

GH CAO 267776, 4-08-2020

308-22. Environmental Assessment Prior to City Acquisition of Real Property.

1. DEFINITIONS. In this section:

a. "Commissioner" means the Commissioner of the Department of City Development.

b. "Environmental Assessment" means:

(1) A background check of the property's land use history by reviewing reasonably available public records in an attempt to determine the likelihood of whether the property may have been used for the handling, storage, generation, or disposal of hazardous materials or substances (including underground storage tanks) and whether there has been any reporting to, or enforcement or monitoring by, the Wisconsin Department of Natural Resources or the United States Environmental Protection Agency concerning the property; and

(2) A visual inspection of the property, to the extent possible without entering the property, for possible signs of hazardous materials or substances; and

(3) An inspection of the interior of each building on the property and an inspection of the land conducted from within the property, provided legal access is obtainable and the property's land use history shows a use that would reasonably be associated with hazardous materials or substances. Such interior building inspection, and inspection of the land, may be performed, but shall not be required, if the property's land use history does not show a use that would reasonably be associated with hazardous materials or substances.

c. "Gift" means gift, contribution or donation.

d. "Phase II Testing" means sampling and analysis of site materials to determine contamination, including possible nature and extent.

e. "Property" means real property.

2. ENVIRONMENTAL ASSESSMENT REQUIRED PRIOR TO ACQUISITION. Prior to the City's acquisition of a property, whether by tax foreclosure, by gift, or otherwise, other than a property with one to four residential units, the Department of City Development shall conduct an environmental assessment of the property. When the environmental assessment reveals factors that would lead to reasonable suspicion that the property is suspected of being adversely affected by a hazardous material or substance, then the Department of City Development shall communicate that to the City Treasurer and the City shall not acquire the property unless the Common Council approves acquisition by resolution.

3. PROPERTY ACQUIRED BY GIFT. Common Council approval is required for the City to accept property as a gift.

4. PHASE II TESTING.

a. If an environmental assessment conducted under subs. 2 reveals factors that would lead to reasonable suspicion that the property is suspected of being adversely affected by a hazardous substance or material, the Department of City Development may commence phase II testing.

b. The Commissioner may authorize phase II testing of any property to be acquired by the City, including a property with one to four residential units, where an environmental assessment performed by the Department of City Development reveals factors that would lead to reasonable suspicion that the property is suspected of being adversely affected by a hazardous material or substance.