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Title: An ordinance relating to façade critical examination requirements for all buildings which are at least 15 years old and which have 5 or more stories.

Sponsors: THE CHAIR

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Attachments: 1. Fiscal Note.pdf

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11/5/2003	0	COMMON COUNCIL	ASSIGNED TO		
11/11/2003	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/18/2003	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/25/2003	0	COMMON COUNCIL	PASSED	Pass	16:0
11/26/2003	0	MAYOR	SIGNED		
12/15/2003	0	CITY CLERK	PUBLISHED		

030997
ORIGINAL

THE CHAIR

An ordinance relating to façade critical examination requirements for all buildings which are at least 15 years old and which have 5 or more stories.

- 275-32-13-b-1 am
- 275-32-13-c rc
- 275-32-13-d-2 am
- 275-32-13-d-3 am
- 275-32-13-d-8 am
- 275-32-13-e-0 am
- 275-32-13-g-1 rc
- 275-32-13-g-2 rc
- 275-32-13-g-3 rc
- 275-32-13-h-0 am
- 275-32-13-h-11 am
- 275-32-13-i-2 am
- 275-32-13-i-4-b am
- 275-32-13-i-4-g rp

This ordinance makes various revisions to the façade critical examination requirements for buildings which are at least 15 years old and which have 5 or more stories. These changes include:

1. Creation of 4 categories of buildings based on exterior-wall construction materials and techniques and establishing 3 different frequencies of façade examinations (every 5, 8 or 12 years) based on the building category.

2. Authorizing the commissioner of neighborhood services to take the precautionary measures necessary to prevent further deterioration of a façade which is in an "unsafe and imminently hazardous condition" and to make a site safe to the public and to building occupants, if the building owner has failed to take such precautionary measures prior to the scheduled city inspection of the façade. The cost of taking these precautionary measures may be charged against the real estate and assessed and collected as a special tax.

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

Part 1. Section 275-32-13-b-1 of the code is amended to read:

275-32. Exterior Structure.

13. FAÇADE CRITICAL EXAMINATION.

b. Exemptions.

b-1. Walls above the 5th story that are set back more than 25 feet from the wall below, ~~[[unless]]~~ >>provided<< the setback has an access door >>, for building maintenance and service only, << from the occupied space.

Part 2. Section 275-32-13-c of the code is repealed and recreated to read:

c. Definition. In this subsection:

c-1. "Category I building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with non-corrodeable metal.

c-2. "Category II building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with corrosion-resistant metal.

c-3. "Category III building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with corrodeable metal.

c-4. "Category IV building" means a building constructed with exterior walls and parts thereof that are primarily secured to the substrate by adhesive bond or with masonry headers.

c-5. "Close-up visual examination" means that the professional or the architect-in-training, engineer-in-training, technician, contractor or skilled trades person, under the professional's direct supervision, must actually touch the façade by hand or tool, unless other methods are approved prior to the inspection by the commissioner.

c-6. "Corrodeable metal" means unprotected carbon steel, shop-primed steel, uncoated reinforcing bars and other metals that can corrode.

c-7. "Corrosion-resistant metal" means corrodeable metal that is galvanized, epoxy-coated or painted specifically to resist corrosion with that finish intact.

c-8. "Critical examination" means a close-up visual examination of the condition of one scaffold drop per elevation of façade, or parts thereof, performed by or under the direct supervision of a professional employed by the owner or agent for the purpose of determining if remedial work is required. The façade area which cannot be examined through a close-up visual examination shall be subject to a remote examination.

c-9. "Façade" means all areas on the exterior of the building, except for horizontal roof areas. The façade includes all walls, windows, balconies, cornices, parapets and appurtenances. The façade also includes walls supported on roofs, such as penthouse walls, chimneys, etc.

c-10. "Non-corrodeable metal" means stainless steel, aluminum or other metal that does not corrode under atmospheric conditions.

c-11. "Professional" means a registered architect or registered structural engineer in the state of Wisconsin. The professional responsible for the critical examination shall be qualified by education and experience in design, inspection or repair design of the type of exterior wall system(s) on the building being examined and shall perform services only in the areas of his or her competence as required under ch. A-E 8, Professional Conduct, Wis. Adm. Code.

c-12. "Remote examination" means an examination performed by a professional and involving the use of binoculars, photographic magnification techniques, remote observation equipment or infra-red or thermography cameras, which can demonstrate reasonable reliability in determining if an area needs a critical examination.

c-13. "Repair plan" means a plan created by the professional which identifies the nature of the defect to be corrected, a detailed procedure for making the repairs, a detailed sketch of the corrections or installation, a plan outlining protective measures for the public when applicable and a time schedule for the repairs.

c-14. "Safe" means a condition observed in a wall that exhibits neither an "unsafe and imminently hazardous condition" nor "safe with an ordinary repair and maintenance program" at the time of the critical examination.

c-15. "Safe with an ordinary repair and maintenance program" means a condition of a building façade, or part thereof, that is safe at the time of inspection, but requires ordinary repairs or maintenance within a time period designated by the professional, not to be later than the next required façade inspection date, in order to prevent its deterioration into an unsafe or unsafe and imminently hazardous condition.

c-16. "Scaffold drop" means a movement from top to bottom of a building façade and covering an area at least 24 feet wide using scaffolding, cranes, hoists, cherry pickers, ladders and other devices that permit a close-up visual examination of the façade at elevations above grade level.

c-17. "Story" means the space in a building between the surfaces of any floor

and the floor next above or below, or roof next above, or any space not defined as basement, ground floor, interior balcony, mezzanine, penthouse or attic. The number of stories of a multistory building includes all stories except the basement, ground floor, interior balcony, mezzanine, penthouse or attic.

c-18. "Unsafe and imminently hazardous condition" means a condition in which a façade has no reliable means of structural support and is dangerous to people or property.

c-19. "Unsafe condition" means a condition of a façade, or part thereof, which was reported as safe with an ordinary repair and maintenance program in an earlier critical examination report and, upon inspection, is found not to have been corrected within the time period designated by the professional.

