

Lee, Chris

From: Owczarski, Jim
Sent: Friday, March 20, 2026 3:19 PM
To: Lee, Chris; Broadnax, Keith; Brengosz, Kathleen
Cc: Askin, Tim; Carson, Alexander R.; Bauman, Robert; DeLessio, Ax
Subject: Fw: CCFN 251617 - Legal and Enforceable - Suggested Changes
Attachments: Ordinance CCFN 251617 - Historic Building Demolition.DOCX

1. My thanks.
2. Chris: FYI
3. LRB: Let's have an amendment motion prepared for Ald. Bauman's consideration.

Jim

From: Carson, Alexander R. <acarso@milwaukee.gov>
Sent: Friday, March 20, 2026 3:15 PM
To: Owczarski, Jim <jowcza@milwaukee.gov>
Cc: Caples, Michelle <mcaples@milwaukee.gov>; Newton, Saul <SNewton@milwaukee.gov>
Subject: CCFN 251617 - Legal and Enforceable - Suggested Changes

Good afternoon Jim,

I have reviewed the proposed ordinance in CCFN 251617 related to 3D scans of historic properties prior to demolition and based on my research I believe it is legal and enforceable. However, based on my review of the Council ZND meeting and the ordinance language, with the assistance of Tim Askin, I have suggested minor changes to the ordinance to better reflect and clarify the legislation's intent, which are attached.

The statutory authority to regulate historic properties is found in Wis. Stat. s. 62.23(7)(em) and *mandates* municipalities to regulate historic properties within their boundaries if there are national or state designated properties, which is the case for the City of Milwaukee.

Wisconsin Statute s. 66.0413 governs a municipality's authority regarding razing properties and sub (3) specifically addresses petitions or orders regarding demolition of historically designated properties. While the section does not specifically address the newer technology of 3D scans, it does contain language consistent with the goals of the ordinance – that being preserving some record of the property prior to demolition. Furthermore, Wis. Stat. s. 66.0413(4) provides that the entire statute governing razing shall be “liberally construed to provide 1st class cities with the largest possible power and leeway of action.”

Based on these authorities, I believe the ordinance – with the suggested changes – is legal and enforceable.

[Alex Carson](#) | Assistant City Attorney | City Attorney's Office
841 N. Broadway – Suite 716 | Milwaukee, WI 53202 | Direct line: 414.286.8409 | Email:
acarso@milwaukee.gov

Number
251617
Version
ORIGINAL
Reference

Sponsor
ALD. BAUMAN
Title

An ordinance relating to the documentation of historic buildings before demolition.

Section

320-21-3-i cr
320-21-5 am
320-21-11-c-3 cr

Analysis

This ordinance authorizes the Historic Preservation Commission to require historic building documentation before demolition as a condition of approving a certificate of appropriateness for designated or registered historic buildings, structures, or site features. It defines “historic building documentation,” authorizes the commission to adopt documentation guidelines, and provides that no demolition permit may be issued until required documentation is submitted in compliance with adopted standards. The ordinance does not alter existing demolition procedures or timelines.

Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 320-21-3-i of the code is created to read:

320-21. Historic Preservation Commission.

3. DEFINITIONS

i. “Historic building documentation” means comprehensive three-dimensional digital documentation of the exterior of an existing building, structure, or site designated as historic, located within a designated historic district, or listed on or located within a district listed on the national register of historic places, using advanced spatial data capture methods capable of producing an accurate, measurable, and scalable digital model of the resource. The documentation shall capture exterior elevations, volumetric relationships, spatial geometry, and significant architectural features with sufficient precision to permit future measurement, modeling, digital reconstruction, research, and public educational use. The resulting documentation shall constitute a permanent digital twin or equivalent archival digital representation of the building, structure, or site. Documentation shall be completed using industry-accepted professional standards and equipment sufficient to ensure survey-level accuracy and reliability, as further established by commission guidelines.

Part 2. Section 320-21-5 of the code is amended to read:

5. RULES OF THE COMMISSION. The commission shall elect from its membership a chair and a vice-chair whose terms of office shall be fixed by the commission. The commission shall adopt rules of procedure for the transaction of its business. >> The commission shall adopt guidelines establishing standards, technical specifications, submission formats, accuracy requirements, and retention policies for historic building documentation required prior to demolition of designated or registered historic buildings, structures, or site features, consistent with the scope and significance of the resource.<<

Part 3. Section 320-21-11-c-3 of the code is created to read:

320-21-11. REGULATION OF ALTERATION, RECONSTRUCTION, REHABILITATION, CONSTRUCTION AND DEMOLITION. c-3. Historic building documentation required prior to demolition. If the commission grants or conditionally grants a certificate of appropriateness to allow partial or complete demolition of a building, structure, or site feature designated as historic, located within a designated historic district, or listed on or located within a district listed on the national register of historic places and was constructed prior to the date of such designation or listing, the commission shall require, as a condition of the certificate, that the applicant deliver to the commission, for retention by the city, provide historic building documentation prior to demolition, consistent with the scope and significance of the resource and the standards and guidelines adopted by the commission. No permit for demolition shall be issued by the commissioner of neighborhood services until the commission determines that the required historic building documentation has been submitted in compliance with the commission's adopted standards and guidelines.

LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: February 18, 2026

Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____
Requestor

Drafter

LRB181330-3
Addis Zewdie
02/18/2026