

**CITY OF WEST ALLIS  
ORDINANCE O-2021-0039**

**ORDINANCE TO CREATE ACKNOWLEDGEMENT OF SPECIAL CHARGES IN  
LIEU OF BOND REQUIREMENT**

**AMENDING SECTION 13.22(8)**

**WHEREAS**, the imposition of a special charge is sufficient surety to guarantee completion of work related to the razing of a structure; and

**WHEREAS**, the requirement to obtain a bond adds unnecessary delay and expense to projects;

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:**        **AMENDMENT** “13.22 Razing Of Buildings And Structures” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.22 Razing Of Buildings And Structures

1. Scope. Buildings and structures shall be razed in accordance with this code section. For the purpose of this code section, "raze" means to demolish and remove a building or structure and all components thereof, to include, but not limited to, roofs, exterior and interior walls, foundations, footings and slab floors and restore the site to a dust-free and erosion-free condition.
2. Accessory Buildings. A building or structure that is accessory to the building or structure that is being razed shall also be razed unless approved by the Building Inspector.
3. Site Improvements. Unless approved by the Building Inspector or in accordance with an approved site plan, when a building or structure is razed, all site improvements shall also be demolished, to include, but not limited to removal of sheds, fences, slabs, stairs, walks, driveways, concrete and asphalt parking surfaces and other site improvements.
4. Backfill. Fill materials may include stone, earth or other commonly accepted nonorganic fill material. Concrete or masonry building materials may be used for fill if reduced to aggregate of less than three (3) inches in size. Fill materials shall be placed or compacted in such a manner as to minimize settling.
5. Site Restoration. After a building or structure is razed, the project site shall be restored to a dust-free, erosion-free condition in accordance with an approved site plan. In the absence of an approved site plan, the site shall be graded to prevent ponding and/or runoff. Topsoil shall be uniformly distributed to a minimum depth of four (4) inches and

shall be seeded with perennial grass suitable for the local climate. Mulching, matting, netting or similar topsoil/seed stabilization methods shall be in place until grass is established.

6. Site Maintenance. The owner shall be responsible for post-demolition property maintenance as required under Section 13.28(10) of this Code.
7. Party Walls. When a building shares a party wall with an adjacent property, the owner of the property that is being razed shall be responsible for restoration of the exposed party wall in accordance with architectural plans approved by the Plan Commission.
8. ~~Permits~~ Acknowledgement Required in lieu of Bond. Prior to razing any building or structure or any portion thereof, the owner or agent for the owner shall acknowledge that if any permitted work is left incomplete or in an unworkmanlike manner, the City may cause that work to be corrected or completed and impose a special charge against the property for current services rendered by allocating all or part of the cost of the service to the property served. This acknowledgement is proper notice of a special charge pursuant to Wis. Stat. 66.0627(3)(a). To the extent the director deems practicable, the Department of Building Inspection and Neighborhood Services will attempt to provide notice to the owner or agent and reasonable opportunity to correct or complete the work before causing that work to be completed or corrected.

~~obtain a raze permit from the Building Inspector.~~

~~A bond, in a form acceptable to the City Attorney, or cash deposit shall be required to be submitted to the City to insure completion of the demolition and site restoration in accordance with this section. The bond/deposit amount may be substituted with an approved bond or other security for installing landscaping and screening as approved by the Plan Commission and Planning Division. Soil Erosion Control. A permit shall be obtained from the Building Inspector to install and maintain soil erosion control measures in accordance with the requirements of Section 13.32 of this Code. Soil erosion control measures shall not be removed from the project site until the Building Inspector deems that sufficient vegetation or other site stabilization has been established on the project site to prevent soil erosion from occurring. A plumbing permit shall be obtained by a licensed plumbing contractor for termination of private wells, water, sanitary sewer and/or storm sewer services to the property. Water and sewer connections to the property shall be terminated and sealed at the property line. The bond or deposit amount shall be in accordance with Section 13.255 of this Code. The bond or deposit may be held to recover costs that the City may incur as a result of uncompleted demolition or site restoration work required by this section, including, but not limited to, removal of buildings, structures and accessory structures or portions thereof, including foundations, footings, and slab floors; utility termination; sewer and water termination; repair of damage to City property; removal of fences, slabs, stairs, walks, driveways or other site improvements; private well abandonment; installation and maintenance of site security measures such as barricades or fences; installation and maintenance of site erosion control measures; final grading and installation of vegetation to control dust and soil erosion from the site. If a bond is submitted, it shall be maintained in the favor of the City. The bond or deposit may be released to the owner or agent for the owner upon compliance with this section and an approved site plan. A bond or deposit may be~~

