condition)

Two million dollars (\$2,000,000.00) per occurrence

Two million dollars (\$2,000,000.00) aggregate

2. The commercial general liability coverages required herein may be subject to a deductible or self-insured retention. If the commercial general liability insurance coverage policy has a deductible or self-insured retention, said deductible or self-insured retention may not exceed \$5,000.00. The umbrella liability policy shall not contain exclusions or exceptions not present in the general liability insurance policy.
3. *Certificate of Insurance.* The insurance coverages listed above shall be verified by a Certificate of Insurance issued to the city and shall provide that should any of the described policies be canceled before the expiration date thereof, the issuing company will mail 10 days written notice to the certificate holder.
4. *Additional Named Insured Endorsement.* The City of Racine, its elected and appointed officials, officers, employees, authorized representatives, and volunteers, and each of them, must be named as additional insureds on the commercial general liability, automobile liability, liquor liability, and umbrella liability. The parade organizer shall provide the city with a copy of the endorsement(s) naming the City of Racine, its elected and appointed officials, officers, employees, authorized representatives, and volunteers, and each of them as additional insureds.
5. *Cancellation Endorsement.* All insurance policies maintained pursuant to this section will provide by endorsement that they may not be terminated nor may coverage be reduced except after 10 days' prior written notice to the city. The special event organizer shall provide the city with a copy of the cancellation endorsement.
6. *Primary Insurance Endorsement.* All insurance obtained by the special event organizer must be primary and noncontributory to any insurance or self-insurance carried by city of Racine. The parade organizer shall provide the city with a copy of the Primary Coverage Endorsement.
7. *Waiver of Subrogation Endorsement.* All policies maintained pursuant to this section shall by endorsement, waive all claims of subrogation and/or contribution against the city the insurer may have arising out of the parade. The parade organizer shall provide the city with a copy of the Waiver of Subrogation Endorsement.

(j) *Enforcement.* The enforcement of this section shall be under the jurisdiction of the department of public works, police department, fire department, and the public health department, which shall have the authority to inspect to determine compliance with this Section.

(k) *Suspension or Revocation of Permit.*

1. The commissioner of public works or the chief of police may suspend or revoke any permit issued hereunder that is operated contrary to the terms of a permit issued under this section, upon providing the permit holder with a reasonable time, not to exceed five business days, in which to file a written request for review with the city clerk in said matter, and show cause why the proposed action should not be taken. The city clerk shall forthwith forward the permit holders written request for review to the city administrator, who shall consider the written request for review and shall sustain or overrule the suspension or revocation, by written decision, within three business days of the receipt of the written request by the city clerk. The city administrator shall immediately cause the written decision to be provided to the permit holder.
2. A permit may be administratively suspended by an enforcing authority identified in paragraph (j) without prior notice or opportunity to be heard where it constitutes an immediate danger to the public health, safety, or welfare, where the parade is not operated in conformance with representations made in the application and the approved permit contrary to the provisions of this section. In such cases, an opportunity for a post-suspension hearing shall be provided following the provisions for an appeal set forth in subsection (k)1.

(L) *Penalties.* Any parade, procession, or open-air meeting held without an approved permit shall be in violation of this section.

(a) Bond amount. Any person charged with a violation of this article may pay a deposit of \$2,500.00 plus costs in lieu of a court appearance.

(b) Forfeiture. Any person found in violation of this section shall forfeit not more than \$5,000.00.

Part 2: 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: N/A

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 5 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.

PROPOSED



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0025-25 - Parades, Processions, and Open-Air Meetings Permits

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Scott R. Letteney, City Attorney
REVIEWED BY:

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance recreating the City's Parades, Processions, and Open-Air Meetings Permits Ordinance

BACKGROUND & ANALYSIS:

Currently, the City's Parades, Processions, and Open-Air Meetings Permits ordinance, section 82-39, reads as follows:

Sec. 82-39. - Parades, processions or open-air meetings.

- (a) No parade or procession shall be allowed upon any street or public way in the city, nor shall any open-air meeting be held upon any street or public way in the city, until a permit in writing therefor shall first be obtained. Application to conduct a parade or procession or open-air meeting upon any street or public way shall be made in writing by the person in charge or control thereof, or responsible therefor, to the common council and shall be referred to the public works and services committee. Such application shall set forth the route along which such parade or procession is to proceed, the time of starting, and the name of the person or corporation or society in control thereof or responsible therefor, and the purpose of such parade or procession. If the application is approved by the committee it shall be referred to the chief of police who shall approve the application and establish the necessary conditions for the health, safety and general welfare of the city. If the application is denied by the public works and services committee, the denied application shall be presented to the common council in the committee report. If the applicant is aggrieved by the conditions established by the chief of police, the applicant may appeal such decision to the public works and services committee within 15 days of the chief of police's decision.
- (b) In the case of an open-air meeting, the application therefor shall specify the place at which it is desired to hold such meeting, the purpose thereof, and the name of the person, corporation or society in control thereof or responsible therefor, the time at which such public meeting is to be held, and the probable duration thereof.

The proposed ordinance provides greater formality in the application for and approval of permits for Parades,

Processions, and Open-Air Meetings, with primary modifications related to parades. It provides several definitions in order to provide clarity.

The proposed ordinance would require a person or entity seeking to organize a parade, procession, or open-air meeting to apply for a permit through the Department of Customer Service not more than 150 days and not less than 60 days prior to the proposed event. Upon receipt of an application, the matter would be forwarded to the department of public works, the police department, the fire department, and the public health department and any other affected city departments for review and written comment within 15 days. The department of public works would refer the application to the chair of the Public Works and Services Committee for consideration as a communication pursuant to Racine Ordinance section 2-117.

