

## ORDINANCE

An Ordinance to create Section 16.140 of the Manitowoc Municipal Code regulating Residential Rental Registration and to amend Section 16.150(13) regulating Class Two Dwellings.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 16.140 is created to read as follows:

### **16.140 Residential Rental Registration**

**(1) Findings and Purpose.** It is hereby found and declared that it is necessary to establish a program of residential rental property registration and city-wide inspection of residential dwelling units within the City to ensure that those units provide safe, decent and sanitary living conditions for their occupants living and to prevent further deterioration of those units. This Chapter is enacted to protect the health, safety, and welfare of the public and to prevent blighted conditions in City neighborhoods by encouraging residential property owners to exercise their responsibility to ensure that the Manitowoc Municipal Code provisions governing the condition and maintenance of residential dwelling units are followed.

### **(2) Definitions.**

**Code Enforcement Officer** shall mean any Fire Department employee responsible for inspecting and enforcing the City's building, housing, electrical, plumbing, and/or ventilation codes.

**Department** shall mean the City of Manitowoc Fire Department

**Dwelling Unit** shall mean a room or group of rooms providing or intending to provide permanent living quarters for not more than one family.

**Owner** shall mean any person who alone or jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof, or who has charge, care, or control of any dwelling or dwelling unit as agent or owner or as executor, administrator, trustee, or guardian of the estate of the owner. The term, "owner" under this Chapter shall also include the legally recorded holder of a land contract vendee interest.

**Person** shall mean and include any individual, firm, corporation, partnership or association.

**Residential Rental Dwelling Unit** shall mean a structure or part of a structure, home, residence, or living unit occupied by a single person or family, or any grounds or other facilities or area occupied for the use of a residential tenant and includes, without limitation, apartment units and buildings, mobile homes, and single and two-family dwellings. Residential Rental Dwelling Unit does not include facilities that are inspected, owned, licensed or certified by the State of Wisconsin, including rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, university-owned student dormitories, or adult family homes.

**(3) Authorized Contact Person.** Each owner of a residential rental dwelling unit shall designate him/herself or another person as an authorized contact person with full authority to act on behalf of the owner for all purposes in this Chapter.. All official notices served on the authorized contact person shall be deemed to have been served on the owner.

### **(4) Residential Rental Contact Registration Required.**

**(a) The owner of a residential rental dwelling unit located within the City shall record the residential rental contact registration with the Department on**

application forms provided by the Department by March 1, 2019 for rental units existing on the effective date of this Ordinance or within thirty (30) days of full or partial occupancy of new construction or creation of residential rental units. The registration shall be renewed annually on or before January 1 of each year thereafter.

(b) The owner shall provide information on the form which will enable the Department to contact the owner, or at the option of the owner, the owner's agent, including the street address of the residential rental dwelling unit(s) to be registered, and the owner's or agent's legal name, mailing address, and telephone number. The owner may voluntarily provide an email address for the owner or the owner's agent.

(c) The owner of a Residential Rental Dwelling Unit shall update the Residential Rental Contact Registration on file with the Department within thirty (30) days of any changes in the information required by 16.200(3)(b) to ensure that it includes the correct and current contact information at all times.

(d) Within thirty (30) days of sale, transfer, or conveyance of the Residential Rental Dwelling Unit, the new owner shall submit to the City the completed Residential Contact Registration as provided by 16.200(3)(b).

(e) The Residential Rental Contact Registration does not act as a statement or admission regarding the rental unit condition or compliance of the rental unit with any other code or ordinance.

(f) The fee for the Residential Rental Contact Registration shall be \$10 per tax parcel and shall be charged anytime contact information is changed.

(4) Penalties. Any person who fails to timely a register residential rental dwelling unit within the time periods set forth in this section shall be subject to a forfeiture of not more \$100 per rental dwelling unit. Each week of noncompliance shall be treated as a separate offense”

**Section 2.** Section 16.150(13) is repealed and recreated to read as follows.

**(13) Residential Inspection Program.**

**1. Properties Subject to Inspection.** All residential dwelling units within the City of Manitowoc are subject to interior and exterior inspection to ensure compliance with minimum housing standards, including owner-occupied homes and rental properties.

