



Legislation Details (With Text)

File #: 020321 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/4/2002 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:** 6/25/2002

Effective date:

Title: A substitute ordinance relating to notice for application for appointment of receiver in public nuisance lawsuits.

Sponsors: THE CHAIR

Indexes: LITIGATION, NUISANCES

Attachments: 1. City Atty Cover Letter.pdf, 2. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
6/4/2002	0	COMMON COUNCIL	ASSIGNED TO		
6/6/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/6/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/6/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/6/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/10/2002	1	CITY CLERK	DRAFT SUBMITTED		
6/17/2002	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/25/2002	1	COMMON COUNCIL	PASSED	Pass	17:0
7/3/2002	1	MAYOR	SIGNED		
7/12/2002	1	CITY CLERK	PUBLISHED		

020321
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to notice for application for appointment of receiver in public nuisance lawsuits.

50-25-6 cr

The 2001 Wisconsin Act 86 authorizes cities of the first and second class to begin nuisance actions by giving notice of the nuisance to property owners and interested parties. Interested parties include lien holders of mortgages and land contracts. Once the notice is issued, the property owner or interested party must abate the nuisance or must begin a foreclosure action within 60 days. If the lender starts the foreclosure action, the city must hold off filing the nuisance action. If a foreclosure action is not commenced, the city can apply for the appointment of a receiver to abate the nuisance and the receiver's costs take priority over the lien rights of the interested party. Based on the foregoing act, this ordinance authorizes the city attorney to give notice to property owners, operators

or occupants that the city will start nuisance actions against them. This ordinance will also prevent landlords from evicting tenants, increasing rent or decreasing services to tenants who are not part of the nuisance.

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

Part 1. Section 50-25-6 of the code is created to read:

50-25. Stipulation of Guilt, Citations.

6. NUISANCE ACTION NOTICE. The city attorney is authorized to provide notice to property owners, operators or occupants that the city of Milwaukee anticipates the filing of an action to appoint a receiver to abate a nuisance at their premises pursuant to s.823.23, Wis. Stats.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

DHR/ampd/54186
6/3/2002

LRB00295-2
TWM/cac
6/10/2002