

Sept. 10, 2008

Mayor Devine & Members of the Common Council  
7525 W. Greenfield Ave.  
West Allis, WI 53214

Honorable Mayor & Common Council Members:

On August 5, 2008, the Common Council passed Ordinance No. 0-2008-0030 relative to Nuisance Abandoned Buildings. The ordinance set forth various factors that would be used to characterize a single or two-family dwelling as “abandoned”. Among these characteristics were violations of the lawn ordinance, junk or refuse strewn about the property, broken windows/doors resulting in an unsecured building, graffiti etc.

Once a property was identified as being abandoned by one or more of these characteristics, the owner is given notice and is required to abate any property violations within ten (10) days. If the property owner fails to abate the nuisance within the prescribed time, either the Director of Building Inspection, Health Commissioner or Director of Public Works may enter upon the property and “abate the conditions” that have caused the property to be considered abandoned. Furthermore, paragraph 8 provides that once a property has been declared abandoned, the City “shall continue to correct such deficiencies as they exist” until such time that the owner can demonstrate that he/she will maintain.

Finally, the ordinance provides that all costs associated with the abatement of a nuisance be collected as a charge against the property. If not paid within thirty days, the charge would be delinquent and would be placed on the tax bill.

As can be seen, should the property owner fail to correct many of the nuisances used to characterize the property as “abandoned” the Department of Public Works would be called upon to abate the nuisance. Furthermore, since a number of the properties truly are abandoned, the need to perpetually maintain the property falls upon Public Works. As an example, when the property is abandoned the Department of Public Works must dispatch a crew to cut the lawn at least every other week. Currently, the Department must cut between three and four residential lawns every week. We can expect similar problems dealing with snow removal from sidewalks this winter.

Needless to say, the Department does not budget for this type of private property maintenance and therefore these work activities put a strain on already limited resources. However, of even greater concern, the Department is forced to divert its limited

personnel resources away from our own work to perform work on private property. This diversion, naturally, results in our own work either not getting done or not getting done in a timely manner.

I have made this point on numerous occasions in various staff meetings when this subject was discussed. With the passage of this ordinance, it becomes imperative that the issue be addressed. As such, I propose that the Council approve the establishment of some type of revolving account from which the Department of Public Works or any other impacted City Department could draw money to secure the necessary labor, material and/or equipment necessary to abate nuisances on abandoned properties. This would include but not be limited to the hiring of outside contractors to perform various private property maintenance activities on the abandoned properties. The fund would be reimbursed either by direct payment from the property owner for the services provided or through the special fee assessed against the property tax bill. If this concept is approved, I will work with the Finance Manager, Gary Schmid, to set up the account and the billing procedures.

I would be happy to discuss this issue at greater length upon request.

Respectfully submitted,

Michael F. Pertmer  
Director of Public Works

cc: Mayor Devine, Ted Atkinson, Gary Schmid