



Legislation Details (With Text)

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Title: An ordinance relating to registration of residential and commercial buildings and condominium units.

Sponsors: ALD. BOHL

Indexes: BUILDING-REGULATION

Attachments: 1. Budget Response, 2. Fiscal Impact Statement, 3. City Attorney Opinion, 4. Hearing Notice List, 5. Notice Published on 6-30-16

Date	Ver.	Action By	Action	Result	Tally
5/24/2016	0	COMMON COUNCIL	ASSIGNED TO		
6/1/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/1/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/1/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/7/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/14/2016	0	COMMON COUNCIL	PASSED	Pass	14:0
6/22/2016	0	MAYOR	SIGNED		
6/30/2016	0	CITY CLERK	PUBLISHED		

160162
ORIGINAL

ALD. BOHL

An ordinance relating to registration of residential and commercial buildings and condominium units.

80-12 rp
81-20 rp
200-33-7 rp
200-33-44.2-0 am
200-33-44.2-a am
200-33-44.2-d am
200-33-44.3 am
200-33-48-a am
200-33-49.5 rp
200-51.5-0 am
200-51.5-1 am
200-51.5-2 rc
200-51.5-3-0 am

200-51.5-3-a am
200-51.5-3-b am
200-51.5-3-c rp
200-51.5-3-d ra
200-51.5-3-e ra
200-51.5-3-f rp
200-51.5-4-0 am
200-51.5-4-g am
200-51.5-5 rc
200-51.5-6-0 am
200-51.5-6-a am
200-51.5-6-b am
200-51.5-6-c am
200-51.5-6-d am
200-51.5-7-b am
200-51.5-7-c am
200-51.5-8-d am
200-51.5-9 am
200-51.9 cr
200-52 rp
200-53 rp

This ordinance repeals:

1. All code provisions relating to chronic code violation nuisances.
2. The certificate of code compliance program.
3. The residential rental certificate program.

This ordinance also:

1. Changes the name of the property recording program to the property registration program.
2. Eliminates the requirement for a property registered under this program to have a local operator if the principal place of business or domicile of the property owner or condominium-resident agent is outside the 7-county southeastern Wisconsin area.
3. Reduces the amount of information required on a property registration form.
4. Increases department of neighborhood services fees for first and second reinspections of properties to determine code compliance, while eliminating graduated fees for third and subsequent reinspections.
5. Provides that the only information that shall be required to register a rental property or rental unit is the name of the owner and the name, address and telephone number of the authorized contact person.

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

Part 1. Section 80-12 of the code is repealed.

Part 2. Section 81-20 of the code is repealed.

Part 3. Section 200-33-7 of the code is repealed.

Part 4. Section 200-33-44.2-0, a and d of the code is amended to read:

200-33. Fees.

44.2. PROPERTY ~~[[RECORDING]]~~ >>REGISTRATION<< FEE. a. The initial ~~[[recording]]~~ >> registration<< fee for a residential or commercial building, a condominium unit or a condominium association shall be \$40.

d. Owners, operators, condominium association operators and resident agents of condominium associations ~~[[recorded]]~~ >> registered<< under s. 200- 51.5 may request and the department shall issue written verification of the contents of the department's ~~[[recording]]~~ >> registration<< file for their buildings, units, or associations (as the case may be).

Part 5. Section 200-33-44.3 of the code is amended to read:

44.3. PROPERTY ~~[[RECORDING]]~~ >>REGISTRATION<< ENFORCEMENT FEE. A monthly fee of \$75 may be charged for failure to comply with an order to ~~[[record]]~~ >> register<< a property, unit or association as required by and in accordance with s. 200-51.5.

Part 6. Section 200-33-48-a of the code is amended to read:

48. REINSPECTION FEE.

a. To compensate for inspectional and administrative costs, a fee of ~~[[\$60]]~~ >> \$100<< may be charged for any reinspection to determine compliance with an order to correct conditions of provisions of the code under the jurisdiction of the department of neighborhood services or assigned to the department, except no fee shall be charged for the reinspection when compliance is recorded. A fee of ~~[[\$75]]~~ >> \$200<< may be charged for ~~[[a second]]~~ >> each subsequent<< reinspection ~~[[, a fee of \$200 for a third reinspection and a fee of \$350 for each subsequent reinspection unless the inspected premises is subject to a nuisance notice under s. 80-12, in which case the fee as set forth in s. 81-20 may be charged for inspection of such nuisance]]~~ . Reinspection fees shall be charged against the real estate upon which the reinspections were made, shall upon delinquency be a lien upon the real estate and shall be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

Part 7. Section 200-33-49.5 of the code is repealed.

