



## Legislation Text

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030299  
ORIGINAL

ALD. D'AMATO

An ordinance relating to consolidating the city's certificate of code compliance program and the certificate of exterior code compliance program.

200-33-7-b am  
200-33-7.5 rp  
200-52 rc  
200-55 rp

As a result of the changes adopted in the 2003 city budget, this ordinance consolidates the city's certificate of code of compliance and certificate for exterior code compliance programs. Currently, the certificate of code compliance program (s. 200-52) requires anyone purchasing a one or 2-family property within 6 designated reinvestment areas, to have the exterior and interior of the property inspected in order to secure a certificate regardless of ownership. The certificate of exterior code compliance program requires (s. 200-55) that any non-owner occupant purchasing a one or 2-family property for rental property outside the designated reinvestment areas, have the exterior of the property inspected in order to secure a certificate.

Under this ordinance, anyone who purchases a one or 2-family dwelling as non-owner occupied rental property in the city of Milwaukee is required to apply for and obtain a certificate of code compliance (exterior). All one and 2-family buildings in the 6 designated code compliance areas are required to obtain the certificate of code compliance (exterior) without regard to whether the building is owner-occupied or a rental unit.

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

Part 1. Section 200-33-7-b of the code is amended to read:

### **200-33. Fees.**

#### **7. CERTIFICATE OF CODE COMPLIANCE.**

b. ~~[[The application and inspection fee specified in par. A may be doubled if the owner of the property fails to file an inspection application within 60 days of the date of sale of the property. Such fee may be quadrupled if the owner of the property fails to file an inspection application when ordered to do so by the department after 60 days of the date of the sale of the property.]]~~ Any unpaid fee shall be charged against the real estate for which such fee is required and shall be a lien upon the real estate

and shall be assessed and collected as a special tax.

Part 2. Section 200-33-7.5 of the code is repealed.

Part 3. Section 200-52 of the code is repealed and recreated to read:

**200-52. Certificate of Code Compliance.**

1. POLICY. The common council declares that its purposes in adopting these provisions are: to forewarn and protect buyers against dangerous or unsatisfactory housing conditions; to preserve the existing housing stock; to prevent the deterioration of residential buildings that may result in substantial depreciation of property values in the neighborhood; and to implement an effective method of enforcing the city's building maintenance code developed to ensure basic standards of livability and habitability as well as to enhance the quality of life in an urban environment. It is the intent of the common council that this section apply to sale, transfer or conveyance of ownership of real property involving any change in the form of ownership of the property.

2. DEFINITIONS. In this section:

a. "Building maintenance code" means that portion of the building code which establishes the minimum requirements and standards of health, sanitation, safety and occupancy for residential property. These code regulations governing the condition and maintenance of residential property, and the responsibility of persons therefore, are set forth in s. 275-32 to 275-82.

b. "Certificate of code compliance" means a written and signed statement prepared by the commissioner after an inspection has been made, that the exterior condition of a dwelling is in compliance with the building maintenance code.

c. "Designated reinvestment areas" means all of the following areas:

c-1. Designated reinvestment area number one means the area comprised of census tracts 158 to 163, 169 partially, and 170 which is bounded clockwise by West Pierce Street, South 16th Street, South Pearl Street, South 17th Street, West Mitchell Street, South 18th Street, West Burnham Street, South Muskego Avenue, West Becher Street, South 31st Street, West Lapham Street, South 38th Street, West Mitchell Street, South 39th Street, west along city limits, South 42nd Street, West Lapham Street, South 43<sup>rd</sup> Street, West Greenfield Avenue, South 38th Street, West National Avenue, and South 39th Street.

c-2. Designated reinvestment area number 2 means the area comprised of census tracts 47, 48, 62, 63 and 65 which is bounded clockwise by West Capitol Drive, North 20th Street, West Auer Avenue, North 27th Street, West Locust Street, North 35th Street, West Wright Street, North 41st Street, West Locust Street, North Sherman Blvd., West Keefe Avenue and North 35th Street.

c-3. Designated reinvestment area number 3 means the area comprised of census tracts 90, 91, 92, 96, 123, and 124 partially which is bounded clockwise by West Wright Street, North 35th Street, West Wisconsin Avenue, the Menomonee River, Stadium Freeway North (U.S. Hwy. 41), North 47th Street, West Brown Street and North 52nd Street.

c-4. Designated reinvestment area number 4 means the area comprised of census tracts 44 to 46,

which is bounded clockwise by East Keefe Avenue, West Keefe Avenue, North 20th Street, West Capitol Drive, North Port Washington Road to the Milwaukee city limits, following said limits to the intersection of the Milwaukee River and East Keefe Avenue.