**2. Inspection Considerations.** The following factors will be considered by the Code Enforcement Officer when determining which residential dwelling units warrant inspection:

Age of building

Number of complaints received by the City

Condition of building's exterior and surrounding areas

Whether the property contains any rental units

Any other factor(s) which give reason to believe the dwelling unit is in violation of minimum housing standards.

**3. Notice.** Whenever the Code Enforcement Officer determines an interior inspection of a residential dwelling unit is warranted, the Department shall give written notice of the intent to inspect to the occupant and/or owner if different. The owner and/or occupant shall, within five (5) business days, arrange an inspection appointment or shall notify the Code Enforcement Officer of his/her intent to refuse inspection. The Code Enforcement Officer may only enter the dwelling unit

between the hours of 7:30 a.m. and 4:30 p.m. unless another time is agreed to by the Code Enforcement Officer and the occupant and/or owner. The Code Enforcement Officer may only enter the dwelling unit if given permission to do so by the occupant and/or owner or when authorized to do so pursuant to Wis. Stat. § 66.0119.

**4. Penalties.** Any person who fails to correct violations identified during an inspection pursuant to this chapter within the time period agreed to by the Code Enforcement Officer shall be subject to a forfeiture of not less than \$20.00 nor more than \$2,000 for each violation. Each day of a violation shall be considered a separate offense.”

~~(13) Class Two Dwellings. No person shall operate a Class two dwelling, or shall occupy or let to another for occupancy, any Class two dwelling unit in any Class two dwelling, except in compliance with the following requirements:~~

~~(a) Permit Required. No person shall operate a Class two dwelling unless said person holds a valid Class two dwelling permit issued by the Building Inspection Department in the name of the operator.~~

~~(b) Application for Permit. The operator shall file, in duplicate, an application for a Class two dwelling permit in the office of the Building Inspection Department on application forms prepared by said Department.~~

~~(c) Inspection by Housing Code Inspector — Referral of Applications to and Reports by the Building Inspector. The Housing Code Inspector shall, whenever an application is filed for a Class two dwelling permit for a Class two dwelling which does not have a valid Class two dwelling permit, inspect the Class two dwelling within 30 days of such filing. Within 72 hours after the operator files an application for permit, the Housing Code Inspector shall transmit to the Building Inspector or his/her designee a duplicate copy for the application. The Building Inspector or his/her designee shall, within 30 days after the date on which such Class two dwelling permit application was filed, report in writing to the Housing Code Inspector the maximum number of dwelling units, including Class two dwelling units, which may be contained within the Class two dwelling in accordance with the provisions of applicable zoning laws. No Class two dwelling permit shall be issued to any operator which would authorize the occupancy of a larger number of dwelling units in a Class two dwelling than is permitted under the provisions of applicable zoning laws.~~

~~(d) Issuance of Permit — Fees. When all applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto have been complied with by the operator, the Building Inspection Department shall issue a Class two dwelling permit upon the payment of an initial fee of \$5.00 per dwelling unit and an annual renewal fee of \$20.00 for a Class two — Type I dwelling; and an initial fee of \$5.00 per dwelling unit and an annual fee of \$40.00 for a Class two — Type II dwelling. For a change of a currently valid license to a new owner, a \$10.00 reissue fee shall apply. All Class two dwelling permits so issued shall expire on the first day of January following the date of issuance, unless sooner suspended or revoked as hereinafter provided. The permit shall list the maximum number of Class two dwelling units that may be occupied in the Class two dwelling for which the permit is issued.~~

~~(e) Repealed.~~

~~(f) Posting of Permit. Every Class two dwelling permit issued by the Building Inspection Department shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the Class two dwelling for which it is issued and shall remain so posted at all times.~~

~~(g) Operator to Control Occupancy. No operator shall at any time permit a larger number of persons to occupy any individual Class two dwelling unit than the maximum number of persons permitted by subsections (9)(c) through (f) of this section.~~

