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Title: An ordinance relating to regulations for transitional living facilities.

Sponsors: ALD. BAUMAN, ALD. BOHL, ALD. DONOVAN, ALD. HAMILTON, ALD. MURPHY

Indexes: LICENSED DWELLINGS, ROOMING HOUSES, ZONING

Attachments: 1. Fiscal Note, 2. CPC Class II Notice Request.pdf, 3. Legal Opinion dated 9/18/06, 4. Letter from the Zoning Code Technical Committee, 5. CPC Letter, 6. Letter from Pledl Law Office, 7. Media Release by Ald. Bauman re. West Samaria

Date	Ver.	Action By	Action	Result	Tally
3/23/2006	0	COMMON COUNCIL	ASSIGNED TO		
3/24/2006	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
4/3/2006	0	CITY CLERK	Sponsor added		
6/30/2006	0	CITY CLERK	PUBLISHED		
9/11/2006	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/11/2006	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/11/2006	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/19/2006	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
3/6/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
3/20/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
5/15/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/15/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/15/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/16/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/13/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
1/16/2009	0	COMMON COUNCIL	PLACED ON FILE	Pass	14:0

051609
ORIGINAL

ALD. BAUMAN, BOHL, DONOVAN AND HAMILTON

An ordinance relating to regulations for transitional living facilities.

200-08-52.5-c am

200-08-74 am

275-20-7-p rn

275-20-7-p cr

275-20-7-q rn

295-201-511 am

295-201-664.5 am

295-203-1-i am

295-203-2-m am

This ordinance provides that any premises that fits both the definition of “transitional living facility” and the definition of “rooming house” shall be treated as a rooming house for building and zoning code purposes. This means that a licensed dwelling facility license shall be required for any transitional living facility where 4 or more residents share a bathroom or toilet room.

This ordinance also creates the following standards for transitional living facilities which are licensed as licensed dwelling facilities:

1. The licensee shall provide, in common areas inside the facility, either 24-hour security guard service or digital security cameras at each entrance or exit doorway and in all other common areas of the facility.

2. The facility shall have at least 50 square feet of outdoor recreation space for each person it is licensed to accommodate at maximum occupancy.

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

Part 1. Section 200-08-52.5-c of the code is amended to read:

200-08. Definitions.

52.5. LICENSED DWELLING FACILITY means any facility licensed by the city of Milwaukee for the purposes of sleeping or living and includes:

c. Rooming houses >>, including any transitional living facility, as defined in s. 295-201-664.5, that also fits the definition of a rooming house<< .

Part 2. Section 200-08-74 of the code is amended to read:

74. ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. >>This term includes any premises that fits both this description and the definition of a transitional living facility in s. 295-201-664.5. It<< ~~[[“Rooming house”]]~~ also means any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units.

Part 3. Section 275-20-7-p and q of the code is renumbered 275-20-7-q and r.

Part 4. Section 275-20-7-p of the code is created to read:

275-20. Licensing of Licensed Dwelling Facilities.

7. REGULATIONS.

p. Additional Regulations for Transitional Living Facility. Any licensed dwelling facility that fits the definition of a transitional living facility in s. 295-201-664.5 shall meet the following requirements:

p-1. The licensee shall provide, in all common areas inside the facility, either of the following:

p-1-a. On-premise, 24-hour surveillance by a security guard who holds a valid private security person permit issued by the Wisconsin department of regulation and licensing.

p-1-b. At each doorway that serves as a facility entrance or exit, and in all common areas of the facility, including, but not limited to, hallways, stairways, dining rooms, kitchens, basement areas and indoor and outdoor recreation areas, security cameras which can provide reproducible digital color images. Each camera shall be placed so as to provide a clear and identifiable full-frame image of an individual entering or exiting the doorway, or of an individual located in any common area of the facility. Each camera shall be maintained in proper working order and operate 24 hours per day. If a time-lapse digital video recorder is provided, recorded images shall not be recorded at a slower rate than 24 hours. Recorded digital image files shall be kept for a minimum of 72 hours.

p-2. The facility shall have at least 50 square feet of outdoor recreation space for each person that may reside in the facility at the maximum occupancy specified on the license. This recreation space shall be located entirely on the premises containing the transitional living facility and shall be landscaped and fully enclosed by a fence or wall of the maximum height allowed under ch. 295.

Part 5. Section 295-201-511 of the code is amended to read:

295-201. Definitions.

511. ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. >>This term includes any premises that fits both this description and the definition of a transitional living facility in sub. 664.5. It also<< ~~[[This term]]~~ includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

Part 6. Section 295-201-664.5 of the code is amended to read:

664.5. TRANSITIONAL LIVING FACILITY means a premises, other than a community living arrangement or an adult family home, in which 3 or more adult residents are provided with personal care, treatment or services above the level of room and board but less than nursing care, including but not limited to supervision, monitoring, counseling, transportation or ongoing assistance with personal finances or medications, by a person who provides any of these services under a contractual arrangement. >>A premises that fits both this description and the definition of a rooming house in sub. 511 shall be classified as a rooming house.<<

Part 7. Section 295-203-1-i of the code is amended to read:

295-203. Use Definitions.

1. RESIDENTIAL USES.

i. "Rooming house" means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. >>This term includes any premises that fits both this description and the definition of a transitional living facility in sub. 2-m. It also<< ~~[[This term]]~~ includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

Part 8. Section 295-203-2-m of the code is amended to read:

2. GROUP RESIDENTIAL USES.

m. "Transitional living facility" means a premises, other than a community living arrangement or an adult family home, in which 3 or more adult residents are provided with personal care, treatment or services above the level of room and board but less than nursing care, including but not limited to supervision, monitoring, counseling, transportation or ongoing assistance with personal finances or medications, by a person who provides any of these services under a contractual arrangement. >>A premises that fits both this description and the definition of a rooming house in sub. 1-i shall be classified as a rooming house.<<

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: _____

LRB06124-1

JDO

03/23/2006