



ORDINANCE NO. 2022-07

**AN ORDINANCE AMENDING
TITLE 15 BUILDINGS AND CONSTRUCTION**

THE COMMON COUNCIL OF THE CITY OF RIVER FALLS DOES ORDAIN:

Section 1. That Title 15 Buildings and Construction, Chapter 15.04 Building Code, Section 15.04.090 – Construction of Buildings, paragraph (A) State Code Adopted of the City of River Falls Municipal Code be amended as follows:

15.04.090 – Construction of Buildings

A. State Statutes and Codes Adopted. The following Wisconsin State Statutes and Wisconsin Administrative Code Chapters and all amendments thereto and contained therein are hereby adopted by reference and made a part of this chapter.

1. Wisconsin Administrative Code, Chapter SPS 305; Licenses, Certifications and Registrations. All contractors must comply with this code.
2. Wisconsin Administrative Code, Chapter SPS 316; Electrical SPS 316.014 adopts the NFPA 70 National Electrical Code (NEC).
3. Wisconsin Administrative Code, Chapters SPS 320-325; Uniform Dwelling Code for the design and construction of One and Two-Family Dwellings.
4. Wisconsin Administrative Code, Chapters SPS 361-366; Commercial Building Code SPS 361.05 Adoption of the International Codes, International Building Code 2015, International Energy Conservation Code, International Mechanical Code 2015, International Fuel Gas Code 2015, and International Existing Building Code 2015.
5. Wisconsin Administrative Code, Chapters SPS 380-387; Plumbing, Wisconsin State Statute Chapter 145.

Section 2. That Title 15 Buildings and Construction, Chapter 15.08 Plumbing Code, Section 15.08.050 – Plumbers to be licensed of the City of Falls Municipal Code be amended as follows:

All plumbers must be licensed by the State of Wisconsin, per Ch. SPS 305, Wis. Adm. Code, and provide the city with proof of such state license prior to the commencement of any plumbing work within the city. ~~All plumbing work shall be done only by a plumber licensed by the state for such work, provided a property owner may make repairs or installations in a single-family building owned and occupied by him or her as his or her home if a permit therefor is issued and the work is done in compliance with the provisions of this chapter.~~ Per State Statute Chapter 145, a property owner may make repairs or installations in a single-family building owned and occupied by him or her as his or her home if a permit therefor is issued and the work is done in compliance with the provisions of this chapter.

Section 3. That Title 15 Buildings and Construction, Chapter 15.12 Electrical Code, Section 15.12.060 – Licenses and Section 15.12.070 – Electrical contractors – State certification required of the City of Falls Municipal Code be repealed, combined and recreated as follows:

15.12.060 - Electricians and electrical contractors to be licensed. All electricians and electrical contractors must be licensed by the State of Wisconsin, per Ch. SPS 305, Wis. Adm. Code, and provide the city with proof of such state license prior to the commencement of any electrical work within the city.

Section 4. That Title 15 Buildings and Construction, Chapter 15.16 Housing Code, Section 15.16.010 – Purpose of the City of Falls Municipal Code be repealed and replaced as follows:

15.16.010 – Purpose. To obtain a list of all residential rental property contacts that can be used by City departments for emergency purposes and the enforcement of the “habitability violations” as noted in State Statute 66.0104 and Chapter 15.16.020 of the City’s housing code.

Section 5. That Title 15 Buildings and Construction, Chapter 15.16 Housing Code, Section 15.16.020 – Definitions of the City of Falls Municipal Code be amended as follows:

“Habitability violation” as noted in State Statute 66.0104 (1) (ah).

- A. The rental property or rental unit lacks hot or cold running water.
- B. Heating facilities serving the rental property or rental unit are not in safe operating condition or are not capable of maintaining a temperature, in all living areas of the property or unit, of at least 67 degrees Fahrenheit during all seasons of the year in which the property or unit may be occupied. Temperatures in living areas shall be measured at the approximate center of the room, midway between the floor and ceiling.
- C. The rental property or rental 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.
- D. 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.

- E. The rental property or rental unit is not served by plumbing facilities in good operating condition.
- F. The rental property or rental unit is not served by sewage disposal facilities in good operating condition.
- G. The rental property or rental unit lacks working smoke detectors or carbon monoxide detectors.
- H. The rental property or rental unit is infested with rodents or insects.
- I. The rental property or rental unit contains excessive mold.

Section 6. That Title 15 Buildings and Construction, Chapter 15.16 Housing Code, Section 15.16.030 – Inspection of dwellings, dwelling units, rooming units and premises of the City of Falls Municipal Code be repealed and replaced as follows:

~~15.16.030 – Inspection of dwellings, dwelling units, rooming units and premises:~~

~~The code enforcement officer shall determine the condition of dwellings, dwelling units and premises located within the city in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of dwellings and the general public. For the purpose of making such inspections, the code enforcement officer may enter, examine and survey at proper times, upon receipt of verbal authorization to or after twelve (12) hours notice to the owner and/or occupant, all dwelling units, rooming units and premises. The owner and/or occupant of every dwelling unit and rooming unit or the person in charge shall give the code enforcement officer access to such dwelling, dwelling unit or rooming unit and its premises at reasonable times after due notice for the purpose of each inspection, examination and survey. Every occupant of a dwelling unit or dwelling shall give the owner thereof or his or her agent or employee access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.~~

15.16.030 Residential Rental Registration.

- A. The City requires all residential rental property in the City limits to be registered with the City and provide the name of the owner or authorized contact person and an address, telephone number, and, if the owner elects, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted. The registration fee is \$10 per building.
- B. If there is a change of ownership or management of a building or change of contact information for a building, the new owner shall provide the information and pay the registration fee set forth in Section 15.16.030.A.

