

# City of West Allis

## Matter Summary

File Number	Title	Status
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**O-2010-0024**      **Ordinance**      **Introduced**

Ordinance to create Section 9.34 of the City of West Allis Revised Municipal Code requiring property owner registration.

**Introduced:** 7/6/2010

**Controlling Body:** Safety & Development Committee

**Sponsor(s):** Safety & Development Committee

**COMMITTEE RECOMMENDATION**       *PASS AS AMENDED*      

	MOVER	SECONDER	NAME	AYE	NO	PRESENT	EXCUSED
ACTION DATE:			Barczak				
			Czaplewski				
<u>8/3/10</u>		<input checked="" type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Lajsic	<input checked="" type="checkbox"/>			
			Narloek	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
			Roadt				
			Sengstock				
			Vitale				<input checked="" type="checkbox"/>
			Weigel				
			<b>TOTAL</b>	<u>4</u>	<u>0</u>		

**SIGNATURE OF COMMITTEE MEMBER**

*[Signature]*  
Chair

Vice-Chair

Member

**COMMON COUNCIL ACTION**       *Passed as Amended*      

	MOVER	SECONDER	NAME	AYE	NO	PRESENT	EXCUSED
ACTION DATE:		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
<u>AUG 03 2010</u>	<input checked="" type="checkbox"/>		Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narloek	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				<input checked="" type="checkbox"/>
			Weigel	<input checked="" type="checkbox"/>			
			<b>TOTAL</b>	<u>9</u>			<u>1</u>

## Ordinance

**File Number: O-2010-0024**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

Ordinance to create Section 9.34 of the City of West Allis Revised Municipal Code requiring property owner registration.

Sponsor: Safety and Development Committee

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

PART I. Subsection 9.34 of Revised Municipal Code is hereby created to read as follows:

### 9.34 PROPERTY OWNER REGISTRATION

(1) PURPOSE. Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's building, zoning, fire & health codes and to safeguard persons, property and general welfare.

(2) DEFINITIONS. In this section:

(a) "Condominium association" means an association in s703.02(1m) Wis Stats.

(b) "Condominium - Resident Agent" means a resident agent as defined in s.703.23, Wis Stats.

(c) "Commercial" means use of property that is not classified as residential and includes classifications of mixed use, commercial, manufacturing, industrial and institutional property classifications.

(d) "Common elements" means common elements as defined in s.703.02(2) Wis Stats.

(e) "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 and driver licensure.

(f) "Local operator" means a person with charge, care, and control of the property and in the case of a condominium association, a person with charge, care, and control of the condominium common elements.

(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 mortgagee in possession, a trustee, a trust, a life estate holder, a remainder man, a condominium association, a land-contract seller, a land-contract buyer, a general partnership, a limited partnership, a limited liability company and a cooperative.

(h) "Owner-occupied" means the owner is domiciled in the subject building or unit.

(i) "Person" means an individual or entity.

(j) "Physical address" means a unit-specific building or house number and street name and not a

post office box or commercial alternative to a post-office box.

(k) "7-county area" means the area within Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington and Waukesha Counties.

(3) REGISTRATION REQUIRED.

(a) Except as specified in sub. 4, the following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section.

1. Owners of residential or commercial properties. One registration for each tax-key-numbered parcel containing a residential or commercial building or classified as a vacant lot.
2. Owners of commercial condominium units. One registration for each tax-key-numbered unit.
3. Owners of non-owner-occupied residential condominium units. One registration for each tax-key-numbered unit.
4. Condominium associations. One registration for the common elements that are part of the condominium.

(b) Multiple Building on the Same Tax-Key Number. Multiple buildings on a parcel with single tax key number shall be recorded as one registration.

(c) Local Operator Required if the Owner or Condominium Resident Agent is Outside the 7-County Area. If the owner's principle place of business, in the case of an entity, or the owner's domicile in the case of a non-entity ownership, or the condominium resident agent's domicile, in the case of a condominium association, is outside of the 7-county area, the owner, or as the case may be, the condominium association, shall have a local operator with a physical address and domicile within the 7-county area with the authority to accept notice of violations or enforcement of this section.

