



Legislation Text

File #: 990091, **Version:** 0

990091
ORIGINAL

THE CHAIR

An ordinance relating to commissioner of neighborhood services orders to correct violations of various code provisions.

200-12-1 am
200-12-2-d am
200-12.5-1 am
200-12.5-2-d am
200-12.7-2 am
200-12.7-3 am
- Analysis -

This ordinance makes various code revisions relating to the issuance of orders to correct code violations by the commissioner of neighborhood services. These revisions reflect the fact that the commissioner of neighborhood services has enforcement jurisdiction over code provisions in parts of the code of ordinances outside the building and zoning code.

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

Part 1. Section 200-12-1 of the code is amended to read:

200-12. Orders to Correct Condition.

1. ISSUANCE OF ORDERS. Whenever the commissioner of neighborhood services determines, or has reasonable grounds to believe, that >>there exists<< a condition which violates [[this code or s. 308-81-9 and]] >>any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority, or<< the conditions of a certificate of appropriateness issued pursuant [[thereto exists]] >>to s. 308-81-9,<< in any building, structure or premises or in the use of any equipment covered by [[this code]] >> any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority,<< or that any person builds contrary to the plans and specifications submitted to and approved by the commissioner of city development, or the historic preservation commission in the case of a certificate of appropriateness, or that any person omits, neglects or refuses to do any act required by [[this code]] >> any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<, the commissioner of neighborhood services may order the owner, operator or occupant thereof to correct the condition. If a placard action which requires the posting of the order is warranted, it shall be as prescribed in s. 200-11-6.

Part 2. Section 200-12-2-d of the code is amended to read:

2. CONTENT OF ORDERS.

d. Whenever the commissioner deems it appropriate, contain an outline of remedial action which, if taken, will result in compliance with [[this code and the rules and regulations adopted by it]] >>the code provisions identified pursuant to par. b<<.

Part 3. Section 200-12.5-1 of the code is amended to read:

200-12.5. Emergency Orders.

1. ISSUANCE OF EMERGENCY ORDERS. Whenever the commissioner of neighborhood services finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, or that any person builds contrary to the plans and specifications submitted to and approved by the commissioner of city development, or that any person omits, neglects or refuses to do any act required by [[this code]] >>any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<, the commissioner of neighborhood services may issue an order to the owner, operator or occupant thereof, reciting the existence of such emergency and requiring that such action be taken as necessary to meet the emergency.

Part 4. Section 200-12.5-2-d of the code is amended to read:

2. CONTENT OF EMERGENCY ORDERS.

d. Whenever the commissioner deems it appropriate, contain an outline of remedial action which, if taken, will result in compliance with [[this code and the rules and regulations adopted by it]] >>the code provisions identified pursuant to par. b<<.

Part 5. Section 200-12.7-2 and 3 of the code is amended to read:

200-12.7. Transfer of Orders to New Owner of Investor-Owned Residential Property.

2. NOTIFICATION OF OUTSTANDING ORDERS TO BE PROVIDED TO NEW OWNER. Any person selling, transferring or conveying an ownership interest in a residential property that is investor-owned at the time of such sale, transfer or conveyance shall expressly inform any person acquiring or receiving an ownership interest in the property of any outstanding orders to correct violations of [[this code]] >>any provisions of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<.

3. TRANSFER OF ORDER TO NEW OWNER. Provided notice has been effected in accordance with the provisions of s. 200-12, whenever an ownership interest in a residential property is sold, transferred or conveyed, and such property is investor-owned at the time of such sale, transfer or conveyance and has one or more outstanding orders to correct violations of [[this code]] >>any provisions of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<, any person acquiring or receiving an ownership interest in the property shall be liable for compliance with each such order within the time period prescribed by the department. No additional extensions to the period for compliance shall be granted solely on the basis of transfer of ownership.

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

99077-1

JDO

3/8/99

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