~~waived for one- and two-family use properties when an accessory building or accessory structure is the only structure to be razed. A building permit may be required for alterations to an existing building when only a portion of the building is razed.~~

9. Zoning. Except for one- or two-family dwellings and their respective accessory structures, the Building Inspector shall not issue a raze permit until the owner or agent of the owner has submitted architectural plans and/or landscape/screening plans and obtained approval for said plans in accordance with Section 12.13 of the Code.
10. Historical Commission. The Building Inspector shall not issue a raze permit without notification to the Historical Commission.
11. Rodent Abatement. The Building Inspector shall not issue a raze permit without a written report from a state licensed pest control company certifying that the property is free from rodent activity and/or infestations.
  - a. This requirement may be waived by the Health Department for demolition of small structures or buildings in areas of little or no rat activity.
  - b. If demolition activity stops for a period of more than thirty (30) days, a new written report is required prior to continuing demolition activities.
  - c. If rats or rodent infestations are found on-site, a state licensed exterminator, hired at the property owner's expense, shall eliminate the rodent infestation before demolition can begin. Rodent bait stations shall be placed around the perimeter of the property and alongside all buildings/structures on the property to be demolished. The bait stations shall be serviced and/or monitored for a minimum of two (2) weeks before an exterminator can declare the property rodent-free. A copy of the exterminator's service invoice(s), listing all dates of service, shall be sent to the Health Department accompanied by a letter from the exterminator declaring the property and all buildings/structures to be rodent-free.
  - d. The permittee shall maintain the demolition site, so as to not allow rat harborage areas or rat feeding places.
12. Notification. The owner or agent for the owner shall be responsible for notifying City and state departments and utilities as follows.
  - a. The Water Department shall be notified regarding removal of the water meter. The meter shall be removed prior to razing.
  - b. The Engineering Department shall be notified for occupying the City right-of-way during demolition and for traffic and pedestrian protection requirements in accordance with Chapter **11** of the Code.
  - c. The Fire Department shall be notified regarding cutting, welding, fire extinguisher placement, permits and other requirements.
  - d. Utility companies (gas, electric, cable, phone, etc.) shall be notified to terminate service and remove all connections and meters from the property.
  - e. In accordance with Wisconsin Administrative Code, Sections NR406, NR410 and NR447, the Department of Natural Resources shall be notified regarding asbestos abatement prior to disturbing any site.
13. Site Safety and Security. The project site shall be maintained safe and secured from public entry once a permit is obtained and shall remain until the site is restored to a dust-free and erosion-free condition.

- a. Vacant buildings that are to be razed shall have doors, windows and other openings secured to prevent public access during the permit application process and during the demolition. Perimeter fencing may serve in lieu of secured openings.
  - b. Properties shall be protected at the property lines with fencing at least six (6) feet in height and lockable gates. Fencing shall remain in place during the demolition process. The requirement for fencing may be waived at the discretion of the Building Inspector.
14. Hazardous and Nuisance Conditions.
- a. Special demolition procedures requiring the use of explosives, toppling large structures en masse or other special procedure shall not be conducted without the approval of the Building Inspector and the Fire Department.
  - b. Multi-story buildings. No roof, wall or floor shall remain unsupported at the end of each workday during demolition of a multi-story building.
  - c. Demolition activities shall not cause debris to fall or be projected onto the public way.
  - d. The Building Inspector may require that the site be watered to prevent wind blown dust from causing a public nuisance.
  - e. The demolition contractor shall be responsible for controlling and preventing wind blown debris from the demolition site.
  - f. The public way shall be cleaned of tracked or strewn debris before the end of each workday.
  - g. The Building Inspector may require more immediate corrective measures when deemed necessary to eliminate a public nuisance.

**[Ord. O-2016-0016, 3/15/2016]**

Editor's Note: Former Section 13.22, Awnings and Hoods, was repealed 9-6-2005 by Ord. O-2005-0031.

**SECTION 2:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Rebecca Grill, City Clerk, City Of  
West Allis

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Dan Devine, Mayor City Of West  
Allis