

CHAPTER XXIV
LANDLORD'S RIGHTS

24.01 LANDLORDS' RIGHTS

A. Purpose. The purpose of this Ordinance is to protect the property interests of landlords from abuse by tenants. In accomplishing this purpose, landlords are assured the right to reject as tenants those persons who have a history or record of behavior which demonstrates a lack of respect for property. This Ordinance is also intended to promote the reasonable use and the peaceful enjoyment of rental property.

B. Construction.

1. This Ordinance shall be construed so as to modify or repeal anything in Chapter XXII inconsistent herewith, where such interpretation is not inconsistent with State law.

2. Subsections C. and E. herein shall confer rights on landlords only where this Ordinance is not used as a subterfuge to evade discriminatory practices prohibited in §22.02 C., Ordinances.

3. The City Attorney is not required to prosecute apparent violations of Chapter XXII where there is not a real case in controversy.

C. Landlords' Rights. Landlords shall have the following rights:

1. To demand and check the references of proposed tenants.

2. To reject as a tenant any person(s) who cannot demonstrate, where applicable, a history or record of prompt rental or mortgage payments and due and proper care in the maintenance of a previously occupied dwelling unit, as defined in Chapter XVI or who does not authorize, upon request, the release of personal credit bureau information.

3. To provide in the terms of a lease that if during the term thereof the tenant negligently or intentionally damages the rental property that the landlord, as an alternative to terminating the tenancy, may use escrow monies to repair the damage and require forthwith that the tenant pay such monies to the landlord as will fully pay for all damages, even if over the amount of any escrow fund, and as will reimburse the escrow account for any monies deducted therefrom.

4. To reject as a tenant any person(s) where rental of a dwelling unit would result in:

a. The habitation of a dwelling unit by adults of the opposite sex unmarried to each other and unrelated to each other by a relationship more distant than first cousins, under circumstances which would violate State Law.

b. The habitation of a dwelling unit intended for one family by two or more families.

c. The habitation of a dwelling unit contrary to the minimum space and use requirements of Chapter XVI.

d. Children residing in owner occupied buildings having four or less rental units, where the owner has no children residing in said building, and totally prohibits children in the remaining units.

e. Rental of a dwelling unit to a person(s) who has no apparent ability to pay the specified monthly rent. Guidelines of lending institutions shall be relevant in determining the maximum percentage of a person's monthly income which is available for housing purposes. Money held in savings accounts or invested in bonds or securities which are readily convertible into cash shall be considered in determining ability to pay.

5. To enter the rental premises of any tenant during the tenancy to inspect the premises, make repairs, or show the premises to prospective tenants or purchasers, as authorized under §704.05(2), Wisconsin Statutes, at reasonable times upon twelve (12) hours advance notice. Entry may be upon less than twelve (12) hours advance notice where the tenant, upon being notified of the proposed entry, consents to a shorter time, where the tenant requests or consents to a proposed entry at a specified time, where a health or safety emergency exists, where the tenant is absent and the landlord reasonably believes that entry is necessary to protect the premises from damage or where entry is otherwise authorized in writing other than in a form provision in a lease.

D. Prohibited Practices of Applicants. Applicants for rental units are prohibited from intentionally making incomplete or fraudulent rental applications.

An application shall not be considered incomplete or fraudulent under circumstances wherein the applicant does not intend to rent any unit for which application is made.

E. NonDiscriminatory Reasons for Eviction. Tenants may be evicted for, but not limited to the following reasons, which reasons shall constitute a prima facie case of lack of discrimination:

1. The intentional, malicious or grossly negligent maintenance of the dwelling unit.

2. Living in a condition of filth such as to create an environment for rodents, insects or disease.

3. Wasting heat and utilities provided by the landlord.

4. Engaging in conduct detrimental to the safety and welfare of the landlord or other tenants or interfering with the peaceful enjoyment of their premises, where said conduct is not protected by Chapter Ag 134, Wisconsin Administrative Code which is incorporated herein by reference, as it now exists and as it may be amended in the future.

5. Keeping or storing vehicles, contrary to City Ordinances.

6. Engaging in any conduct contrary to City Ordinances or State laws or refusing to obey the lawful orders of the County Health, City Police or Fire personnel.

7. Conduct contrary to Subsections **C.4.a.** through **d.** of this Ordinance.

F. Penalty. Any person who shall violate Subsection **D.** hereof shall, upon conviction thereof, forfeit not more than Two Hundred (\$200) Dollars, plus the costs of prosecution, and in default of payment thereof, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not for a period exceeding thirty (30) days.