

CHAPTER 845. RESIDENTIAL RENTAL REGISTRATION

845.01. Purpose. This chapter is adopted for the purpose of preserving and promoting public health, safety, comfort, convenience, and the general welfare and prosperity of the people of the City of Ashland. A systematic, city-wide program for registration of residential rental units is necessary to insure that owners may be contacted so that building code and property maintenance standards may be enforced in the interests of providing safe, decent, and sanitary living conditions in rental units, preventing deterioration of those units, and preventing or remediating neighborhood blight.

845.02. 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:

(a) “Department” means the City of Ashland Planning and Development Department.

(b) “Dwelling” means a building, or part of a building, which includes one or more distinct living units. The term "dwelling" excludes rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, adult homes and other facilities licensed or certified by the Wisconsin Department of Health Services, hotels, motels, properties owned or operated by the Ashland Housing Authority, or dormitories owned by a college or university.

(c) “Owner” means any person who alone or jointly or severally with others is the recorded or beneficial owner or has legal or equitable title to any dwelling or dwelling unit, or has charge, care or control of any dwelling or dwelling unit as executor, administrator, trustee, or guardian of the estate of the owner.

(d) “Person” includes an individual, a partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

(e) “Rent” means, for consideration, monetary or otherwise to lease, to sublease, to let, or to otherwise grant the right of a tenant to occupy a dwelling not owned by the tenant.

(f) “Unit” or “dwelling unit” means any independently rented living space with a term of lease 30 days or more.

845.03. Residential rental registration required.

(a) No owner shall rent any dwelling unit to another person unless, at the time the dwelling unit is rented, the owner has registered that dwelling unit with the Department. Each separate dwelling unit must be identified and registered. The Department shall prescribe a registration form that includes the following items:

1. Identification of unit or units to which registration applies.

2. Name of the owner.
3. Name of the owner's authorized contact person.
4. Address and phone number where the contact person may be contacted.

(b) Unless a dwelling unit is registered, no owner of a dwelling or dwelling unit shall permit any person to occupy the dwelling or dwelling unit as a tenant or otherwise.

(c) Each registration is valid from the date of issuance for as long as the owner owns the unit, except as provided in subsection (e), or Section 845.04, below.

(d) The owner of any dwelling unit shall report any changes in the registration for the unit within ten days of the change. Failure to report a change shall be deemed a lapse in registration and the unit shall be treated as if not registered.

(e) Registration does not warrant that the dwelling or dwelling unit to which it is issued is free of ordinance violations or otherwise fit for human habitation.

845.04. Revocation or suspension of registration.

(a) The Department may revoke or suspend a registration if there has been fraud, misrepresentation, or a false statement contained in the registration application.

(b) No owner shall rent a dwelling or dwelling unit to another person after its registration is revoked or suspended. Upon revocation or suspension of the registration, the Department shall immediately notify the tenant(s) of the affected dwelling unit that the unit is not registered.

(c) Whenever an owner wishes to appeal the decision of the Department to revoke or suspend a registration, the owner shall, within ten business days of the notice of revocation or suspension, deliver to the City Clerk a written objection, stating specific reasons for contesting the decision. Upon receipt of the written objection, the matter will be placed on the agenda for the Housing Appeal Board for a review hearing no less than 15 days and no more than 45 days from the date that the objection is received by the City Clerk. The Housing Appeal Board shall be composed of the members of the Board of Zoning Appeals. The decision of the Housing Appeal Board shall constitute a final decision. The provisions of Sections 68.11(2) and (3), 68.12, and 68.13, Wis. Stats., shall apply to such appeals but otherwise the City elects not to be bound by Chapter 68, Wis. Stats., in appeals under this chapter.

845.05. Reinstatement of the registration.

Where a registration was denied or revoked, an owner may seek reinstatement of the registration upon the filing of a new registration application for the dwelling or dwelling unit and payment of a reinstatement fee in addition to the application fee.

845.06. Remedies and application of other provisions; penalty.

(a) Remedies.

(1) The remedies provided in this chapter are not to be construed to be exclusive of any other remedy under the Code or this chapter, and the Department may take further actions to ensure compliance with this chapter including, but not limited to, seeking injunctive relief or obtaining a special inspection warrant under Sec. 66.0119, Wis. Stats.

(2) Nothing in this chapter limits, impairs, alters, or extends the rights and remedies of persons in the relationship of landlord and tenant that exist under applicable law.

(3) Nothing in this chapter shall be construed to limit the authority of the Department to perform housing inspections in accordance with the Code or enforcing any other provision of State or federal law.

(b) Penalties. Any owner violating any provision of this chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$200.00 for the first offense; not less than \$200.00 nor more than \$400.00 for the second offense; and not less than \$500.00 nor more than \$1,000.00 for the third or subsequent offense. Each day that a violation continues to exist constitutes a separate offense. Each unit for which a violation occurs is a separate offense.

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