Part 8. Section 200-51.5-0 and 1 of the code is amended to read:

200-51.5. Property ~~[[Recording]]~~ >>Registration<< . 1. PURPOSE. ~~[[Recording]]~~ >> Registration<< of residential and commercial buildings, and condominium units and associations is essential for the proper enforcement of the city's building and zoning code and to safeguard persons, property and general welfare.

Part 9. Section 200-51.5-2 of the code is repealed and recreated to read:

2. DEFINITIONS.

- a. "Address" means any location at which first-class mail can be received.
- b. "Authorized contact person" means a natural person with charge, care and control of the property, and in the case of a condominium association, a condominium resident agent.
- c. "Condominium association" means an association, as defined in s. 703.02 (1m), Wis. Stats.
- d. "Condominium-resident agent" means a resident agent as defined in s. 703.23, Wis. Stats.
- e. "Common elements" means common elements as defined in s. 703.02 (2), Wis. Stats.
- f. "Domicile" means the building or unit at issue which is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. It is the one residence that controls for determining the owner's legal rights and privileges such as voting rights, vehicle registration, driver licensure.
- g. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to present use and enjoyment of the premises. The term includes, but is not limited to, a trustee, a trust, a life-estateholder, a remainderman, a condominium association, a land contract grantee (buyer), a general partnership, a limited partnership, a limited liability partnership, a corporation, a limited liability company, and a cooperative.
- h. "Owner-occupied" means the owner is domiciled in the subject building or unit.

Part 10. Section 200-51.5-3-0, a and b of the code is amended to read:

3. ~~[[APPLICATION AND RECORDING]]~~ >>REGISTRATION<< REQUIRED. a. ~~[[Recording]]~~ >>
Registration<< Required. Except as specified in sub. 4, the following shall file with the department on forms provided by the department, ~~[[an application for recording]]~~ >>a registration<< in compliance with this section:

a-1. Owners of residential or commercial buildings. One ~~[[application]]~~ >>registration form<< for each tax-key-numbered parcel containing a residential or commercial building.

a-2. Owners of commercial condominium units. One ~~[[application]]~~ >>registration form<< for each tax-key-numbered unit.

a-3. Owners of non-owner-occupied residential condominium units. One ~~[[application]]~~ >>registration form<< for each tax-key-numbered unit.

a-4. Condominium associations. One ~~[[application]]~~ >>registration form<< for the common elements that are part of the condominium.

b. Multiple Buildings on Same Tax-Key Number. Multiple buildings on a parcel with a single tax key number shall be ~~[[recorded]]~~ >>registered<< on one application.

Part 11. Section 200-51.5-3-c and f of the code is repealed.

Part 12. Section 200-51.5-3-d and e is renumbered 200-51.5-3-c and d and amended to read:

c. ~~[[Recording]]~~ >>Registration<< After Death. In the event of death of the owner of a building or condominium unit required to be ~~[[recorded]]~~ >>registered<< under this section, the subsequent owner shall file an application within 15 days after conveyance from the estate or other acquisition of interest. ~~[[In the event of death of the condominium resident agent of a condominium association required to be recorded under this section, the association shall have 60 days after that death to file an application naming a new condominium resident agent.]]~~ In the event of death of ~~[[a local operator]]~~ >>an authorized contact person<< required under this section, the owner or condominium association, as the case may be, shall have 60 days after that death to file ~~[[an application]]~~ >>a registration form<< naming a new ~~[[local operator]]~~ >>authorized contact person<< .

d. ~~[[Recording]]~~ >>Registration<< After Conveyance or Change in Ownership. In the event of any conveyance of any building or condominium unit required to be ~~[[recorded]]~~ >>registered<< under this section, the new owner shall file a new ~~[[application for recording]]~~ >>registration form<< and pay the fee required within 15 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 15 days of the date of court confirmation of the sale. New ~~[[applications]]~~ >>registration forms<< are required in the event of change in ownership, including, but not limited to, conveyances between an individual and a business entity, and conveyances between business entities.

Part 13. Section 200-51.5-4-0 and g of the code is amended to read:

4. EXCEPTIONS. The following are exempt from having to file ~~[[applications for recording]]~~ >>registration forms<< required under this section:

g. Owners of residential and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file ~~[[an application]]~~ >>a registration form<< unless otherwise exempt under this subsection.