Section 7. That Title 15 Buildings and Construction, Chapter 15.16 Housing Code, Section 15.16.040 – Enforcement of the City of Falls Municipal Code be amended to add paragraph G and H as follows:

G. Rental Complaint and Enforcement.

1. Exemptions. This ordinance does not prohibit inspections that may be required by a special inspection warrant under Wis. Stats 66.0119 or any other inspection required by federal or state law.
2. Rental complaints received, from any person, that are habitability violations may be inspected by the City. Any person submitting the complaint must give their name and the nature of the complaint.
3. The City may inspect the rental property and charge a rental complaint inspection fee in the amount determined by the fee schedule if the habitability violations are found.
4. The City shall maintain records regarding inspections in response to a complaint. The records must include the name of the person making the complaint, the nature of the complaint, and any inspection conducted upon the complaint.

H. Rental Violations and Penalties

The city shall use the process prescribed in Chapter 8.32 to enforce the provisions of this Chapter including the penalties prescribed in Chapter 1.20 of the City of River Falls Municipal Code.

1. ~~Notice of violation shall be in writing and mailed or emailed to the landlord. Violations found must be corrected within 30 days. The City may require a violation correction deadline sooner than 30 days if the violation exposes a tenant to imminent danger.~~
2. ~~Except as otherwise provided, any person violating any of the terms of this chapter shall forfeit not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) together with the costs of prosecution; provided that for any violation(s) of any condition in this chapter which can be corrected by modification or repair, failure to correct or rectify such defect within a reasonable time, as determined by the code enforcement officer or health officer, shall constitute a separate violation for each day in which the violations exists, and be subject to penalties herein provided.~~

Section 8. That Title 15 Buildings and Construction, Chapter 15.16 Housing Code, Section 15.16.060 –of the City of Falls Municipal Code be deleted in its entirety:

~~15.16.060 – Minimum standards for light, ventilation and heating.~~

~~No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:-~~

- A. ~~Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room.~~
- B. ~~Every habitable room shall have at least one window or skylight which can be easily opened. The total clear opening window area in every habitable room shall be equal to not less than three and a half percent of the floor area.~~

~~Habitable rooms, other than bedrooms, without openable windows, may be provided with a balanced mechanical ventilation system producing one air change per hour of fresh outside air while the room is occupied.~~

- C. ~~Every bathroom and water closet compartment shall have five percent clear opening window or skylight area except that no window or skylight shall be required in bathrooms and water closet compartments equipped with a mechanical ventilation system as defined in the Wis. Adm. Code.~~
- D. ~~Every dwelling shall have heating facilities which are properly installed and maintained, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit at a distance of thirty (30) inches above floor level under ordinary minimum winter conditions.~~
- E. ~~Every public hall and stairway in every rental unit shall be lighted in conformity with the National Electrical Code.~~
- F. ~~Every basement bedroom shall receive natural light and shall be ventilated according to Wis. Adm. Code standards. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents or insects shall be supplied with a screen or such other device as will effectively prevent their entrance.~~
- G. ~~All HVAC work, including the installation of new or replacement heating or cooling equipment, associated electrical or plumbing work, and the installation of new or replacement duct work shall be performed by an HVAC contractor credentialed by the state of Wisconsin. Changing of filters or grilles may be performed by the owner or occupants.~~

Section 9. That Title 15 Buildings and Construction, Chapter 15.16 Housing Code, Section 15.16.150 – Violations-Penalties of the City of Falls Municipal Code be deleted in its entirety.

15.16.150 Violations—Penalties:

~~Except as otherwise provided, any person violating any of the terms of this chapter shall forfeit not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), together with the costs of prosecution; provided that for any violation(s) of any condition in this chapter which can be corrected by modification or repair, failure to correct or rectify such defect within a reasonable time, as determined by the code enforcement officer or health officer, shall constitute~~

~~a separate violation for each day in which the violations exists, and be subject to penalties herein provided. If any licensee continues to operate rental property after suspension or revocation of the license, each day of operation during that period shall be considered a separate violation of this chapter.~~

~~The code enforcement officer may revoke, suspend, terminate, or discontinue any housing license, or may refuse to issue, reissue, or renew any housing license which has been or may be issued under this chapter if the owner of the concerned premises has any taxes, assessments, forfeitures, or any other claims of the city that are delinquent or unpaid as determined by the city clerk.~~

Section 9. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the City of River Falls would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section 10. Effective date. This ordinance amendment shall take effect from and after its date of publication as provided by law.

FOR THE CITY OF RIVER FALLS



Dan Toland, Mayor

ATTEST:



Amy White, City Clerk

Adopted: August 23, 2022

Published: August 31, 2022