



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Ordinance: O-2015-0046

File Number: O-2015-0046

Final Action: 9/15/2015

Sponsor(s): Safety & Development Committee

An ordinance to repeal and recreate Section 18.09 of the City of West Allis Revised Municipal Code, Chapter 18 Nuisances, relative to creating a Nuisance Abandoned Building section.

[Insert Body Here]

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 18.09 of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

18.09 Nuisance Abandoned Buildings.

Legislative Findings.

That there are a large number of vacant buildings scattered throughout the City that are not properly maintained.

That such vacant buildings have reached a stage of disrepair and deterioration with the yards of said buildings having become untended and filled with junk as to constitute a blighting influence.

That such vacant buildings are subject to exterior vandalism and are broken into and subject to vandalism of the interior, are used for unsanitary or immoral purpose, and are potential fire hazards.

That the state of disrepair and deterioration of such vacant buildings creates a public nuisance, constitutes a hazard to the health, safety and welfare of the public, and creates a blighting influence on the surrounding neighborhood.

Definitions.

"Abandoned building" means building or structure, as defined in Section 12.06 of the Revised Municipal Code, that is vacant or not occupied by a rightful owner or tenant and also has one or more of the following characteristics:

Is in violation of the lawn regulations set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.

Is in violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.

Has junk, refuse, rubbish, etc. strewn around or stored on the property or otherwise has unlawful outdoor storage of materials or has an abandoned vehicle or vehicles (as defined in Section 6.015 of the Revised Municipal Code) on the property.

There are broken or open doors or windows or the exterior of a building's

ructure otherwise is not secured from the elements or entry by trespassers.

Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.

The buildings, structures or premises are otherwise dilapidated or deteriorated or create a dangerous condition.

- 7 Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the RMC.

Prohibition. No owner of any real property may maintain, allow or suffer an abandoned building to exist within the City.

Notification to Owner. The Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee shall mail or cause to be mailed, by first class mail to the last known address of the owner, a written order directing the owner to abate the specified conditions that constitute an abandoned building in a timely manner. The order shall include a list or description of the factors that are causing the blight or nuisance, a date of issue, a statement of the consequences of the failure to comply, an explanation of the right to petition the Property Maintenance Code Appeals Board for a hearing within ten (10) days, a statement that any property owner who does not file a petition for a hearing waives the right to assert that the property does not meet the definition of an abandoned building, and a statement informing the property owner that the property must be brought into compliance within ten (10) days. Such order shall also be posted on the front door or other conspicuous place on the property.

Appeal and Hearing Procedure.

A property owner may appeal the order to the Property Maintenance Code Appeals Board, established pursuant to Section 13.28(14) of the Revised Municipal Code, by filing a written request for a hearing with the City Clerk within ten (10) days of the issuance of the abatement order.

The appeal and hearing procedure shall conform to the standard rules and procedures of the Property Maintenance Code Appeals Board.

Upon receipt of the hearing request, the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee shall halt the abatement process under Subsection (7), pending decision of the Property Maintenance Code Appeals Board.

If the Property Maintenance Code Appeals Board upholds the determination that the property is an abandoned building, the owner may appeal the decision within thirty (30) days to the Circuit Court of Milwaukee County.

If a property owner does not file a timely written request for a hearing before the Property Maintenance Code Appeals Board, he or she waives the right to assert that the property is not an abandoned building and in need of abatement under this section.

Emergency Procedure. Notwithstanding the notice provisions of Subsection (4) and the appeal procedures of Subsection (5), the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee may take immediate steps, including taking action through a private contractor, to abate a condition or

ditions that create an immediate threat to health or safety. The owner of the property may contest the need for such action and/or the cost thereof after the abatement, following the hearing procedures set forth in Subsection (5).

Abatement of Nuisance. Within ten (10) days of the date of the abatement order, if the owner has not filed an appeal or abated the nuisance, the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee, or a private contractor chosen by the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee, may enter the property and abate the conditions that give rise to the property being an abandoned building, except that the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner, or their designee, or contractor may not occupy the premises or cause them to be occupied unless the City is the owner or otherwise has legal care and custody of the property. A property will be deemed abated when the criteria establishing an abandoned building have been removed, corrected or repaired.

Continuity of Abandoned Status. Once a property has been declared a nuisance abandoned property, the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee shall continue to correct such deficiencies as they exist until the owner petitions the official who made the declaration and demonstrates that the owner can maintain the premises in conformance with state law and City ordinances. The petition shall be in writing to the official who made the nuisance determination. The official shall render a decision within thirty (30) days of receipt of the petition or the petition shall be deemed granted and the property will be removed from the list of nuisance abandoned properties. The determination of the declaring official may be appealed by an interested party as provided in Subsection (5).

Costs. The cost of abatement shall be collected as a special charge against the property pursuant to Wis. Stat. Sec. 66.0627 for the costs of the services provided. If the special charge is not paid within thirty (30) days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency and shall be included in the current or next tax roll for collection and settlement under Chap. 74, Wis. Stat.

Prohibition and Penalties. No person shall remove, alter, deface, damage, or tamper with any items, including signs, locks, boards, or any other materials, used by a City Building Inspector or his or her designee to post or secure any nuisance abandoned property. Any person violating this subsection shall be required to forfeit not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). For a second or subsequent violation, the person shall be required to forfeit not less than one thousand dollars (\$1,000.00) nor more than two thousand dollars (\$2,000.00). The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Sec. 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to Secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense occurs or continues constitutes a separate offense.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.


PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED 9/15/2015

9/23/15

Monica Schultz
Monica Schultz, City Clerk

Dan Devine
Dan Devine, Mayor

Scrivener corrections by J Lemanske
per Mayor Devine 

Ordinance No. O-2015-0046

By: Safety & Development Committee

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PART I. Section 18.09 of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

18.09 Nuisance Abandoned Buildings.

(1) Legislative Findings.

- (a) That there are a large number of vacant buildings scattered throughout the City that are not properly maintained.
- (b) That such vacant buildings have reached a stage of disrepair and deterioration with the yards of said buildings having become untended and filled with junk as to constitute a blighting influence.
- (c) That such vacant buildings are subject to exterior vandalism and are broken into and subject to vandalism of the interior, are used for unsanitary or immoral purpose, and are potential fire hazards.
- (d) That the state of disrepair and deterioration of such vacant buildings creates a public nuisance, constitutes a hazard to the health, safety and welfare of the public, and creates a blighting influence on the surrounding neighborhood.

(2) Definitions.

- (a) "Abandoned building" means building or structure, as defined in Section 12.06 of the Revised Municipal Code, that is vacant or not occupied by a rightful owner or tenant and also has one or more of the following characteristics:
 1. Is in violation of the lawn regulations set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
 2. Is in violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.

3. Has junk, refuse, rubbish, etc. strewn around or stored on the property or otherwise has unlawful outdoor storage of materials or has an abandoned vehicle or vehicles (as defined in Section 6.015 of the Revised Municipal Code) on the property.
4. There are broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
5. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.
6. The buildings, structures or premises are otherwise dilapidated or deteriorated or create a dangerous condition.

7 ~~(3)~~ ^{→ 7.} Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the RMC.

8 ~~(4)~~ Prohibition. No owner of any real property may maintain, allow or suffer an abandoned building to exist within the City.

4 ~~(5)~~ Notification to Owner. The Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee shall mail or cause to be mailed, by first class mail to the last known address of the owner, a written order directing the owner to abate the specified conditions that constitute an abandoned building in a timely manner. The order shall include a list or description of the factors that are causing the blight or nuisance, a date of issue, a statement of the consequences of the failure to comply, an explanation of the right to petition the Property Maintenance Code Appeals Board for a hearing within ten (10) days, a statement that any property owner who does not file a petition for a hearing waives the right to assert that the property does not meet the definition of an abandoned building, and a statement informing the property owner that the property must be brought into compliance within ten (10) days. Such order shall also be posted on the front door or other conspicuous place on the property.

5 ~~(6)~~ Appeal and Hearing Procedure.

(a) A property owner may appeal the order to the Property Maintenance Code Appeals Board, established pursuant to Section 13.28(14) of the Revised Municipal Code, by filing a written request for a hearing with the City Clerk within ten (10) days of the issuance of the abatement order.

(b) The appeal and hearing procedure shall conform to the standard rules and procedures of the Property Maintenance Code Appeals Board.

- (c) Upon receipt of the hearing request, the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee shall halt the abatement process under Subsection (7), pending decision of the Property Maintenance Code Appeals Board.
- (d) If the Property Maintenance Code Appeals Board upholds the determination that the property is an abandoned building, the owner may appeal the decision within thirty (30) days to the Circuit Court of Milwaukee County.
- (e) If a property owner does not file a timely written request for a hearing before the Property Maintenance Code Appeals Board, he or she waives the right to assert that the property is not an abandoned building and in need of abatement under this section.
- (f) Emergency Procedure. Notwithstanding the notice provisions of Subsection (4) and the appeal procedures of Subsection (5), the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee may take immediate steps, including taking action through a private contractor, to abate a condition or conditions that create an immediate threat to health or safety. The owner of the property may contest the need for such action and/or the cost thereof after the abatement, following the hearing procedures set forth in Subsection (5).

6 (7) Abatement of Nuisance. Within ten (10) days of the date of the abatement order, if the owner has not filed an appeal or abated the nuisance, the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee, or a private contractor chosen by the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee, may enter the property and abate the conditions that give rise to the property being an abandoned building, except that the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner, or their designee, or contractor may not occupy the premises or cause them to be occupied unless the City is the owner or otherwise has legal care and custody of the property. A property will be deemed abated when the criteria establishing an abandoned building have been removed, corrected or repaired.

7 (8) Continuity of Abandoned Status. Once a property has been declared a nuisance abandoned property, the Director of Building Inspections and Neighborhood Services, Director of Public Works, or Health Commissioner or their designee shall continue to correct such deficiencies as they exist until the owner petitions the official who made the declaration and demonstrates that the owner can maintain the premises in conformance with state law and City ordinances. The petition shall be in writing to the official who made the nuisance

determination. The official shall render a decision within thirty (30) days of receipt of the petition or the petition shall be deemed granted and the property will be removed from the list of nuisance abandoned properties. The determination of the declaring official may be appealed by an interested party as provided in Subsection (5).

8 (9) Costs. The cost of abatement shall be collected as a special charge against the property pursuant to Wis. Stat. Sec. 66.0627 for the costs of the services provided. If the special charge is not paid within thirty (30) days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency and shall be included in the current or next tax roll for collection and settlement under Chap. 74, Wis. Stat.

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PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED: September 15, 2015
/s/ Monica Schultz, City Clerk
APPROVED: September 23, 2015
/s/ Dan Devine, Mayor

Published: October 1, 2015