The proposed ordinance provides specific standards for permit issuance. It provides for a fee to be established by the Common Council, including a base fee for a parade, plus a per-block fee for parades in excess of ten blocks, with the fee structure intended to assist in offsetting public safety costs, including overtime for the Racine Police Department.

The proposed ordinance provides for a number of permit conditions for all parade organizers, plus additional conduction for parades where the City is not a co-sponsor of the parade. Parade organizers must be non-profit or not-for-profit entity.

The proposed ordinance provides for a process for revocation of a permit if the organizer does not comply with the conditions set by the Common Council. Further, a person holding a parade, procession, or open-air meeting without a permit having been granted may be subject to prosecution in Racine Municipal Court.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: the fiscal effect will be dependent upon the number of parade, procession, and open-air meeting permits issued and the character of the event.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0026-25 – Civic Centre Commission
Dissolution and Reassignment of Duties

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Scott R. Letteney, City Attorney
REVIEWED BY:

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance dissolving the Civic Centre Commission and reassigning its duties to the Board of Parks, Recreation, and Cultural Services

BACKGROUND & ANALYSIS:

As it currently exists, Chapter 2, Article III, Division 4, of the Municipal Code creates and defines the powers of a Civic Centre Commission. Notwithstanding this provision, the Commission has not and there are no current members of the Commission.

The City of Racine has a Management Agreement with 5K Events.org, LLC, to manage Civic Centre operations, as approved by the Common Council by Resolution 1123-23. Pursuant to such agreement, the Board of Parks, Recreation, and Cultural Services administers the agreement and oversees operations of the Civic Centre.

If approved, proposed Ordinance 0026-25 – Civic Centre Commission Dissolution and Reassignment, would dissolve the Civic Centre Commission. Further, it would assign the existing duties of the Civic Centre Commission to oversee Civic Centre operations to the Board of Parks, Recreation, and Cultural Services, subject to the terms and conditions of any contract for the management of the Civic Centre approved by the Common Council.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A

Ordinance 0026-25 – Civic Centre Commission Dissolution and Reassignment of Duties

An ordinance to amend Chapters 30 and 70 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 2, Article III, Division 4 – Civic Centre Commission is repealed.

Part 2: Chapter 70, Article II, Division 2, Section 70-38(3) is created as follows:

(3) Exercise general oversight of the civic centre, subject to the terms and conditions of any contract for the management of the civic centre approved by the common council.

Part 3: 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: N/A

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 5 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.



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0027-25 –Department of
Community Safety

AGENDA DATE:

According to 2026 Budget Consideration Calendar

PREPARED BY: Scott R. Letteney, City Attorney
REVIEWED BY:

SUBJECT: Communication sponsored by Mayor Mason requesting an ordinance remove the existing requirement that the Department of Community Safety be 100% grant funded.

BACKGROUND & ANALYSIS:

As it currently exists, Chapter 2, Article IV, Division 8, section 2-435(b), of the Municipal Code provides that, if grant funding is unavailable for an ensuing year to fund 100 percent of the budget of the Department of Community Safety, such Department shall be dissolved, and the position of Director of the Department of Community Safety shall be eliminated, no later than December 31 prior to such ensuing year.

If approved, proposed Ordinance 00XX-25 – Department of Community Safety, would amend Chapter 2, Article IV, Division 8, by deleting section 2-435(b), of the Municipal Code of the City of Racine. This would have the effect of removing the existing requirement that the Department of Community Safety be 100% grant funded. However, the redrafted ordinance contemplates that the budget for the Department would be funded by available grant funding and, if grant funding is not available to fund 100% of the Department's budget, then the Common Council shall fund the balance of the Department's budget as approved in the City's annual budget.

The full text of the proposed changes included in proposed Ordinance 00XX-25 are set forth, below. Language that is stricken through would be deleted. Language that is underlined would be added. Language that is neither stricken through nor underlined is existing language that would not change. For emphasis, the proposed changes are in **red**. Stricken language would be deleted and underlined language would be added.

DIVISION 4. DEPARTMENT OF COMMUNITY SAFETY

Sec. 2-435. - Budget.

(a) The common council shall provide in the annual budget for an amount it deems necessary to carry on the activities of the department of community safety for the ensuing year.

(b) ~~In the event grant funding is unavailable for an ensuing year, as contemplated by Ch. Ord. section 4-27, to fund 100 percent of the budget of the department of community safety, the department of community safety shall be dissolved, and the position of director of the department of community safety shall be eliminated, no later than December 31 prior to such ensuing year.~~ In the event grant funding is unavailable for an ensuing year as contemplated by Ch. Ord. section 4-27 to fund 100 percent of the budget of the department of community safety, the balance of the budget of the department shall be funded as approved in the annual

city budget.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: If approved, the ordinance change would remove the existing requirement that the Department of Community Safety be 100% grant funded. Presumably, if grant funding were not available to pay for all Department of Community Safety operations, non-grant funding would be used.

Ordinance 0027-25 – Department of Community Safety Funding

An ordinance to amend Chapter 2, Article IV, Division 8, of the Municipal Code of the City of Racine, Wisconsin.

Part 1: Chapter 2, Article IV, Division 8, section 2-435(b), of the Municipal Code of the City of Racine, Wisconsin, is repealed and recreated as follows:

In the event grant funding is unavailable for an ensuing year as contemplated by Ch. Ord. section 4-27 to fund 100 percent of the budget of the department of community safety, the balance of the budget of the department shall be funded as approved in the annual city budget.

Part 2: 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: N/A.

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have 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 5 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.