(d) Recording After Death. In the event of death of the owner of a building or condominium unit required to be registered under this section, the subsequent owner shall file a registration within 15 days after conveyance from the estate or other acquisition of interest. In the event of death of the condominium resident agent required to be registered under this section, the association shall have 60 days after that death to file a new registration naming a new condominium resident agent. In the event of the death of the local operator required under this action, the owner or condominium association, as the case may be, shall have 60 days after that death to file a registration naming a new local operator.

(e) Registering After Conveyance or Change of Ownership. In the event of any conveyance of any building or condominium unit required to be recorded under this section, the new owner shall file a new registration for registration 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 registrations 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.

(f) Satisfaction of Land Contracts. Upon satisfaction of a land contract recorded hereunder, the land-contract seller shall file a seller notification hereunder, and the land-contract buyer who has acquired the fee interest in the building or condominium unit shall file a new registration.

(4) EXCEPTIONS. The following are exempt from registering as required under this section.

- (a) Owners of owner-occupied one and two-family buildings where the ownership is recorded with the Milwaukee County Register of Deeds and the owner's domicile is on the recorded property.
- (b) Owners of owner-occupied residential-condominium units where the ownership is recorded with the Milwaukee County register of deeds.
- (c) Owners of jails, convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the Milwaukee County Register of Deeds.

- (d) Owners of hospitals and residential facilities licensed by the State of Wisconsin where ownership is recorded with the Milwaukee County Register of Deeds.
- (e) Government-owned buildings where ownership is recorded with the Milwaukee County Register of Deeds Office.
- (f) Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the Milwaukee County Register of Deeds until actual occupancy of any such building or any unit in any such building commences.
- (g) Owners of residential and commercial buildings and condominium units owned for 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file a registration unless otherwise exempt under this subsection.
- h) Condominium associations responsible for 2-unit residential buildings.

(5) REGISTRATION.

(a) Signing.

1. Completed registration forms shall be signed by at least one of the owners, or, in the case of a condominium association, by the association's current condominium resident agent, and in cases involving a local operator, also by the local operator.
2. Signatures on the registration form shall be notarized under penalty of s.946.32, Wis. Stats.
3. In the case of a registration involving a land contract, at least one land contract seller and one land contract buyer shall sign and file the same registration form for the subject property and provide the respective names, addresses and telephone numbers of both parties on the same registration form.

(b) Required Contents. Registration forms shall be provided by the City and shall at least contain the following.

1. The tax-key number of the parcel containing the residential or commercial building or condominium unit or vacant lot.
2. The legal name and date of birth of the property owner or in the case of a registration filed by a condominium association, the legal name and date of birth of the condominium resident agent.
3. A business or personal physical address and a business or personal telephone number of the owner, or in the case of a condominium association of the condominium resident agent, where that person can be contacted readily by the City.
4. An entity-owner shall provide the name and address of its registered agent on file with the Wisconsin Department of financial institutions, the name and address of its registered agent on file in the State or jurisdiction of entity origin, and also a natural person's name, physical address and telephone number for City contact.
5. The legal name, physical address within the 7-county area, date of birth, and telephone number of the local operator.
6. The number of residential dwelling units in residential buildings, or in the case of filings for condominium units or condominium associations, the number of units in the condominium.
7. For a registration filed by a condominium association, the name and address of the association, the type of entity that the association is, where the association is self-managed or has hired or retained management, and the identity of any hired or retained management.

(6) REGISTRATION; FEES; FEE EXCEPTIONS; CHANGES IN INFORMATION.

- (a) Beginning with the calendar year of 2010 and each year thereafter, each owner of a property

required to be registered by this Section shall file the required registration form and required fee by October 1st of each year. Any registration filed later than October 15th of the registration year shall result in double the fee and be subject to sanctioning.

(b) If any information listed on a previously filed registration changes, a new registration shall be filed with, and the requisite fee shall be paid to the City within 15 days of the change in information. Any registration filed later than the 15 day period shall result in doubling of the fee and subject the required filer to sanctions.

