



Legislation Details (With Text)

File #: 100639 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/21/2010 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 12/21/2010

Effective date:

Title: A substitute ordinance relating to registration of vacant buildings.

Sponsors: ALD. HINES JR., ALD. COGGS

Indexes: BUILDING CODE

Attachments: 1. Mayor's Letter, 2. Fiscal Impact Statement - Fire Dept, 3. Fiscal Impact Statement - Neighborhood Services, 4. Fiscal Impact Statement - Police Dept, 5. Legislative Reference Bureau Background Information.PDF, 6. Media Release by Pres Hines, 7. Hearing Notice List, 8. Notice Published on 1-12-11, 9. Letter from Department of Budget and Management

Date	Ver.	Action By	Action	Result	Tally
9/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
9/28/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/28/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/5/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD IN COMMITTEE	Pass	5:0
11/12/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/16/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
12/3/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/3/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/3/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/3/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/17/2010	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
12/17/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	5:0
12/17/2010	2	CITY CLERK	DRAFT SUBMITTED		
12/21/2010	2	COMMON COUNCIL	PASSED	Pass	15:0
12/21/2010	2	CITY CLERK	Sponsor added		
1/5/2011	2	MAYOR	SIGNED		
1/12/2011	2	CITY CLERK	PUBLISHED		

..Number

100639

SUBSTITUTE 2

090376

..Sponsor

ALD. HINES AND COGGS

A substitute ordinance relating to registration of vacant buildings.

200-51.7-1 rn

200-51.7-1 cr

200-51.7-2 rn

200-51.7-3 rn

200-51.7-4 rn

200-51.7-5 rn

200-51.7-6 rn

200-51.7-7 rn

200-51.7-8 rn

200-51.7-9 rn

200-51.7-10 rc

200-51.7-11 cr

This ordinance amends code provisions relating to the city's vacant building registration program to provide a forfeiture for failure to register within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, in an amount not less than \$500 nor more than \$2,000. A forfeiture is also provided for failure to secure or maintain the premises in an amount not less than \$350 nor more than \$1,500. This ordinance also provides that any property not in compliance with the vacant building registration program will be charged for any public safety services rendered by the city.

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

Part 1. Sections 200-51.7-1 to 200-51.7-9 of the code is renumbered 200-51.7-2 to 200-51.7-10.

Part 2. Section 200-51.7-1 of the code is created to read:

200-51.7. Vacant Building Registration.

1. FINDINGS.

The common council finds that a significant relationship exists between vacant buildings and increased calls for service for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Vacant buildings become havens for vandalism, arson and drug crimes, representing not only a clear drain of valuable governmental resources, but also creating a significant reduction of the quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety. The common council further finds that a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety. The common council therefore directs the chief of police, fire chief and the commissioner of neighborhood services, as provided in this section, to charge the owner or entity functioning as a trustee of an owner of such property the costs of any public safety services rendered to the property while non-compliant with this section.

Part 3. Section 200-51.7-10 of the code is repealed and recreated to read:

10. PENALTY.

a. Failure to Register. Any property owner or entity functioning as a trustee of an owner, that fails to register a vacant building as required under sub. 4 shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

b. Failure to Secure and Maintain. Any property owner or entity functioning as a trustee of an owner, having a duty to register a vacant building that fails its duty to secure and maintain the property as required under sub. 6 or 7 shall, upon conviction, forfeit not less than \$350 nor more than \$1,500, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

Part 4. Section 200-51.7-11 of the code is created to read:

11. CHARGE FOR PUBLIC SAFETY SERVICES.

a. Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this section. The chief of police or fire chief shall provide a record of each service rendered to the property and the costs of services, investigation, administration and enforcement to the commissioner of neighborhood services. The costs of the services, investigation, administration and enforcement by any police or fire personnel may be charged to the owner or entity functioning as a trustee of an owner and in whole or in part. Appeal of the determination of the chief of police or fire chief imposing costs against the owner or entity functioning as a trustee of an owner may be submitted to the administrative review appeals board as provided by s. 320-11.

b. Cost Recovery. Upon receipt of a cost referral letter from the chief of police or fire chief pursuant to par. a., the commissioner of neighborhood services shall charge any premises owner or entity functioning as a trustee of an owner found to be in violation of this section the costs of enforcement, including administrative costs, in full or in part. All costs so charged are a lien upon such premises 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.

Part 5. This ordinance takes effect April 1, 2011.

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: _____

LRB120872-4

RTW

12/15/10