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Memorandum

To: Brian Charlesworth

From: Miles Eastman, Assistant City Attorney

Date: March 7, 2019

Re: Amendment to Section 21.03(2)(d) of the Fire Code

Enclosed please find a draft amendment to Wauk. Mun. Ord. §21.03(2)(d), Reinspection Fees, as we discussed previously. The amendment would change the Fire Department's reinspection fee schedule (currently \$50 for the first reinspection, \$75 for the second, \$150 for the third and \$300 for subsequent reinspections) to \$75 for the first reinspection and \$150 for second and subsequent reinspections.

The amendment is necessary to ensure compliance with Wis. Stat. §66.0104(2)(e)3., which prohibits municipalities from charging a fee for subsequent reinspections of residential rental properties that is more than twice the fee charged for an initial reinspection. Please also note that fees assessed for reinspections cannot exceed the total cost of administering the Fire Department's inspection program. Rusk v. City of Milwaukee, 298 Wis.2d 407, ¶12 (Ct. App. 2006). I assume this amendment would not cause the revenue derived from reinspection fees to exceed the total amount the Department spends on fire inspections.

Please let me know if you have any questions or concerns about this information or the draft amendment.