



Legislation Details (With Text)

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File created: 3/16/2005 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 4/12/2005

Effective date:

Title: An ordinance establishing temporary safeguards for nuisance buildings, structures, and properties.

Sponsors: ALD. D'AMATO

Indexes: BUILDING CODE, NUISANCES

Attachments: 1. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
3/16/2005	0	COMMON COUNCIL	ASSIGNED TO		
3/21/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/5/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
4/12/2005	0	COMMON COUNCIL	PASSED	Pass	14:0
4/21/2005	0	MAYOR	SIGNED		
4/28/2005	0	CITY CLERK	PUBLISHED		

041644
ORIGINAL

ALD. D'AMATO

An ordinance establishing temporary safeguards for nuisance buildings, structures, and properties.

200-11-5-b am

200-11-5-e cr

275-32-3-h-3-a am

275-32-3-i-1-a am

This ordinance establishes temporary safeguards for nuisance buildings, structures, and properties. It provides the commissioner of neighborhood services authority to order the owner of property, which in the commissioner's judgment is a nuisance, to install temporary and other safeguards to protect the public health and safety.

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

Part 1. Section 200-11-5-b of the code is amended to read:

200-11. Enforcement.

5. BUILDINGS, STRUCTURES, DWELLING UNITS, EQUIPMENT WHICH ARE UNSAFE OR UNFIT FOR HUMAN HABITATION.

b. Order to Discontinue Occupancy or Use . The commissioner may issue an order to the owner of any building, structure, dwelling unit or equipment thereon, or on the person occupying or using any such building, structure, dwelling unit or equipment, to discontinue such occupancy or use if the building, structure, dwelling unit or equipment is, in the judgment of the commission, in an unsafe condition or unfit for human habitation. An order to discontinue occupancy or use shall identify the code violation that causes the building, structure, dwelling unit or equipment to be unsafe or unfit for human habitation. ~~[[Whenever the commissioner determines it necessary, the commissioner may also order the installation of temporary safeguards, as provided for in s. 218-5, and upon installation of such safeguards, may permit the occupancy or use to continue or resume on a limited basis until the building, structure, equipment or part thereof is made safe. If the building can be made safe or fit for human habitation by repairs the order shall specify a time to make repairs.]]~~

Part 2. Section 200-11-5-e of the code is created to read:

e. Temporary Safeguards.

e-1. When in the judgment of the commissioner a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse, or the property is unsafe to the public or users of the property the commissioner may order the owner or agent to immediately provide temporary safeguards, for the protection of the general public and upon installation of such safeguards, may permit the occupancy or use of the building, structure or property to continue or resume on a limited basis as directed by the commissioner. If the owner fails, neglects or cannot provide such temporary safeguards, the commissioner may, with the aid of any available public agency, provide the necessary safeguards and charge the cost thereof against the real estate upon which such building or structure or dangerous condition is located, and if that cost is so charged, it is a lien upon such real estate and may be assessed and collected as a special tax.

e-2. The commissioner may require that a registered architect or engineer design such temporary safeguards. The commissioner shall approve the drawings for such safeguards and a separate permit issued for the construction of the temporary safeguard.

Part 3. Section 275-32-3-h-3-a and i-1-a of the code is amended to read:

275-32. Exterior Structure.

3. EXTERIOR SURFACES.

h. Stairways, Exits and Service Walk Stairways.

h-3. Opening Below Top Rail.

h-3-a. When handrails protecting the open sides of a stairway are replaced, they shall have an intermediate rail or rails, or an ornamental pattern designed to prevent the passage of an object with a diameter larger than ~~[[6]]>4<<~~ inches.

i. Guardrails.

i-1. Opening Below Top Rail.

i-1-a. When guardrails are replaced they shall have an intermediate rail or rails, or an ornamental pattern designed to prevent the passage of an object with a diameter larger than ~~[[6]]>>4<<~~ inches.

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: _____

DEPARTMENT OF NEIGHBORHOOD SERVICES

LRB04527-3

EJS

3/8/2005