



Legislation Text

File #: 111276, **Version:** 1

111276
SUBSTITUTE 1

ALD. BAUMAN AND MURPHY

A substitute ordinance relating to enforcement of property maintenance and building security requirements for vacant buildings.

200-51.7-10.5 cr

Presently, the building code requires that, with certain exceptions, the owner of any building that becomes vacant shall, within 30 days after the building becomes vacant, file a registration certificate with the department of neighborhood services and pay the associated registration fee. The code also prescribes lot maintenance standards, exterior and interior building maintenance standards, and building security standards for vacant buildings registered with the city. Penalties for failure to register or failure to secure and maintain a vacant building are also provided.

This ordinance provides that the commissioner of neighborhood services shall promptly, pursuant to s. 66.0119, Wis. Stats., petition the court for a special inspection warrant to enter upon the premises of a vacant building and immediately take all actions necessary to ensure the building is compliant with the maintenance and security requirements if the common council, by resolution, makes findings that:

- a. The property owner or entity functioning as a trustee of the owner has failed to secure and maintain the property as required by the vacant building registration ordinance.
- b. The lack of proper securing or maintenance of the property by the owner or trustee is resulting in the permissive waste of the property.
- c. The property is of substantial and extraordinary historic, architectural or commercial value to the surrounding neighborhood and to the city as a whole.

In addition, this ordinance provides that whenever, pursuant to this new authority, the commissioner takes actions necessary to ensure that a vacant building is compliant with the maintenance and security standards, all costs of such actions shall be charged as a lien upon the property and may be assessed and collected as a special charge.

Whereas, The Common Council finds that certain properties in the city of Milwaukee are of such great architectural, historic or commercial value to their neighborhoods and to the city that any substantial deterioration of those properties will have significant negative effects on the health, safety and welfare of neighborhoods and the city as a whole, including blighting of landmark buildings and surrounding properties, damage to or loss of neighborhood character, diminishment of property values, and reduced tax base and tax revenues; and

Whereas, The Common Council further finds that there have been, and currently are, rare cases

where the owners of such landmark properties, through negligence or indifference, allow them to sit vacant and to substantially deteriorate (due to lack of proper interior or exterior maintenance or securing of structures), in effect committing acts of “waste” of these properties, even though permitting such deterioration is an economically irrational course of action; and

Whereas, The City currently has an ordinance that requires the registration of vacant buildings and prescribes lot maintenance standards, exterior and interior building maintenance standards, and building security standards for vacant properties (s. 200-51.7, Milwaukee Code of Ordinances); and

Whereas, Under the vacant building registration ordinance, failure to register, secure and maintain a vacant property in accordance with the ordinance may result in monetary forfeitures or imprisonment; and

Whereas, Under the current vacant building registration ordinance, if a property owner fails to property secure and maintain a vacant building, the City can only compel the owner to comply with the security and maintenance requirements through lengthy and expensive legal proceedings; and

Whereas, The Common Council finds that it is appropriate, in an extraordinary case of one of the exceptional, landmark-type properties described above and when the owner fails to properly secure and maintain the building, to authorize the Commissioner of Neighborhood Services to seek a special inspection warrant to enter upon the vacant property to properly secure and maintain it and to charge the property owner the costs of providing such services; and

Whereas, The Common Council further finds that such actions by City staff should only be taken after the Common Council declares, by resolution, that a particular property is of great architectural, historic or commercial value to the surrounding neighborhood and the city, and that the Council finds that the owner is committing an act of permissive waste by not properly securing and maintaining the property; now, therefore

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

Part 1. Section 200-51.7-10.5 of the code is created to read:

200-51.7. Vacant Building Registration.

10.5. MAINTENANCE OR SECURING OF VACANT BUILDING BY CITY. a. Common Council Findings. Notwithstanding the penalty provisions of sub. 10, the commissioner shall promptly, pursuant to s. 66.0119, Wis. Stats., petition the court for a special inspection warrant to enter upon the premises of a vacant building and immediately take all actions necessary to ensure the building is compliant with subs. 6-a and b and 7 if the common council, by resolution, makes findings that:

a-1. The property owner or entity functioning as a trustee of the owner has failed to secure and maintain the property as required by sub. 6 or 7.

a-2. The lack of proper securing or maintenance of the property by the owner or entity functioning as a trustee of the owner is resulting in the permissive waste of the property.

a-3. The property is of substantial and extraordinary historic, architectural or commercial value to the

surrounding neighborhood and to the city as a whole.

b. Cost Recovery. Whenever, pursuant to this subsection, the commissioner takes actions necessary to ensure that a building is compliant with subs. 6-a and b and 7, all costs of such actions shall be charged as a lien upon the property and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

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: _____

LRB136270-2
Jeffrey D. Osterman
02/27/2012