c-5. Designated reinvestment area number 5 means the area comprised of census tracts 71, 72, 79 and 80, which is bounded clockwise by the Milwaukee River, and East North Ave., to North Humboldt Blvd., East Wright Street, North Holton Street, and East Keefe Ave. to the Milwaukee River.

c-6. Designated reinvestment area number 6 means the area which is bounded clockwise by West Lincoln Avenue, Interstate 43/94, West Rosedale Avenue, South 6th Street, West Cleveland Avenue and South 13th Street.

d. "Dwelling" means a one- or 2-family residential structure including all appurtenances, grounds and facilities belonging thereto.

e. "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

f. "Person" includes an individual, a partnership, a domestic or foreign limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.

g. "Sale, transfer or conveyance of ownership" means to transfer any ownership interest in a dwelling except by mortgage, gift, devise or bequest. The sale or transfer shall be deemed to occur upon the transfer of an ownership interest, the execution of a land contract or the exercise of an option to purchase property.

h. "Time of sale", transfer or conveyance means the time when a written purchase agreement is executed by the buyer; in the absence of a purchase agreement, it shall mean the time prior to the execution of any document providing for the transfer or conveyance of a one-or 2-family dwelling in the designated reinvestment areas.

**3. CERTIFICATE OF CODE COMPLIANCE REQUIRED.** a. No person acquiring an ownership interest within the designated reinvestment areas within the city, as a result of a sale, transfer or conveyance of a one or 2-family dwelling shall occupy or rent the property after the time of sale, transfer or conveyance without having first applied for a certificate of code compliance.

b. No person acquiring an ownership interest as the result of a sale, transfer or conveyance of a one or 2-family dwelling within the city shall allow others to occupy the property or rent the property after time of sale, transfer or conveyance without having first applied for a certificate of code compliance.

c. Any person selling, transferring or conveying an ownership interest in a one or 2-family dwelling shall expressly inform any person acquiring or receiving an ownership interest in a property that a certificate of code compliance is required by the city.

**4. EXCEPTIONS.** This section shall not apply:

a. To an agency or subdivision of the city, county, state or federal government.

b. To trustees in bankruptcy or any other person acting under the direction or authority of any state or federal court, except that in the case of sale for a personal representative or guardian appointed by probate court, or a sale ordered by a probate court.

c. To sales of condominiums or to the sale of individual residential units being converted to condominiums.

d. To the sale or transfer of ownership between father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

e. To the sale, transfer or conveyance of property for which a valid certificate of code compliance is still in effect.

**5. APPLICATION FOR INSPECTION.** When a certificate of code compliance is required for the sale, transfer or conveyance of a one or 2-family dwelling, an application for inspection shall be filed with the department on forms provided by the department within 15 days of the sale or transfer of the property. The application shall be signed by the owner and it shall state the street address of the dwelling to be inspected. The application for inspection shall be accompanied by the payment in full of the fee required in s. 200-33.

## **6. INSPECTION PROCEDURE.**

a. Upon proper application and the payment of the required fee, the department shall send a building inspector to inspect the exterior condition of the dwelling for its conformity with the building maintenance code.

b. The department shall issue a certificate of code compliance only after it has inspected the dwelling and found that its exterior conditions conform to the building maintenance code and that there are also no outstanding orders issued against it pursuant to s. 308-81.

c. The certificate of code compliance shall be valid for one year after the date of issuance.

**7. ENFORCEMENT.** a. Hazardous Conditions. Should the department upon inspection determine that there are conditions which constitute an imminent danger to health and safety, it may order the condition to be remedied and may limit or prohibit occupancy where appropriate.

b. Nonhazardous Conditions. Should the department upon inspection determine that there are code violations which do not constitute an imminent danger, the owner shall be issued a temporary certificate of occupancy and given a specified number of days to remedy the violations.

c. Reinspection. c-1. The department shall reinspect the premises as necessary to determine that the recorded code violations have been satisfactorily corrected. A reinspection fee may be charged in accordance with s.200-33-48.

c-2. The department shall issue a certificate of code compliance after finding that all of the violations have been satisfactorily corrected.

d. Uncorrected Violations. Failure to abate violations cited as a result of the inspection pursuant to

an application for a certificate of code compliance constitutes a violation of the building maintenance code and may result in the enforcement measures normally instituted by the department in such instances.

Part 4. Section 200-55 of the code is repealed.

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

LRB03062-1  
aw  
5/20/03