Part 3. Section 275-32-13-d-2 and 3 of the code is amended to read:

d. Periodic Critical Examination.

d-2. A close-up visual examination of the building to be performed from a platform or device which allows ~~[[for]]~~ an ~~[[arms-length]]~~ inspection of the façade area which can be reached by one scaffold drop per elevation ~~[[, from grade to top]]~~ . >>Other methods may include photographic magnification techniques, remote observation equipment or infra-red or thermography cameras, which can demonstrate reasonable reliability and which may be approved in addition to the close-up visual examination by the commissioner on a case-by-case basis.<<

d-3. A ~~[[visual]]~~ >>remote<< examination of those façade areas which are not accessible during the close-up visual examination.

Part 4. Section 275-32-13-d-8 of the code is amended to read:

d-8. A notification to the owner or agent of >>any<< wall areas that are bowed, bulged, displaced or leaning inward or outward and >>, where such defects exist, an<< examination of the condition of a significant number of metal ties, anchors and shelf angles that support the wall at these locations ~~[[shall be performed]]~~. >>The owner or agent shall promptly notify the department of such defects, and it shall be the responsibility of the professional to determine the appropriate repair or stabilization procedures. All work necessary to rectify the defects shall be done on a schedule set by the department, in consultation with the professional.<<

Part 5. Section 275-32-13-e-0 of the code is amended to read:

e. ~~[[Visual]]~~ >>Remote<< Examination. A ~~[[visual]]~~ >>remote<< examination, rather than a critical examination, may be performed by a professional on all facades which are more than 25 feet from the street line, alley, sidewalk, any paved walkways, plazas or play areas that are routinely used by the public and shall include all of the following:

Part 6. Section 275-32-13-g-1 to 3 of the code is repealed and recreated to read:

g. Examination Schedule.

g-1. Category I Buildings. g-1-a. If constructed prior to 1920, by December 1, 2004 and every 12 years thereafter.

g-1-b. If constructed between 1920 and 1950, by December 1, 2005 and every 12 years thereafter.

g-1-c. If constructed in 1951 or later and 15 years old or older, by December 1, 2006 and every 12 years thereafter.

g-2. Category II and IV Buildings. g-2-a. If constructed prior to 1920, by December 1, 2004 and every 8 years thereafter.

g-2-b. If constructed between 1920 and 1950, by December 1, 2005 and every 8 years thereafter.

g-2-c. If constructed in 1951 or later and 15 years or older, by December 1, 2006 and every 8 years thereafter.

g-3. Category III Buildings. g-3-a. If constructed prior to 1920, by December 1, 2004 and every 5 years thereafter.

g-3-b. If constructed between 1920 and 1950, by December 1, 2005 and every 5 years thereafter.

g-3-c. If constructed in 1951 or later and 15 years or older, by December 1, 2006 and every 5 years thereafter.

Part 7. Section 275-32-13-h-0 of the code is amended to read:

h. Critical Examination Reports. The professional shall submit a written report to the owner or agent and ~~[[3]]~~ >>2<< copies of the report to the commissioner. >>A critical examination by a professional shall be performed with the understanding that, because of the physical properties of the many materials commonly used for constructing facades, and the limitations on detecting concealed internal wall distress, a critical examination performed by a professional may not find "unsafe and imminently hazardous conditions" in the façade that are not visible from the exterior. Therefore, submittal of the critical examination report is not a representation that all "unsafe and imminently hazardous conditions" in the façade have been identified.<< The report shall include:

Part 8. Section 275-32-13-h-11 of the code is amended to read:

h-11. Where appropriate, a comparison of conditions of facades on ~~[[any]]~~ >>the << building with conditions observed during previous examinations.

Part 9. Section 275-32-13-i-2 of the code is amended to read:

i-2. Buildings Determined "Safe With ~~[[a]]~~ >>an Ordinary<< Repair and Maintenance Program". One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon approval of a repair schedule prior to the commencement of any work and filing of a second report by a professional stating the required

work was performed.

Part 10. Section 275-32-13-i-4-b of the code is amended to read:

i-4 Buildings Determined to be in an "Unsafe and Imminently Hazardous Condition".

i-4-b. Detailing the appropriate precautionary measures >>to be<< taken >>by the owner<< prior to a scheduled city inspection to prevent further deterioration and to make the site safe to the public and building ~~[[inhabitants]]~~ >>occupants<< prior to scheduled repairs being performed. >>If the building owner fails to take these measures prior to the city inspection, the commissioner may cause the precautionary measures to be taken. The cost incurred by the city in taking the necessary precautionary measures may be charged against the real estate upon which the building 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.<<

Part 11. Section 275-32-13-i-4-g of the code is repealed.

(Note: The provision being repealed reads as follows:

i-4-g. The commissioner may grant an extension of up to 90 days to complete scheduled repairs.)

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

LRB03082-1

JDO

10/14/03