

**ORDINANCE NO. 2067**  
**AN ORDINANCE REVISING Chapter 1.28 RIGHT OF ENTRY FOR INSPECTION**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 1.28 Right of Entry for Inspection hereby revised to read as follows:

**Chapter 1.28 RIGHT OF ENTRY FOR INSPECTION**

**1.28.010 Right of entry for inspection.**

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 718 § 1, 1972; prior code § 1.28).

**1.28.020 Access to exterior property**

After presenting proper identification, the Building Inspector, Neighborhood Services Officer, Code Enforcement Officer, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

## **Chapter 1.29 REINSPECTION FEE CHARGES<sup>1</sup>**

### **1.29.010 General provisions.**

- (a) Purposes. The purposes of this chapter are as follows:
- (1) To assist the city in paying the cost of enforcing its housing, zoning, property-related and other codes;
  - (2) To promote the appropriate regulation and control of buildings and real estate in the city;
  - (3) To protect and provide for the public health, safety, and general welfare of the city;
  - (4) To help protect the character and the social and economic stability of the city;
  - (5) To help protect the value of land and buildings in the city;
  - (6) To help remedy problems associated with real estate related code violations in the city.
- (b) Findings. In enacting the ordinance codified in this chapter, the city council finds that the cost of enforcement of the city codes related to zoning, housing and building regulation and other ordinances is greater than the estimated revenues from reinspection fees expected to be received under this chapter.

(Ord. No. 1686A, § 1. 6-3-2008)

### **1.29.020 Reinspection fee.**

- (a) To compensate for inspection and administrative costs, a fee of \$75.00 may be charged to the owner or occupant of property for any reinspection by a city of Whitewater staff member, employee, or officer to determine compliance with an order to correct conditions in violation of the following Whitewater Municipal Code provisions: Title 5 (Business Licenses and Regulations), Title 7 (Public Peace, Safety and Morals, only sections 7.18 Cisterns and Other Openings, 7.20 Vibration and Air Pollution, 7.22 Weeds and Grass, 7.23 Littering, 7.24 Prohibited Discharges, and 7.48 Storing Junk on Property), Title 8 (Health and Safety), Title 9 (Animals), Title 11 (Vehicles and Traffic), Title 12 (Streets, Sidewalks and Public Grounds), Title 14 (Buildings and Construction), Title 16 (Water and Sewers), Title 18 (Land Division and Subdivision), Title 19 (Zoning), and Title 20 (Property Maintenance). Except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$100.00 may be charged for a second reinspection, a fee of \$200.00 for a third reinspection and a fee of \$400.00 for each subsequent reinspection for the same

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<sup>1</sup>Editor's note(s)—Ord. No. 1686A, § 1, adopted June 3, 2008, amended Ch. 1.29, in its entirety, to read as herein set out in §§ 1.29.010 and 1.29.020. Prior to inclusion of said ordinance, Ch. 1.29 pertained to similar subject matter. See also the Code Comparative Table and Disposition List.

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condition. A reinspection fee may also be charged when a city staff member, employee, or officer finds a condition which is similar to a condition which was subject to a correction order within one year prior to the inspection. Reinspection fees shall be charged against the real estate upon which the reinspection's were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge. If there has been a change of ownership or occupancy after the city issues a correction order, the neighborhood services director may waive the reinspection fee if in his or her opinion the new owner or occupant was not aware of the prior order to correct a violation or condition.

- (b) To compensate for inspection and administrative costs, a \$50.00 fee may be charged for any inspection or reinspection when a contractor or property owner requests an inspection for permit-related work and the work is not ready at the time of the requested inspection. Failure to pay reinspection fees after one notice may result in withholding future permits.
- (c) Any property owner or lessor receiving a fourth offense reinspection fee, for the same violation, may have the payment of the fee waived if the party or his or her representative personally meets with the neighborhood services director, or with his or her city designee, within seven days of receipt of the notice of the fee imposition. At the meeting the neighborhood services director and owner shall review the problems occurring at the property. Within ten days of this meeting, the owner shall submit to the neighborhood services director, or his or her designee, a detailed written abatement plan designed to forthwith and effectively correct the offense that caused the imposition of the fee. If the plan meets the neighborhood services director's approval, the fee shall be waived upon successful completion of the plan. The neighborhood services director shall notify the party that receives a fourth offense reinspection fee of the availability of this abatement process.

(Ord. No. 1686A, § 1. 6-3-2008; Ord. No. 1730A, § 1, 5-19-2009)

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_

AYES:

NOES:

ABSENT:

ADOPTED:

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John Weidl, City Manager

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Karri Anderberg, City Clerk