(c) Except as provided in par. a., there shall be no fee for the filing of an amendment to an existing registration 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.

(d) There shall be no fee for the filing of a registration, but a registration is required for a one or two-family residential building condominium unit where that building or unit has been conveyed to a grantor 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 on the subject property.

(e) There shall be no fee for the filing of a registration, but a registration is required for a one or two-family residential property or residential condominium unit where that property 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 seller or one trust beneficiary is domiciled on the property or unit after conveyance.

(f) The City may offer a reduced registration fee to a property owner of a single family, two family or multi-family use residential classified property upon presentation of proper documentation of attendance at a City sponsored landlord training program or equivalent program. Programs eligible and fee reduction shall be approved by the City Council by Resolution.

(g) The City may refund fees paid in error.

**(7) SELLER NOTIFICATION FORMS.**

(a) The City shall provide seller notification forms.

(b) An owner who conveys any ownership interest in any building or condominium unit required to be registered under this section shall file a seller notification form with the City 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 if the conveying owner was also required, but failed to, file a registration under this section.

(c) Upon satisfaction of a land contract recorded under this section, the land-contract seller shall file seller notification form with the department within 15 days after the satisfaction, proving the name and address of the land-contract buyer and the date of the 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 if the conveying land-contract seller was also required, but failed, to file a registration under this section.

**(8) SERVICE OF ORDER.**

(a) Any order issued under this section shall identify the section of the code to which the order

applies.

(b) Service of orders shall be in accordance with mailing procedures.

(c) The order may also be posted on the premises.

(d) The City may issue an order to the owner, the condominium association, the condominium-resident agent, or the local operator, requiring the owner or condominium association to comply with this section.

(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 a completed registration form as required under this section within the time set forth in this section, the City may assess the owner or association a monthly enforcement fee 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 registration form required under this section shall be subject to penalties. Any local operator or condominium-resident agent providing false, misleading or fraudulent information on any registration form required under this section shall also be subject to penalties.

(10) REGISTRATION FEE.

(a) The registration fee is \$60.00 per year.

(11) APPEALS. Appeals of orders and notices under this section shall be made to the Property Maintenance Appeals Board.

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**

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\_\_\_\_\_  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

**APPROVED**

\_\_\_\_\_

\_\_\_\_\_  
Dan Devine, Mayor



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Ordinance

**File Number: O-2010-0024**

**Final Action: 8/3/2010**

**Sponsor(s):** Safety & Development Committee

Ordinance to create Section 9.34 of the City of West Allis Revised Municipal Code Requiring Property Owner Registration.

Sponsor: Safety and Development Committee

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

PART I. Subsection 9.34 of Revised Municipal Code is hereby created to read as follows:

### 9.34 PROPERTY OWNER REGISTRATION

#### (1) PURPOSE.

(a) Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's Building, Zoning, Fire & Health Codes and to safeguard persons, property and general welfare.

(b) The Common Council of the City of West Allis has determined that, in order to best safeguard the health, safety, and general welfare of the public, it is necessary to maintain a listing of current property owner contact information so that City agencies may expeditiously process property related enforcement issues.

(c) The Common Council of the City of West Allis has further determined that in order to expeditiously process enforcement issues, the property owner shall maintain domicile in the near area of the City of West Allis or appoint a local operator who maintains domicile in the near area of the City of West Allis.

#### (2) DEFINITIONS. In this section:

(a) "Condominium association" means an association in s703.02(1m) Wis Stats.

(b) "Condominium - Resident Agent" means a resident agent as defined in s.703.23, Wis Stats.

(c) "Commercial" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, commercial, manufacturing, industrial and institutional property classifications.

(d) "Common elements" means common elements as defined in s.703.02(2) Wis Stats.

(e) "Domicile" means the owner's true, fixed and permanent residence and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time.

(f) "Local operator" means a person appointed by the property owner with charge, care, and control of the property and, in the case of a condominium association, a person appointed with charge, care, and control of the condominium.

(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 mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract seller, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation.

(h) "Owner-occupied" means the owner is domiciled in a building or unit on the subject property.