~~(h) Nontransferability of Permit. No Class two dwelling permit issued under the provisions of this chapter shall be transferable and every operator shall notify the Building Inspection Department in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away, or otherwise disposed of such interest or control of any Class two dwelling and shall file in writing with the Building Inspection Department the name and address of the operator to whom proprietorship has been relinquished by sale, gift, or other method of transferral or disposition.~~

~~(i) Relationship of Permit to Building Code — Enforcement of Building Code. The issuance of a Class two dwelling permit to any Class two dwelling shall not in any way signify or imply that the Class two dwelling conforms with the Wisconsin Commercial Building Code or the Building and Zoning Code of the City of Manitowoc. It shall be the duty of the Building Inspector or his/her designee to enforce the provisions of said building and zoning codes. The issuance of a Class two dwelling permit shall not relieve the owner or operator of the responsibility for compliance with said building and zoning codes and shall not relieve the Building Inspector or his/her designee of the responsibility for enforcement of said building and zoning codes.~~

~~(j) Applicability of Other Subsections of This Section. No person shall operate a Class two dwelling and no person shall occupy any Class two dwelling unit in a Class two dwelling unless the applicable requirements of subsections (6), (7), (8), (9), and (10) of this section are complied with.~~

~~(k) Numbering of Class Two and Other Dwelling Units. Every Class two dwelling unit and every other dwelling unit in every Class two dwelling shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to each such Class two dwelling unit and other dwelling unit. No two doors shall bear the same number. No number on any door of any Class two dwelling unit or other dwelling unit shall be changed to any other number without first securing the written approval of the Housing Code Inspector.~~

~~(l) Posting of Maximum Number of Occupants Signs. The operator shall post in every Class two dwelling unit within a Class two dwelling a sign on which shall be written or printed in letters not less than three-eighths of one inch in height the following words: “Not More Than — Persons Permitted to Occupy This Unit”; provided, that an appropriate Arabic number shall be inserted in the blank space as hereinafter provided. The Arabic number which the operator inserts in any such sign in a Class two unit shall not be a larger number than the maximum number of persons permitted by subsections (9)(c) and (f) of this section. The required sign shall remain posted in each Class two dwelling unit at all times.~~

~~(m) Occupant to Observe Occupancy Limitation. No occupant shall allow a larger number of persons to occupy a Class two dwelling unit than the maximum number of persons permitted to occupy said Class two dwelling unit, as listed on the sign which the operator of the Class two dwelling is required to post in the Class two dwelling unit in accordance with the provisions of subsection (13)(l) of this section.~~

~~(n) Hearing When Class Two Dwelling Permit Is Denied. Any person whose application for a permit to operate a Class two dwelling has been denied may request and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure provided by subsection (4) of this section.~~

~~(o) Suspension of Permit. Whenever upon inspection of any Class two dwelling the Housing Code Inspector finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Housing Code Inspector shall give notice in writing to the operator of such Class two dwelling that unless such conditions or practices are corrected within a reasonable period, to be determined by the Housing Code Inspector, the operator's Class two dwelling permit will be suspended. At the end of such period the Housing Code Inspector shall reinspect such Class two dwelling, and if said Inspector finds that such conditions or practices have not been corrected~~

~~he/she shall suspend the license and give notice in writing to the operator that the latter's permit has been suspended.~~

~~(p) Hearing When Class Two Dwelling Permit Is Suspended, Revocation of Permit. Any person whose permit to operate a Class two dwelling has been suspended, or who has received notice from the Housing Code Inspector that his/her permit is to be suspended unless existing conditions or practices at his/her Class two dwelling are corrected, may request and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure provided by subsection (4) of this section; provided, that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such Class two dwelling and after the elapse of a reasonable period of time to be determined by the Housing Code Inspector, no person shall occupy for sleeping or living purposes any dwelling unit therein.~~

Section 3. Section 16.380 is created to read as follows:

**“16.380 Severability.** The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.”

Section 4. This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_ APPROVED \_\_\_\_\_

---

Justin M. Nickels, Mayor

**Fiscal Impact:** \$0  
**Funding Source:** na  
**Finance Director Approval:** kl  
**Approved as to form:** km

This resolution was drafted by Elizabeth Majerus