Part 14. Section 200-51.5-5 of the code is repealed and recreated to read:

5. REGISTRATION FORM. Registration forms shall be provided by the department and shall at least contain the following:

- a. The tax-key number and address of the parcel containing the residential or commercial building or condominium unit.
- b. The legal name of the property owner.
- c. The legal name, address and telephone number of the authorized contact person.

Part 15. Section 200-51.5-6-0 and a to d of the code is amended to read:

6. ~~[[APPLICATION]]~~ >>REGISTRATION<< FEES; FEE EXCEPTIONS; CHANGES IN INFORMATION. a. If any information listed on a previously filed ~~[[application]]~~ >>registration form<< changes, within 15 days of the change in information a new ~~[[application]]~~ >>registration form<< shall be filed with, and the requisite fee shall be paid to, the department. Any ~~[[application]]~~ >>registration form<< filed later than that 15-day period shall result in doubling of the fee and subject the required filer to sanctions.

b. Except as provided in par. a, there shall be no fee for the filing of an amendment to an existing ~~[[application]]~~ >>registration form<< where the change in information does not involve a change of ownership interest in the property; where the change in information is associated with a land-contract buyer paying off the land contract and becoming the fee-title holder or with the land-contract relationship otherwise being extinguished; or where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

c. There shall be no fee for the filing of ~~[[an application]]~~ >>a registration form<< , but ~~[[an application]]~~ >>a registration form<< is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a grantee with a life estate, or an estate for years, or where the grantor has made a conveyance but reserved a life estate, or an estate for years, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one of the grantors or one of the grantees is domiciled in the building or unit after the conveyance.

d. There shall be no fee for the filing of ~~[[an application]]~~ >>a registration form<< , but ~~[[an application]]~~ >>a registration form<< is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a trust, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one trust settler or one trust beneficiary is domiciled in the building or unit after the conveyance.

Part 16. Section 200-51.5-7-b and c of the code is amended to read:

7. SELLER NOTIFICATION FORMS.

b. An owner who conveys any ownership interest in any building or condominium unit required to be ~~[[recorded]]~~ >>registered<< under this section shall file a seller notification form with the department within 15 days of the conveyance, providing the name and address of the buyer and date of conveyance. There shall be no fee for the filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying owner was also required, but failed to, file ~~[[an application]]~~ >>a registration form<< under this section.

c. Upon satisfaction of a land contract ~~[[recorded]]~~ >>registered<< under this section, the land-contract seller shall file a seller notification form with the department within 15 days after the satisfaction, providing the name and address of the land-contract buyer and date of conveyance in satisfaction of the land contract. There shall be no fee for the timely filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying land-contract seller was also required, but failed to, file ~~[[an application]]~~ >>a registration form<< under this section.

Part 17. Section 200-51.5-8-d of the code is amended to read:

8. SERVICE OF ORDER.

d. The commissioner may issue an order to the owner, the condominium association, the condominium-resident agent, or the ~~[[local operator]]~~ >>authorized contact person<< , requiring the owner or condominium association to comply with this section.

Part 18. Section 200-51.5-9 of the code is amended to read:

9. ENFORCEMENT; SANCTIONS. a. **Enforcement Fee.** If there is a failure to comply within the time set forth in any order issued under this section, or a failure to file an application as required under this section within the time set forth in this section, the commissioner may assess the owner or association a monthly ~~[[recording]]~~ >>registration<< enforcement fee under s. 200-33-44.3 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law.

b. **Penalties.** Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any application required under this section shall be subject to the penalties provided in s. 200-19. Any ~~[[local operator or condominium-resident agent]]~~ >>authorized contact person<< providing false, misleading or fraudulent information on any ~~[[application]]~~ >>registration form<< required under this section shall also be subject to the penalties provided in s. 200-19.

Part 19. Section 200-51.9 of the code is created to read:

200-51.9. Registration of Rental Property and Rental Units. Notwithstanding the provisions of ss. 200-22.5, 200-51.5, 200-51.7 or any other real-property registration ordinance, the only information that shall be required to register a rental property or rental unit is:

1. The name of the owner.
2. The name of an authorized contact person, as defined in s. 200-51.5-2-a.
3. The address at which the authorized contact person may be contacted.
4. The telephone number at which the authorized contact person may be contacted.

Part 20. Sections 200-52 and 200-53 of the code are 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: _____

LRB164185-1

Jeff Osterman

05/23/2016