ORDINANCE NO. 850

AN ORDINANCE TO CREATE SECTION 1-16 AND AMEND VARIOUS OTHER SECTIONS OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES RELATING TO FEES FOR PROCEDURES, REINSPECTIONS, AND PERMITS

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Creates Sec. 1-16. Reinspection Fee Charges to read as follows:

"Sec. 1-16. – Reinspection fee charges

(a) General provisions.

(1) Purpose. The purpose of this section is to:

a. Assist the city in recovering the cost of enforcing its housing, zoning, property-related, and other municipal codes;
b. Promote the appropriate regulation and control of buildings and real estate within the city;
c. Protect and promote the public health, safety, and general welfare of the community;
d. Protect the character and the social and economic stability of the city;
e. Maintain and protect the value of land and buildings within the city; and
f. Address and remedy code violations related to real estate within the city.

(2) Findings. The City Council finds and determines that the cost to enforce the city's housing, zoning, building, and related municipal codes exceeds the revenue received through reinspection fees. The imposition of such fees is necessary to recover a portion of these costs and to ensure continued enforcement efforts.

(b) Reinspection Fees.

(1) Fees imposed. To compensate for inspection and administrative costs, the city may impose a reinspection fee on the owner or occupant of any property for each reinspection conducted by a city staff member, officer, or employee to determine compliance with an order to correct a violation of the Fort Atkinson Municipal Code, including but not limited to violations of: Chapter 14 (Aviation), Chapter 15 (Zoning

Ordinance), Chapter 18 (Buildings and Building Regulations), Chapter 30 (Environment), Chapter 38 (Health and Sanitation), Chapter 42 (Historic Preservation), Chapter 66 (Planning), Chapter 70 (land Division and Development), Chapter 78 (Shoreland-Wetland Zoning), Chapter 86 (Solid Waste), Chapter 90 (Streets, Sidewalks, and Other Public Places), Chapter 98 (Utilities), and Chapter 102(Vegetation).

a. Reinspection fees shall be assessed in accordance with the City of Fort Atkinson adopted fee schedule. No fee shall be charged when compliance is verified at the time of reinspection.

b. Increased fees may apply for successive reinspections or for recurring violations, as provided in the adopted fee schedule. Reinspection fees may also be charged where a substantially similar violation is observed within twelve (12) months of a prior correction order.

c. If there has been a change of ownership or occupancy after the city issues a correction order, the Director of Neighborhood and Building Services, or his or her designee, 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.

d. Reinspection fees shall be charged against the property on which the inspection occurred, shall be a lien upon the property, and shall be assessed and collected as a special charge pursuant to Wis. Stat. § 66.0627.

(2) Permit-related reinspection fees. A reinspection fee may be imposed when a contractor, property owner, or authorized agent requests an inspection for permit-related work, and the work is not ready or accessible at the scheduled time. The applicable fee shall be as set forth in the City's fee schedule referenced in Chapter 110. Failure to pay such fees after one notice may result in withholding of future permits until all outstanding fees are paid in full.

(3) **Fourth offense reinspection waiver process.** Any violator receiving a reinspection fee for a fourth or subsequent offense related to the same violation may request a waiver of the fee. The request must be made in writing to the Director of Neighborhood and Building Services

or his or her designee within seven (7) calendar days of receiving notice of the 4th or subsequent reinspection fee. The Director or his or her designee shall meet with the violator or their representative to review the violation and discuss corrective action. The violator shall submit a written abatement plan within ten (10) calendar days of the meeting to the Director or designee. If the Director or designee approves the plan and the plan is successfully completed by the deadline included in the plan, the fourth offense reinspection fee shall be waived. The Director or designee shall notify the violator of the availability of this waiver process at the time of issuance of the fourth offense reinspection fee."

Section 2. Amends Section 15.10.61 of the Zoning Ordinance to read as follows:

"(1) Fees for procedures, reinspections, and permits shall be established and amended by the City Council. See Sections 1-10 and 1-16 of the City of Fort Atkinson Municipal Code."

Section 3. Creates Section 14-41. Reinspection fee charges to read as follows (Aviation Chapter):

"Sec. 14-41. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 4. Creates Section 18-36. Reinspection fee charges to read as follows (Buildings and Building Regulations Chapter, including the Housing Code):

"Sec. 18-36. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 5. Creates Section 30-2. of the Environment Ordinance to read as follows:

"Sec. 30-2. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 6. Creates Section 38-7. Reinspection fee charges to read as follows (Health and Sanitation Chapter):

"Sec. 38-7. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 7. Creates Section 42-4. Reinspection fee charges to read as follows (Historical Preservation Chapter):

"Sec. 42-2. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 8. Creates Section 66-3. Reinspection fee charges to read as follows (Planning Chapter):

"Sec. 66-3. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 9. Creates Section 70.13.05 Reinspection fee charges to read as follows (Land Division and Development Ordinance):

"Sec. 70.13.05 – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 10. Creates Section 78-10. Reinspection fee charges to read as follows (Shoreland-Wetland Zoning Ordinance):

"Sec. 78-10. – Reinspection fee charges.

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 11 Creates Section 86-4. Reinspection fee charges to read as follows (Solid Waste Chapter):

"Sec. 86-4. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 12 Creates Section 90-8. Reinspection fee charges to read as follows (Streets, Sidewalk s and Other Public Places Chapter):

"Sec. 90-8. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 13 Creates Section 98-3. Reinspection fee charges to read as follows (Utilities Chapter):

"Sec. 98-3. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 14 Creates Section 102-2. Reinspection fee charges to read as follows (Vegetation Chapter):

" Sec. 102-2. – Reinspection fee charges

Reinspections required due to noncompliance with this Chapter shall be conducted in accordance with Section 1-16 of the General Ordinances. Reinspection fees are imposed in addition to any other penalties or enforcement measures provided within this Chapter."

Section 15. This ordinance shall take effect after passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 5 day of Aug., 2025.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director