(i) "Person" means an individual.

(j) "Physical address" means a unit-specific building or house number and street name and not a post office box or commercial alternative to a post-office box.

(k) "7-County Area" means the area within Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington and Waukesha Counties.

### (3) REGISTRATION REQUIRED.

(a) Except as specified in sub. (4), the following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section.

1. Residential or Commercial Property Owner. One registration for each tax-key-numbered parcel classified as residential or commercial, including properties classified as a vacant lot.
2. Condominium Owner. One registration for each tax-key-numbered unit.
3. Condominium Association. One registration for the common elements that are part of the condominium.
4. Land Contract Owner. One registration containing seller and buyer information for each tax-key numbered parcel.

(b) Local Operator Required. If the owner's domicile is not within the 7-County Area, the property owner shall appoint a local operator with a physical address and domicile within the 7-County Area and having the authority to accept notice of violations for enforcement of City codes and of this section.

(c) Local Operator Required for Condominium. If the owner of a property classified as a condominium does not have a domicile within the 7-County Area, a local operator shall be appointed with a physical address and domicile within the 7-County Area and having the authority to accept notice of violations for enforcement of City Codes and of this section.

(d) Local Operator May Be Appointed. A property owner with domicile in the 7-County Area may appoint a local operator with a physical address and domicile within the 7-County Area and having the authority to accept notice of violations for enforcement of City Codes and of this section.

(e) Local Operator Required if the Owner or Condominium Agent is Domiciled Outside of the 7-County Area. If the owner's domicile in the case of a condominium or the resident agent's domicile, in the case of a condominium association, is outside of the 7-county area, the owner, or as the case may be, the condominium association, shall have a local operator with a physical address and domicile within the 7-county area and having the authority to accept notice of violations or enforcement of this section.

(f) Recording After Death. In the event of death of the property owner or condominium unit owner required to be registered under this section, the subsequent owner shall file a registration within 30 days after conveyance from the estate or other acquisition of interest. In the event of death of the condominium resident agent required to be registered under this section, the association shall have 60 days after that death to file a new registration naming a new condominium agent. In the event of the death of the local operator required under this action, the owner or condominium association, as the case may be, shall have 60 days after that death to file a registration naming a new local



operator.

(g) Registering After Conveyance or Change of Ownership. In the event of any conveyance of any property or condominium unit required to be recorded under this section, the new owner shall file a new registration within 30 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court-confirmation of the sale.

(h) Satisfaction of Land Contracts. Upon satisfaction of a land contract recorded hereunder, the land-contract seller shall file a seller notification hereunder, and the land-contract buyer who has acquired the fee interest in the building or condominium unit shall file a new registration.

(4) EXCEPTIONS. The following are exempt from registering as required under this section.

(a) Owners of owner-occupied one and two-family residential classified properties where the ownership is recorded with the Milwaukee County Register of Deeds and the owner's domicile is on the subject tax key numbered property.

(b) Owners of owner-occupied residential-condominium units where the ownership is recorded with the Milwaukee County register of deeds.

(c) Government-owned properties, including Federal, State, County, City of West Allis and West Allis/ West Milwaukee School District properties where ownership is recorded with the Milwaukee County Register of Deeds Office.

(h) Condominium associations responsible for 2-unit residential buildings and where the association agent's mail-to is domiciled on the subject tax-key property.

(5) REGISTRATION.

(a) Signing.

1. Completed registration forms shall be signed by at least one of the owners, or, in the case of a condominium association, by the association's current condominium resident agent, and in cases involving a local operator, also by the local operator.

2. In the case of a registration involving a land contract, at least one land contract seller and one land contract buyer shall sign and file the same registration form for the subject property.

(b) Required Contents. Registration forms shall be provided by the City and information required to be provided on the form shall contain the following:

1. The tax-key number and legal address of the property.

2. The legal name and date of birth of the property owner or condominium agent.

3. The physical address and telephone number of the property owner, condominium agent, and local operator where the person can be readily and expeditiously contacted by the City.

