

City of Waukesha, Wisconsin

Ordinance 2025 – 8

**An Ordinance Amending Section 17.10 of the Property Maintenance Code
Regarding Licensing of Rooming Houses**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 17.10 of the Waukesha Municipal Code is hereby amended to read as follows:

17.10 Licensing of Rooming Houses.

(1) License; Application; Inspection Fee.

- (a) No person shall operate a rooming house without first obtaining a license therefor as herein provided.
- (b) The license shall be applied for and issued to the operator for the rooming house to be licensed. Such operator shall make application to the City Clerk.
- (c) Rooming houses shall be inspected annually by the Community Development Department Building Division and Fire Department to determine whether they comply with all applicable provisions of this Municipal Code and the terms and conditions upon which the rooming house license was issued. The operator of the rooming house must schedule the inspections and any needed re-inspections.
- (d) The operator shall contact the Community Development Department Building Division and Fire Department to schedule the annual inspection no later than September 1st of each year. Any operator who fails to appear on the scheduled time and date for an inspection may be subject to a re-inspection fee of \$150.
- (e) The fee for obtaining or renewing a rooming house license shall be maintained in the Fee Schedule in accordance with section 16.07(1) of this Municipal Code. All licenses expire December 31st of each year. All applications for license renewal must be submitted to the City Clerk prior to September 1st of the preceding year.
- (f) On or before November 1st, the Community Development Department and Fire Department shall file written reports with the City Clerk indicating their approval of the application or their bases for denial as listed below. The Clerk shall issue the license unless any of the following conditions exist:
 - (i) One or more grounds for revocation set forth in sub. (4)(a) of this section are present.
 - (ii) The rooming house license application is incomplete or the required fees have not been paid.

- (iii) The rooming house operator did not schedule or appear at an inspection required by this section and City inspectors consequently cannot determine whether grounds for revocation set forth in sub. (4)(a) are present.
- (iv) Provisions in section 8.26 of this Municipal Code relative to outstanding local delinquent taxes and charges apply to either the applicant or the premises subject to the license.
- (g) If the City Clerk determines that any of the above conditions exist, the Clerk shall refer the matter to the Common Council or its authorized committee so it may determine whether to grant, deny, or refuse to renew the license under sub. (4)(b) of this section. The Common Council may attach reasonable terms and conditions to a granted license to ensure compliance with this section.
- (h) Each license shall specify the number of people that can be accommodated in the rooming house. No person shall furnish sleeping accommodations for more persons than are specified in the license, provided that 2 children under 12 shall be equivalent to one adult person.
- (i) The license shall be conspicuously posted in the office or public hallway of rooming house.
- (j) No license issued hereunder shall be transferable to another person.

(2) Conditions; Facilities.

- (a) Each rooming unit in any rooming house shall have at least 70 sq. ft. of air space for each person sleeping therein. No more than 4 roomers shall be permitted to occupy any one rooming unit. Each such room shall be adequately ventilated, having window space opening on street, court or yard equal to 1/10 of the floor area of such room. All rooms shall have workable windows, screens for the total opening portion of the window and storm windows for the entire window.
- (b) In the interest of protecting the health, welfare, and safety of the citizens of the City of Waukesha, rooming houses must adhere to the following requirements:
 - (i) All rooming houses shall meet the installation and fire alarm detection system requirements set forth in Section 907 of the International Building Code as adopted by SPS §362 of the Wisconsin Administrative Code. All rooming houses shall have hard wired smoke detectors in all rooms. All rooming houses shall have a monitored fire alarm system that includes interconnected smoke detectors that meet the requirements of International Fire Code Section 907 and National Fire Protection Association model code NFPA 72 in all common areas. All rooming houses shall comply with the automatic smoke detection system requirements set forth in IFC §907.2.8.2. All rooming houses in existence prior to the adoption of this amendment shall have until May 1, 2001, to come into compliance with this section.

