



## Legislation Details (With Text)

**File #:** 231331 **Version:** 2

**Type:** Ordinance **Status:** Passed

**File created:** 1/17/2024 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 2/6/2024

**Effective date:**

**Title:** A substitute ordinance relating to the enforcement of certificate of appropriateness requirements by the city clerk.

**Sponsors:** ALD. BAUMAN

**Indexes:** BUILDING-REGULATION, HISTORIC BUILDINGS, HISTORIC PRESERVATION

**Attachments:** 1. Hearing Notice List, 2. Legal and Enforceable Pending Substitution, 3. Motion by Ald. Bauman, 4. Notice published 2/23/2024

Date	Ver.	Action By	Action	Result	Tally
1/17/2024	0	COMMON COUNCIL	ASSIGNED TO		
1/30/2024	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/6/2024	1	COMMON COUNCIL	SUBSTITUTED	Pass	14:0
2/6/2024	2	COMMON COUNCIL	PASSED	Pass	14:0
2/7/2024	2	MAYOR	SIGNED		
2/23/2024	2	CITY CLERK	PUBLISHED		

### 231331 SUBSTITUTE 2

#### ALD. BAUMAN

A substitute ordinance relating to the enforcement of certificate of appropriateness requirements by the city clerk.

80-29-2-f cr  
200-11-2-d cr  
320-21-3-k rn, cr  
320-21-11-a am  
320-21-19 rc

This ordinance:

1. Grants the city clerk the authority to enforce requirements relating to certificates of appropriateness.
2. Grants the city clerk or a representative the authority to enter onto the exterior of any premises subject to the historic preservation regulations for the purpose of enforcing certificate of appropriateness requirements.
3. Prohibits the department of neighborhood services from issuing a permit for masonry building cleaning of a historic property without the historic preservation commission first issuing a certificate of appropriateness.

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

Part 1. Section 80-29-2-f of the code is created to read:

**80-29. Masonry Building Cleaning: Sandblasting.**

**2. TERMS OF THE PERMIT.**

f. The commissioner of neighborhood services shall not issue a permit for masonry building cleaning of an historic property unless a certificate of appropriateness has been issued by the historic preservation commission as provided in s. 320-21-11.

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

**200-11. Enforcement.**

**2. ACCESS TO BUILDINGS OR STRUCTURES.**

d. The city clerk or his or her designee may enter onto the exterior premises of properties subject to s. 320-21 for the purpose of enforcing the provisions related to certificates of appropriateness under s. 320-21-11. The city clerk or his or her designee shall not enter any structures.

Part 3. Section 320-21-3-k of the code is renumbered to 320-21-3-L.

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

**320-21. Historic Preservation Commission.**

**3. DEFINITIONS.**

k. "Masonry Building Cleaning" means any cleaning procedure that uses any of the following materials, methods, or tools:

k-1. Sandblasting.

k-2. Abrasive materials, including sand, glass beads, ground slag, volcanic ash, crushed nutshells, rice husks, ground corncobs or crushed eggshells, carried in high-pressure or low-pressure air or water.

k-3. High-pressure water over 800 pounds per square inch.

k-4. Chemical materials, including detergents, chemicals, and acids.

Part 4. Section 320-21-11-a of the code is amended to read:

**11. REGULATION OF ALTERATION, RECONSTRUCTION, REHABILITATION, CONSTRUCTION AND DEMOLITION.**

a. Certificate Required. No person or entity shall alter, reconstruct or rehabilitate any part of the exterior of a historic structure or structure or improvement on a historic site or within a historic district, construct any improvement on a historic site, on a parcel that contains a historic structure or on a parcel within a historic district, including a parcel which is to be rendered vacant or partially vacant by reason of partial or complete demolition of a structure within a historic site or district, or partially or wholly demolish any historic structure or structure or improvement on a historic site or within a historic district, or permit any of these activities to occur unless a certificate of appropriateness has been granted by the commission. The commissioner of city development or neighborhood services shall not issue a permit for any such work or demolition unless a certificate of appropriateness has been issued by the commission as provided in this subsection. >>The commissioner of neighborhood services shall not issue a permit for masonry building cleaning of an historic property unless a

certificate of appropriateness has been issued by the commission as provided in this subsection.<<  
In addition, any permit application or proposed or preliminary plans for exterior alteration, new construction or demolition within a historic district, on a historic site or involving a historic structure received by a city department or agency or a city-affiliated department or agency shall be forwarded to the staff of the commission by the receiving department or agency within 5 days of receipt of the permit application plans.

Part 5. Section 320-21-19 of the code is repealed and recreated to read.

**19. ENFORCEMENT.**

- a. Any violation of this section shall be subject to the enforcement provisions of ss. 200-11-3 and 200-12-1. The commissioner of neighborhood services shall be responsible for enforcement of this section.
- b. The city clerk shall also have the authority to enforce the provisions of sub. 11.

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: \_\_\_\_\_

Christopher Hillard  
Dana J. Zelazny  
LRB 169897-6  
February 2, 2023