



Legislation Details (With Text)

**File #:** 140873      **Version:** 1

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

**File created:** 9/23/2014      **In control:** FINANCE & PERSONNEL COMMITTEE

**On agenda:**      **Final action:** 11/25/2014

**Effective date:**

**Title:** A substitute ordinance relating to a periodic property inspection program to monitor properties for compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

**Sponsors:** ALD. BOHL

**Indexes:** BOARD OF ZONING APPEALS, BUILDING CODE, BUILDING INSPECTION, VARIANCES

**Attachments:** 1. Proposed Substitute A, 2. Zoning Code Technical Committee Letter, 3. City Plan Commission Letter, 4. Notice Published on 10-3-14 and 10-10-14, 5. Budget Response, 6. Fiscal Note, 7. Hearing Notice List 10-28-14, 8. Hearing Notice List 11-12-14, 9. Hearing Notice List 11-18-14, 10. Notice Published on 12-15-14

Date	Ver.	Action By	Action	Result	Tally
9/23/2014	0	COMMON COUNCIL	ASSIGNED TO		
9/24/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/24/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/25/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
9/25/2014	0	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
10/3/2014	0	CITY CLERK	PUBLISHED		
10/20/2014	0	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	6:0
10/22/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/22/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		

10/24/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/28/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/28/2014	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
11/10/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/10/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/12/2014	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	5:0
11/12/2014	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	5:0
11/14/2014	1	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
11/14/2014	1	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
11/18/2014	1	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/25/2014	1	MAYOR	SIGNED	Fail	
11/25/2014	1	COMMON COUNCIL	PASSED	Pass	15:0
12/15/2014	1	CITY CLERK	PUBLISHED		

140873  
SUBSTITUTE 1

ALD. BOHL

A substitute ordinance relating to a periodic property inspection program to monitor properties for compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

- 295-309-2 am
- 295-309-4 rn
- 295-309-4-a-0 cr
- 295-309-4-b cr
- 295-309-6 am

This ordinance authorizes the commissioner of neighborhood services to establish a periodic property inspection program to monitor properties to confirm that the activities and uses of the properties are in compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

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

Part 1. Section 295-309-2 of the code is amended to read:

**295-309. Enforcement. 2. PERMIT REVOCATION.** Any permit issued by the commissioner of ~~[[ city development]]~~ >>neighborhood services<< under the terms of this chapter may be revoked by the commissioner of neighborhood services whenever any of the conditions under which the permit was issued are not complied with.

Part 2. Section 295-309-4 of the code is renumbered 295-309-4-a.

Part 3. Section 295-309-4-a-0 of the code is created:

a. Correction of Violation.

Part 4. Section 295-309-4-b of the code is created to read:

b. Periodic Property Inspection Program. b-1. The commissioner of neighborhood services shall establish a periodic property inspection program to monitor properties to confirm that activities and uses of the properties are in compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

b-2. Inspection intervals shall be determined by the commissioner of neighborhood services based on the nature of the business or operation and its potential for negative impacts upon the health, safety and welfare of the public and the impacts on the quality of life within the immediate neighborhood and surrounding community. The commissioner of neighborhood services reserves the right to increase inspection intervals at a property in the case of documented non-compliance.

Part 5. Section 295-309-6 of the code is amended to read:

6. PENALTIES. Any person, firm or corporation that owns, controls or manages any premises on which there shall be placed or there exists anything in violation of this chapter, assists in the commission of any violation of this chapter, builds contrary to the plans or specifications submitted to and approved by the commissioner >>of neighborhood services<< or omits, neglects or refuses to do any act required by this chapter shall be subject to revocation of such person's permit, certificate of occupancy or previous approval as provided in s. 200-31 and to injunction as provided in s. 200-19-3. In addition, such person shall be subject to penalties as provided in s. 200-19-1 and 2 or a code enforcement fee as provided in s. 200-33-8.8 assessed against the subject property, which may be collected and assessed as a special charge.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

DOA - Budget and Management Division

LRB155307-3

Teodros W. Medhin:lp

11/6/2014

