



Legislation Details (With Text)

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Effective date:

Title: A substitute ordinance relating to placement of signs and publication of notices identifying owners of properties that have had building code violations and have been boarded-up for at least 6 months.

Sponsors: ALD. HENNINGSEN, ALD. JOHNSON-ODOM, ALD. D'AMATO, ALD. BUTLER, ALD. RICHARDS

Indexes: BUILDING CODE, HOUSING, NUISANCES, SOCIAL CONCERNS

Attachments:

Date	Ver.	Action By	Action	Result	Tally
7/25/1997	0	COMMON COUNCIL	REFERRED TO		
7/25/1997	1	CITY CLERK	DRAFT SUBMITTED		
9/12/1997	2	CITY CLERK	DRAFT SUBMITTED		
9/16/1997	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/10/1997	2	CITY CLERK	DRAFT SUBMITTED		
3/3/1998	3	CITY CLERK	DRAFT SUBMITTED		
3/31/1998	4	CITY CLERK	DRAFT SUBMITTED		
3/31/1998	3	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	AMENDED		
3/31/1998	3	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
5/5/1998	4	COMMON COUNCIL	ASSIGNED TO	Pass	15:0
5/11/1998	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/12/1998	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/18/1998	5	CITY CLERK	DRAFT SUBMITTED		
5/19/1998	5	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
5/27/1998	5	COMMON COUNCIL	PASSED	Pass	17:0
6/5/1998	5	MAYOR	SIGNED		
6/12/1998	5	CITY CLERK	PUBLISHED		

970707
SUBSTITUTE 4

ALD. HENNINGSEN, D'AMATO, BUTLER AND RICHARDS

A substitute ordinance relating to placement of signs and publication of notices identifying owners of properties that have had building code violations and have been boarded-up for at least 6 months.

200-12-2-f cr
200-12-2-f cr

200-19-2 am
218-9-2 am
218-9-3 rc
218-9-4 rc
218-9-5 cr
218-9-6 cr
218-9-7 cr
218-9-8 cr
- Analysis -

Currently, the building code authorizes the commissioner of building inspection to declare a building a nuisance and order the building's owner to make the building safe and code-compliant or have it razed and removed whenever code violations exist, the building is unsafe or vacant and has been ordered closed or secured, and the building remains in violation of the code and boarded-up at least 6 months after the order to board it was served on the owner. If the owner fails to comply with the order, the commissioner may contract for the razing and removal of the structure.

This ordinance provides that, as an alternative to, or in addition to, razing and removing a building under such circumstances, the commissioner may post a sign bearing the property owner's name, home address and telephone number directly on or within 10 feet of the building and publish a notice containing the same information in one or more daily or community newspapers. The cost of posting the sign and publishing the newspaper notice may be assessed and collected as a special tax on the property.

Whereas, Structures that have building code violations and that remain boarded up for many months or even years are eyesores and potential safety hazards to the neighborhoods in which they are located; and

Whereas, Such properties are detrimental to the public health, safety and welfare; and

Whereas, Several Milwaukee neighborhoods, particularly those in the central city, are plagued by long-term boarded-up properties with code violations; and

Whereas, In 1997, the cities of Chicago, Illinois, and Syracuse, New York, created initiatives in which they seek to draw attention to the owners of poorly-maintained buildings with numerous, serious and/or chronic building code violations by posting signs bearing the owners' names on or adjacent to such buildings and by publishing the owners' names in local newspapers; and

Whereas, Such a program may pressure negligent building owners into making needed repairs by subjecting them to public humiliation and pressure and by bringing angry neighbors to courtrooms when cases against the owners are heard; and

Whereas, Milwaukee residents, whose quality of life is often reduced by the presence of poorly-maintained, blighted buildings on their blocks, could benefit from a sign-posting program that targets owners of boarded-up buildings who have ignored department of building inspection orders to raze or repair the structures; now, therefore

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

Part 1. Section 200-12-2-f of the code is created to read:

200-12. Orders to Correct Condition.

2. CONTENT OF ORDERS.

f. In the case of an order issued pursuant to s. 218-9, indicate that if the order is not complied with, the commissioner may have the building razed and removed, post a sign and publish a newspaper notice giving the building owner's name, home address and telephone number, or both raze and remove the building and post the sign and publish the notice. The costs of razing, removal, sign-posting and publication shall be assessed and collected as a special tax on the property.

Part 2. Section 200-19-2 of the code is amended to read:

200-19. Penalties.

2. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.119, Wis. Stats., the department may issue citations pursuant to the citation procedure set forth in s. 50-25 to any person violating any provision of ss. 200-11-3, 200-11-4, 200-11-5-c, 200-11-5-d, 200-11-6-d, 200-24, 200-42, ch. 207, ch. 214, >>s. 218-9-6,<< ss. 222-19-1, 225-3-4 or 225-3-5-a, ch. 236, s. 252-1, ch. 262, ch. 275, ch. 290 or ch. 295.

Part 3. Section 218-9-2 of the code is amended to read:

218-9. Unsafe or Vacant Noncompliant Buildings.

2. POSTING OF ORDERS. In addition to complying with the service requirements of [[s. 200-12-2-b]] >>s. 200-12-3<<, the commissioner shall serve a copy of such order on all holders of encumbrances of record, post a copy of the order in a public place of city hall and provide a copy of the order to the department of city development.

Part 4. Section 218-9-3 and 4 of the code is repealed and recreated to read:

3. RAZING OR SIGN-POSTING BY COMMISSIONER. If the owner fails to comply with the commissioner's order to make the building safe and code compliant or have it razed and removed within the time specified, the commissioner may do either or both of the following:

- a. Contract for the razing and removal of the structure and the restoration of the site to a dust-free and erosion-free condition.
- b. Post a sign which indicates the address of the building, the fact that the building has outstanding code violations and has been boarded-up for at least 6 months, the name, address and telephone number of the owner, and any available information on related court dates, as specified in sub. 4. The same information shall also be published in one or more daily newspapers, as specified in sub. 5.

4. PROCEDURE FOR POSTING SIGN. Any sign posted pursuant to sub. 3 shall be affixed to, or placed within 10 feet of, the building to which the sign pertains. Such sign shall indicate the address of the building and the fact that the building has had outstanding code violations and has been boarded-up for at least 6 months. Such sign shall also indicate the name and last known home address of the owner as determined by the department from the city's tax rolls or from the property ownership recording information required pursuant to s. 200-51.5, as well as the home telephone number or business telephone number of the owner, if known to the department. If the commissioner has commenced a court action against the owner, the sign may also provide the court case number and a telephone number for obtaining information on the next court date.

Part 5. Section 218-9-5 to 8 of the code is created to read:

5. PROCEDURE FOR PUBLISHING NAMES. Whenever the commissioner posts a sign pursuant to sub. 3, the commissioner shall publish, in one or more daily or community newspapers, including at least one newspaper of general circulation in the community in which the property owner resides, a notice containing the same information presented on the sign.

6. UNLAWFUL SIGN REMOVAL. It shall be unlawful for any person to remove, cover, obliterate or deface any sign posted pursuant to sub. 3.

7. ASSESSMENT OF COSTS. The cost of razing, removal and site restoration or of sign-posting and newspaper notice publication pursuant to sub. 3 may be charged against the real estate upon which the building was or is located, and if that cost is so charged, it shall be a lien upon the real estate and may be assessed and collected as a special tax.

8. APPEALS. The standards and appeals commission is authorized to hear appeals of orders issued pursuant to this section and to grant relief from such orders as specified in s. 200-17.

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: _____

LRB97477.4

JDO

3/31/98