



Legislation Text

File #: 200748, Version: 1

200748
SUBSTITUTE 1

ALD. MURPHY

A substitute ordinance relating to environmental assessments of real estate prior to city acquisition.

308-22 rc

This ordinance updates requirements and procedures for environmental assessments of real estate prior to city acquisition.

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

Part 1. Section 308-22 of the code is repealed and recreated to read:

308-22. Environmental Assessment Prior to City Acquisition of Real Property. 1.

DEFINITIONS. In this section:

- a. "Department" means the department of city development.
- b. "Environmental assessment" means an assessment of a property that includes all of the following:
 - b-1. A background check of the property's land use history by reviewing reasonably available public records in an attempt to determine the likelihood of whether the property may have been used for the handling, storage, generation, or disposal of hazardous materials or substances, including underground storage tanks, and whether there has been any reporting to, or enforcement or monitoring by, the Wisconsin department of natural resources or the U.S. environmental protection agency concerning the property.
 - b-2. A visual inspection of the property, to the extent possible without entering the property, for possible signs of hazardous materials or substances.
 - b-3. An inspection of the interior of each building on the property and an inspection of the land conducted from within the property, provided legal access is obtainable and the property's land use history shows a use that would reasonably be associated with hazardous materials or substances. Such interior building inspection, and inspection of the land, may be performed, but shall not be required, if the property's land use history does not show a use that would reasonably be associated with hazardous materials or substances.
- c. "Gift" means a gift, contribution or donation.
- d. "Phase II testing" means sampling and analysis of site materials to determine contamination, including possible nature and extent.

e. "Property" means real property.

2. ENVIRONMENTAL ASSESSMENT REQUIRED PRIOR TO ACQUISTION. Prior to the city's acquisition of a property, whether by tax foreclosure, by gift, or otherwise, other than a property with one to 4 residential units, the department shall conduct an environmental assessment of the property. When the environmental assessment reveals factors that would lead to reasonable suspicion that the property is suspected of being adversely affected by a hazardous material or substance, the department shall communicate that to the city treasurer and the city shall not acquire the property unless the common council approves acquisition by resolution.

3. PROPERTY ACQUIRED BY GIFT. Common council approval is required for the city to accept property as a gift.

4. PHASE II TESTING. a. If an environmental assessment conducted under sub. 2 reveals factors that would lead to reasonable suspicion that the property is suspected of being adversely affected by a hazardous substance or material, the department may commence phase II testing.

b. The commissioner of city development may authorize phase II testing of any property to be acquired by the city, including a property with one to 4 residential units, where an environmental assessment performed by the department reveals factors that would lead to reasonable suspicion that the property is suspected of being adversely affected by a hazardous material or substance.

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: _____

LRB176354-1

Matt Haessly/Jeff Osterman

09/25/2020