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FOR INFORMATION CALL

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Ald. Robert J. Bauman
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New Ordinance Requires Applicants To Disclose Delinquent Taxes, Unsettled Code Violations, Fines & Judgments

*Ald. Bauman Says "Clean Hands Ordinance" Lets Panels Know When Zoning, Other
Applications Involve Parties Owing Money*

The Common Council has approved an ordinance requiring each applicant before the Board of Zoning Appeals and the City Plan Commission to submit a signed affidavit indicating whether they owe the city money for a range of items, including delinquent property taxes and assessments, unpaid judgments and outstanding health and building code violations.

The measure's author, Ald. Robert J. Bauman, said the new ordinance will provide city officials with an important tool they can use to collect unpaid taxes, judgments and fines – as well as a means to get property owners and landlords to comply with code violation orders and to make sure they abate nuisances.

"It makes no sense for the City of Milwaukee to reward applicants with special zoning permits, special use permits and other privileges when they're otherwise thumbing their noses at the city by dodging orders, not paying taxes and generally not satisfying their obligations with the city," said Ald. Bauman, chair of the Council's Public Works Committee.

"The ordinance puts the onus on the applicant to disclose whether or not they have 'clean hands' when it comes to taxes, fines and code violations," he said.

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Council Approves “Clean Hands Ordinance”/ADD ONE

The ordinance requires each applicant for a zoning map amendment (except most overlay zones), planned development approval, use variance or special use permit to submit to the City Plan Commission or the Board of Zoning Appeals, as the case may be, a signed affidavit indicating whether the applicant is:

- Delinquent in the payment of any property tax, special assessment, special charge or special tax due to the city, provided that all appeals of the tax, assessment or charge have been concluded or the time to appeal has expired.
- A party against whom the city has an outstanding judgment, provided that all appeals of the judgment have been concluded or the time to appeal has expired.
- A party against whom the city has outstanding health or building and zoning code violations and orders from the Commissioner of Health or the Commissioner of Neighborhood Services that are not actively being abated, provided that all appeals of orders to correct violations have been concluded or the time to appeal has expired.
- A party who has been convicted of violating an order of the Commissioner of Health or Commissioner of Neighborhood Services within the past year, provided that all appeals of the conviction have been concluded or the time to appeal has expired.
- The owner of a premises found to be in violation of s. 80-10 to whom the Commissioner of Neighborhood Services has charged the costs of police enforcement, pursuant to s. 80-10-4, provided that all appeals of these charges have been concluded or the time to appeal has expired.

If the applicant for approval of a zoning matter is a corporation, partnership, limited liability company or nonstock corporation, the affidavit must be submitted by a duly authorized officer or director of the corporation, a duly authorized partner, general partner or limited partner of the partnership, a duly authorized member or manager of the limited liability company, or a duly authorized officer or director of the nonstock corporation. The affidavit submitted must attest to any outstanding taxes, unpaid fines, unpaid judgments, etc. of each of the partners, officers, managers, directors, etc. of each entity.

The full Council approved the “clean hands ordinance” on July 31. **Please see the attached legislative file text for more details.**