- (ii) All rooming houses must possess fire extinguishers which meet the requirements of IFC Section 906 and NFPA 10. Fire extinguishers shall be located on each floor level and be situated not more than seventy-five (75) feet apart. At least a 2A20BC rated fire extinguisher shall be provided in any and all permanently installed cooking areas.
 - (iii) Rooming houses containing five (5) or more rooming units must provide emergency lighting installed in accordance with Section 1006 of the International Building Code as adopted by SPS §362 of the Wisconsin Administrative Code. All rooming houses in existence prior to the adoption of this amendment shall have until May 1, 2001, to come into compliance with this section.
- (c) Each window in a rooming house shall have shades, drapes, curtains, shutters, or blinds.
 - (d) At least one flush toilet, lavatory basin and bathtub or shower, all in good working condition, shall be supplied for each six persons, including the operator's quarters or family when they share the use of such facilities, except that in rooming houses which have existed prior to the enactment of this paragraph, shall be considered to be in compliance with this section. Such facilities shall be accessible from a common hall or passageway. Hot water shall be furnished at all times.
 - (e) The interior temperature of each unit shall be maintained at no less than 67 degrees Fahrenheit.
 - (f) Each rooming house shall have at least 2 safe, unobstructed means of exits leading from each floor level.
 - (g) Each operator shall be responsible for the sanitary maintenance of the premises. This shall include, but shall not be limited to:
 - (i) All rugs, carpets, drapes, curtains, and upholstered furniture and other supplied equipment shall be kept clean and free from odor and in good repair. Each sleeping room shall be kept free from filth and vermin. Walls, floors and ceilings in each sleeping room, toilet room, common kitchen, hallway, and stairway shall be kept clean and in proper repair, and shall be painted or washed as frequently as may be required by the Inspector.
 - (ii) Adequate garbage disposal facilities or garbage storage containers shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all garbage in a clean and sanitary manner to the use of approved mechanical equipment or by placing it in the required containers.
 - (iii) The operator of any rooming house shall be responsible for the extermination of any insects, rodents or other pests on the premises.
 - (iv) Outside premises and property must be maintained in a neat and orderly manner in accordance with neighborhood standards which includes, but is not limited to, exterior painting and lawn maintenance.

- (h) The operator of each rooming house shall be responsible for any unsanitary condition prevailing within such rooming house and any condition upon the premises where such rooming house is located and shall be responsible for the proper observance of all the provisions of this section.

(3) Enforcement Provisions.

- (a) Any person who violates this section shall be subject to a penalty as provided in §25.05 of this Municipal Code. Nothing in this section shall preclude the City from commencing an action to prevent or remove a violation of this section, including an action pursuant to the provisions of Ch. 823, Wis. Stats.
- (b) The Building or Fire Inspector, upon inspection or discovery of any violation of this section, shall notify the rooming house operator of the violations in writing. The notice shall include a deadline for correction and reinspection. The deadline shall not exceed 30 days, although in the case of extreme hardship, an additional 30 days may be given.

(4) License Denial, Revocation and Renewal. In addition to the forfeitures provided for in par. (3)(a) above, the Common Council may deny an initial application or revoke or refuse to renew any license issued under this Section as hereinafter provided:

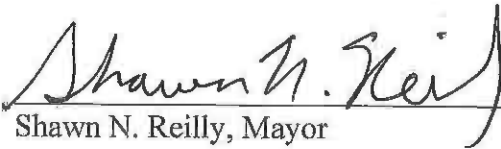
- (a) **Revocation.** A license issued under this section may be revoked for violations of the terms and conditions upon which the license was issued, for any violation of subs. (1)(c) and (1)(d) of this section, and for repeated violations of this section or the Building, Fire, HVAC, Plumbing, and Electrical Codes. The Common Council or its authorized committee shall inform the licensee of its intention to revoke. Service of the intention to revoke shall be in the manner provided under Ch. 801, Wis. Stats., for service in civil action in Circuit Court. The licensee may, within 15 days after notification of the Common Council's intention to revoke, request a hearing. If the licensee does not request a hearing on the revocation by mailing or delivering a written request to the City Clerk within 15 days after notification, the license shall be revoked. The City Clerk shall give notice of the revocation to the person whose license is revoked. When a license is revoked under this subsection, the revocation shall be recorded by the Clerk and no other license issued under this section may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked shall be refunded.
- (b) **Initial Application or Renewal.** The Common Council may deny an initial application for a license or refuse to renew a license if any of the conditions set forth in subs. (1)(f)(i) – (1)(f)(iv) exist. If the application would renew an existing license, prior to the time for renewal, the Common Council or its authorized committee shall notify the licensee in writing of the City's intention not to renew the license and provide the licensee with an opportunity for a hearing in the manner provided for in par. (a) above. If the application is an initial application, the Common Council shall notify the applicant in writing that the application is denied. Notifications shall describe the bases for denial. Notifications shall be delivered to the applicant by email at the email address shown on the application or by first class U.S. Mail to the address shown on the

application. For purposes of this section, an "initial application" means an application concerning a premises or part thereof not subject to an existing rooming house license.

- (5) **Election Not to Be Governed by Chapter 68, Wis. Stats.** The revocation and renewal provisions in subsection (4) shall not be governed by the administrative review procedures provided for in Chapter 68, Wis. Stats.

Section 2. This ordinance shall take effect the day after publication.

Passed the 15th day of July, 2025.


Shawn N. Reilly, Mayor


Attest: Katie Panella, City Clerk

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