4. For a registration filed by a condominium association, the name and physical address of the association, where the association is self-managed or has hired or retained management and the identity of any hired or retained management including contact telephone number for expeditious contact by the City.

(6) REGISTRATION; CHANGES IN INFORMATION.

(a) Beginning with the calendar year of 2010 and each year thereafter, each owner of a property required to be registered by this Section shall file the required registration form and required fee by October 1st of each year. The registration form shall be sent by first-class mail. Any registration filed later than October 15th of the registration year shall result in triple the fee.

(b) If any information listed on a previously filed registration changes, a new registration shall be filed within 30 days of the change in information. There shall be no fee for information change.

(c) The City may offer a reduced registration fee to a property owner of a single family, two family

or multi-family use residential classified property upon presentation of proper documentation of attendance at a City sponsored landlord training program or equivalent program. Owners of other property classifications may also be offered reduced fees for attending City sponsored programs. Programs eligible and fee reduction shall be approved by the City Council by Resolution.

(7) FAILURE TO REGISTER.

- (a) The listed owner of the property is responsible for compliance with the registration requirements of this section.
- (b) Failure to file the required registration form, failure to file a change of information form, or failure to file the required fee is a violation of this Code and shall be outlined in written form and served upon the owner of the property or the condominium association. Such notice and order shall be served by the City by first class mail to the last known address of the property owner.
- (c) Such Notice and Order shall include the following.
  - 1. An adequate description of the property so affected.
  - 2. A statement of violation, including the corresponding reference to the Code requirement.
  - 3. An order for remedial action to correct such violation.
  - 4. Statement of time for compliance to the Code requirement.
  - 5. Statement of fee due.
- (d) The time period for compliance may be extended at the discretion of the City.

(8) REGISTRATION FEE.

- (a) The registration fee is \$30.00 per year for the first year and \$10.00 per year thereafter.

(9) APPEALS. Appeals of orders and notices under this section shall be made to the Property Maintenance Appeals Board.

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

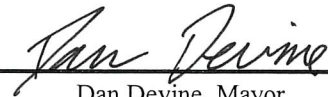
PART III. This ordinance shall take effect and be in force from and after its passage and publication.

**PASSED AS AMENDED** 08/03/2010



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

**APPROVED AS AMENDED** 8/6/10



Dan Devine, Mayor

August

COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

0003569918

WEST ALLIS CITY OF-LEGAL  
CLERK/TREASURER'S OFFICE  
7525 W GREENFIELD AVE  
JANEL LEMANSKE  
West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Sentinel Inc. to certify on behalf of Journal Sentinel Inc., publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the My Community Now- Midwest on 8/19/2010; that said printed copy was taken from said printed newspaper(s).

  
\_\_\_\_\_  
Patti Guerrero

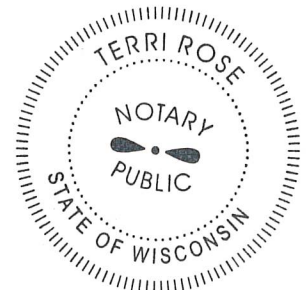
State of Wisconsin )  
                                  ) SS:  
County of Milwaukee)

Subscribed and sworn before me this 20 day of Aug, 2010.

Jenni Rose  
\_\_\_\_\_

Notary Public State of Wisconsin

My Commission Expires 2.20.11



**NOTICE OF  
NEWLY ENACTED ORDINANCE**

Please take notice that the City of West Allis enacted Ordinance No. O-2010-0024, Ordinance to create Section 9.34 of the City of West Allis Revised Municipal Code Requiring Property Owner Registration, on August 6, 2010. The ordinance establishes a program for property owner registration of contact information. The full text of Ordinance No. O-2010-0024 may be obtained at the City Clerk/Treasurer's Office, 7525 W. Greenfield Ave., West Allis, WI 53214 and through the Legislative Information Center on the City's Website at <http://www.ci.west-allis.wi.us>. Clerk/Treasurer's telephone: (414) 302-8200.

/s/ Paul M. Ziehler,  
City Administrative Officer,  
Clerk/Treasurer

Published: August 19, 2010