Legislation Details (With Text)

File #:	071714 **Version:** 0		
Type:	Ordinance	**Status:**	Passed
File created:	4/15/2008	**In control:**	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE
On agenda:		**Final action:**	5/20/2008
Effective date:			
Title:	An ordinance relating to certificate of code compliance regulations.		
Sponsors:	ALD. BAUMAN		
Indexes:	BUILDING CODE		
Attachments:	1. Fiscal Note, 2. Letter from Thomas G. Mishefske re proposed changes, 3. Notice List, 4. Notice Published on 6-6-08		

Date	Ver.	Action By	Action	Result	Tally
4/9/2008	0	COMMON COUNCIL	ASSIGNED TO		
4/11/2008	0	CITY CLERK	Sponsor added		
5/5/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/5/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/5/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/13/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/20/2008	0	COMMON COUNCIL	PASSED	Pass	13:0
5/30/2008	0	MAYOR	SIGNED		
6/6/2008	0	CITY CLERK	PUBLISHED		

071714
ORIGINAL

ALD. BAUMAN
An ordinance relating to certificate of code compliance regulations.
200-33-7-a am
200-52-2-c-1 am
200-52-3-a am
200-52-3-b am
200-52-5 rc
200-52-6-b am
200-52-7-b am
200-52-7-d am
This ordinance revises regulations for the city’s certificate of code compliance program as follows:
1. Requires a certificate of code compliance within 15 days of sale, transfer or conveyance of a dwelling within the designated reinvestment areas of the city.

2. Increases the amount of information required in the application for inspection.
3. Doubles the fee, from $75 to $150, if there is a failure to apply requiring the department to initiate the process, makes the application valid for one year.
4. Waives the inspection fee in the event of a sale, transfer or conveyance within 3 months of the initial inspection.
5. Makes failure to abate violations cited in the inspection result in possible cancellation of the application.
6. Makes the application not transferable.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

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

200-33. Fees.
7. CERTIFICATE OF CODE COMPLIANCE. a. The application and inspection fee for every certificate of code compliance shall be $75 per [[~~building~~]] >>taxkey except as noted in s. 200-52-5-b in which instance the fee shall be $150<<.

Part 2. Section 200-52-2-c-1, 3-a and b of the code is amended to read:

200-52. Certificate of Code Compliance.
2. DEFINITIONS.
c-1. Designated reinvestment area number [[~~one~~]] >>1<< 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 43rd Street, West Greenfield Avenue, South 38th Street, West National Avenue, and South 39th Street.

3. CERTIFICATE OF CODE COMPLIANCE REQUIRED. a. [[~~No person~~]] >>Persons<< 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 >>, within 15 days of sale, transfer or conveyance,<< [[~~occupy or rent the property after the time of sale, transfer or conveyance without having first applied~~]] >>apply<< for a certificate of code compliance.

b. [[~~No person~~]] >>Persons<< acquiring an ownership interest as the result of a sale, transfer or conveyance of a >>non-owner occupied<< 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~~]] >>within 15 days of sale, transfer or conveyance, apply<< for a certificate of code compliance.

Part 3. Section 200-52-5 of the code is repealed and recreated to read:

5. APPLICATION FOR INSPECTION.
a. When a certificate of code compliance is required, an application for inspection shall be filed with the department on forms provided by the department within 15 days of the sale or transfer or conveyance 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 owner's legal name, the owner's phone number and date of birth, and, if applicable, the buyer's name, address, phone number and date of birth. The

application for inspection shall be accompanied by the payment in full of the fee required in s. 200-33.
b. Failure to apply for the certificate of code compliance as required in this section may result in the department initiating the certificate of code compliance process and the department assessing double the required fee in s. 200-33-7.
c. The application for the certificate of code compliance shall be valid for one year from the date of the original inspection.
d. In the event of a sale, transfer or conveyance of a property within 3 months of the initial code compliance inspection, the new application fee shall be waived if the new owner submits an application as required by this section.
e. A certificate of code compliance application shall not be transferable.

Part 4. Section 200-52-6-b of the code is amended to read:

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

Part 5. Section 200-52-7-b and d of the code is amended to read:

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

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. >>The department may cancel the application if the owner fails to abate such violations. <<

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
MET
4/10/08

LRB08138-1