



Legislation Details (With Text)

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On agenda: **Final action:** 2/22/2005
Effective date:

Title: A substitute ordinance relating to declaring certain vacant boarded residential buildings, structures and premises nuisances.

Sponsors: ALD. MURPHY, ALD. BOHL, ALD. BAUMAN, ALD. D'AMATO, ALD. HINES JR., ALD. WITKOWSKI, ALD. DONOVAN, ALD. PUENTE, ALD. ZIELINSKI, ALD. MCGEE JR., ALD. HAMILTON, ALD. WADE, ALD. DAVIS

Indexes: BUILDING CODE, NUISANCES

Attachments: 1. Fiscal note.pdf, 2. Publication on March 10, 2005.PDF

Date	Ver.	Action By	Action	Result	Tally
2/1/2005	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/15/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	AMENDED	Pass	4:0
2/15/2005	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/22/2005	1	COMMON COUNCIL	PASSED	Pass	15:0
3/3/2005	1	MAYOR	SIGNED		
3/10/2005	1	CITY CLERK	PUBLISHED		

041383
SUBSTITUTE 1

ALD. MURPHY, BOHL, BAUMAN, D'AMATO, HINES, WITKOWSKI, DONOVAN, PUENTE, ZIELINSKI, MCGEE, HAMILTON, WADE AND DAVIS

A substitute ordinance relating to declaring certain vacant boarded residential buildings, structures and premises nuisances.

275-32-7-0 am

275-32-7.5 cr

This ordinance provides that when a residential building has been found to be vacant and boarded for at least 6 months, the commissioner may order the owner to elect and undertake within 30 days one or more courses of action which include unboarding the building, filing an application for a permit for repair, rehabilitation or demolition of the building, demonstrating that the building is being actively marketed for sale and filing an application for a mothballing certificate. If the owner fails to comply with the commissioner's order to elect and undertake within the time specified one or more of the courses of action, or if the commissioner finds upon reinspection that the owner has not completed the repair, rehabilitation or demolition of the building within 180 days or is not proceeding diligently in good faith to complete the sale of the building, the commissioner may declare the building a nuisance per se and the owner may be subject to the imposition of forfeitures, injunctive actions and other remedies available at law. This ordinance is null and void after February 28, 2009.

Whereas, The Common Council finds that many buildings, structures and premises that are vacant and boarded are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods and have an adverse impact upon adjacent and nearby properties; and

Whereas, The Common Council further finds that many buildings, structures and premises that were previously used as residential dwellings and have since become vacant and boarded have a significant and detrimental impact on the local housing market; and

Whereas, The Common Council further finds that immediate abatement and rehabilitation of these buildings, structures and premises is necessary to abate public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties and ensure and enhance the vitality and livability of neighborhoods; and

Whereas, The Common Council declares that it serves a public purpose and is in the best interests of the City of Milwaukee that measures be established to abate the public nuisances, blight, negative housing market impact and other harmful effects connected with these vacant buildings, structures and premises, consistent with the Council's authority to protect the health, safety and welfare of the public; now, therefore

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

Part 1. Section 275-32-7-0 of the code is amended to read:

275-32. Exterior Structure.

7. VACANT STRUCTURES>>; BOARDING<<.

Part 2. Section 275-32-7.5 of the code is created to read:

7.5. VACANT STRUCTURES; ALTERNATIVES TO BOARDING.

a. Whenever a residential building, structure or premises has been found to be vacant and boarded for at least 6 months, the commissioner may order the owner to elect and undertake within 30 days of the date the order is served upon the owner one or more of the courses of action under par b. A residential building, structure or premises is boarded under this paragraph if any door or window opening is in any part covered with any solid material other than a product designed for the original construction.

b. An owner issued an order pursuant to this subsection shall elect and undertake within 30 days of the date the order is served upon the owner one or more of the following courses of action:

b-1. Unboard and otherwise maintain the building, structure or premises in a locked or closed condition using alternative methods approved by the commissioner.

b-2. File pursuant to s. 200-26 a completed application and any required plans for a permit for repair, rehabilitation or demolition and a schedule indicating a completion date for such work or its various phases. All work performed pursuant to this subdivision shall be completed within 180 days of the date an order issued pursuant to this subsection is served upon the owner.

b-3. Demonstrate that the building, structure or premises is being actively marketed for sale by providing evidence of all of the following:

b-3-a. The building, structure or premises is listed for sale on the multiple listing service.

b-3-b. The building, structure or premises is available to prospective buyers for viewing.

b-3-c. A reasonable asking price had been disclosed. The commissioner may use the assessed market value of the property as last determined by the tax assessor to determine if the asking price disclosed by the owner is reasonable.

b-4. File pursuant to s. 308-81-12-a a completed application for a mothballing certificate for designated historic structures.

c. The commissioner may periodically reinspect the vacant residential building, structure or premise to ensure that the owner is proceeding diligently in good faith pursuant to par. b to complete the sale, repair, rehabilitation or demolition of the building, structure or premise. Any reinspection conducted pursuant to this paragraph shall be subject to the reinspection fees prescribed in s. 200-33-48.

d. If the owner fails to comply with the commissioner's order to elect and undertake within the time specified one or more of the courses of action under par. b, or if the commissioner finds upon reinspection pursuant to par. c that the owner has

not completed the repair, rehabilitation or demolition of the building within the time specified or is not proceeding diligently in good faith to complete the sale of the building, the commissioner may declare the residential building, structure or premises a nuisance per se and the owner may be subject to the imposition of forfeitures, injunctive actions and other remedies available at law pursuant to s. 200-19. In addition to other applicable enforcement procedures, the city attorney is authorized to provide notice to the property owner that the city anticipates the filing of an action to appoint a receiver to abate the nuisance at the premises pursuant to s. 823.23, Wis. Stats., or to take any other action to abate the nuisance.

e. Compliance with the commissioner's order issued pursuant to this subsection does not preclude other actions the city may take to provide for the enforcement of property maintenance and condemnation codes against vacant residential buildings, structures or premises.

f. Appeal of the action of the commissioner pursuant to this subsection shall be submitted to the standards and appeals commission as provided in s. 200-17.

Part 3. This ordinance shall be null and void after February 28, 2009.

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: _____

LRB04456-2

RGP

2/15/05