



# City of West Allis

## Legislation Details (With Text)

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12/2/2003	2	Safety and Development Committee (INACTIVE)		
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11/18/2003	1	Safety and Development Committee (INACTIVE)	Held	

An Ordinance to repeal and recreate Section 13.28, Property Maintenance Code.

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

PART I. Section 13.28 of the Revised Municipal Code is hereby repealed and recreated to read as follows:

### Chapter XIII BUILDING CODE.

\* \* \*

### 13.28 Property Maintenance Code.

- (1) Title. Section 13.28 shall be known and cited as the Property Maintenance Code of the City of West Allis (hereinafter Code).
- (2) Legislative Intent.
  - (a) Purpose. It is hereby declared that in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public, the City of West Allis adopts this Code.
  - (b) Scope. The provisions of this Code shall apply to all buildings in the City, including the premises on which they are located, together with all accessory structures, except as otherwise

provided.

(3) Definitions. Where terms are not defined in this section and are defined in those Building, Zoning, Health and Fire Department Codes presently in force in the City, they shall have the meaning ascribed to them as in such codes. When terms are not defined under the provisions of this or any other City code, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.

(a) "City" shall mean the City of West Allis.

(b) Meaning of certain words. Whenever the words "building" or "premises" are used in this Section, they shall be construed as though they were followed by the phrase "or any part thereof."

(4) Inspection of Premises.

(a) The Director of the Department of Building Inspections and Zoning is authorized to assign qualified persons to administer this code and directed to make inspections to determine the condition of buildings and premises in the City, as regulated by the Code.

(b) Inspections shall be made only under the following circumstances:

1. When the Building Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Code which affect the health, safety or welfare of the public, or as directed by the Common Council or district alderperson.
2. Upon a complaint in writing being made about the building or premises.
3. It shall be the responsibility of the Building Inspector, whenever possible, to coordinate his inspections with those of other City Departments so as to minimize inconvenience to tenants and owners of properties.

(c) In the event that the Building Inspector is denied voluntary access during a reasonable hour to any premises covered by this Code for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may order an inspection in writing or secure a warrant pursuant to sec. 66.0119 of the Wisconsin Statutes.

(d) Every occupant of a building shall give the owner or his agent access to the unit or premises at all reasonable times for the purposes of making such repairs as might be necessary to gain compliance with any provisions of this Code.

~~(6)~~(5) Service of Notices and Orders.

(a) Violations of this Code, as determined by the Building Inspector, shall be outlined in written form and shall be served upon all affected occupants or owners or their agents. Such notice and order shall be served by the Building Inspector, or by such employee of the City designated by him, or by mail to the last known address of the person to be notified.

(b) Such notices and orders shall include:

1. An adequate description of the real estate so affected.
2. A statement of the alleged violation, including the corresponding reference to the Code requirement.
3. An order for remedial action to correct such violation.
4. A reasonable time for compliance to the Code requirements.

(c) The time period for compliance may be extended only at the discretion of the Building Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.

~~(7)~~(6) Emergency Orders. If the Building Inspector determines that a building or premises is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or, that the building is unsanitary or unfit for human habitation, occupancy or use, he may post a notice on the premises to that effect, in accordance with the terms of sec. 66.0413 of the Wisconsin Statutes, in the same manner as described therein. In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building or that portion of it so affected to

be vacated in the manner prescribed by the applicable provisions of sec. 66.0413 of the Wisconsin Statutes. No person shall remove or deface any placard placed by the Building Inspector on any building which has been declared unfit or unsafe for human habitation or use.

~~(8)~~(7) Maintenance, Workmanship, Codes Referenced.

- (a) Maintenance. Buildings and Structures, and parts thereof, shall be maintained in a safe and sanitary condition in accordance with Section 13.01(6).
- (b) Workmanship. Installations, alterations, repairs and maintenance work shall be in accordance with Section 13.06(7).
- (c) Codes Referenced. The Health and Sanitation Codes as in Chapter 7, the Zoning Codes as in Chapter 12, the Building and Heating/Ventilation Codes as in Chapter 13, the Electrical Codes as in Chapter 14, and the Plumbing Codes as in Chapter 14 of the City of West Allis Revised Municipal Code are hereby incorporated into this Code.

~~(9)~~(8) Responsibility of Property Owner and Tenant.

- (a) Owner Responsibility. Property owners shall maintain their properties in a clean, safe, and sanitary condition to include, but not limited to; buildings, structures, and lot maintenance in accordance with this code.
- (b) Tenant Responsibilities. All tenants, occupants, renters, or similar users of properties shall maintain their property use areas, to include their personal property located thereon, in accordance with this Code and in a clean, safe, and sanitary condition and shall notify the property owner of any unsafe or unsanitary condition found in a building, structure, or common area on the subject property.
- (c) All other requirements of this code are the joint responsibility of the owner and occupant(s).
- (d) Extermination of Pests; Responsibilities. Whenever insect or rodent infestation occurs in a single unit of the building, the occupant(s) of such unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one unit in a building or in shared or common areas of a building containing two (2) or more units, the owner of the building shall be responsible for the extermination.

~~(10)~~(9) Minimum Standards for Buildings and Structures. All buildings and structures and appurtenances shall be maintained in good repair as to prevent deterioration and infestation by rodents and insects. The exterior of all buildings and structures shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood, or the City in general.

- (a) Roofs, Walls, Foundations, Floors, Etc.
  - 1. All roofs, walls (including siding), and/or floor systems shall be weather tight and rodent proof, capable of affording privacy and maintained in good repair.
  - 2. Exterior surfaces, to include, but not limited to, roofs, walls, siding, flooring and appurtenances to include, but not limited to, eaves, soffits, chimneys, porches, decks, guard rails and handrails, shall be weather tight and painted or provided with a comparable finish in order to prevent deterioration, exclude insects and rodents, and preserve the visual aesthetic character of the neighborhood.
  - 3. Chipping, flaking or peeling paint on any exterior surface is prohibited.
- (b) Windows, Doors, and Other Openings.
  - 1. All windows and doors, to include storms and screens to windows and doors, and all other openings shall be weather tight, rodent and insect resistant, and maintained in good repair.
  - 2. Exterior openings, to include but not limited to; windows, doors, storms, etc., shall be painted or provided with comparable finish in order to prevent deterioration and preserve the visual aesthetic character of the neighborhood.
- (c) Porches, Decks, Stoops, Stairs, Etc.
  - 1. Every porch, deck, stoop, and all appurtenances thereto, to include, but not

- limited to; guard rails, handrails, and steps shall be maintained in good repair.
2. Stairways shall be maintained with uniform risers and proper guardrails and handrails.
- (d) Gutters, Downspouts, and Extensions.
1. Habitable buildings of one and two family properties shall have gutters and downspouts with extensions to carry storm waters away from such buildings.
2. All buildings on commercial properties are to direct downspouts and extensions directly into on-site storm systems when available or surfaced drained away from buildings in accordance with the plumbing code.
3. Gutters, downspouts, extensions and parts thereof shall be maintained in good repair and in working order.
- (e) Garages and Other Accessory Structures.
1. Every garage and other accessory structure shall be maintained as stated in subsections (a) through (d).
2. Accessory structures, such as sheds, shall be anchored to a monolithic concrete or asphalt surface and located properly in accordance with the zoning code.
3. Garages and accessory buildings shall have weather tight, secure, and properly operating overhead, service, and other access doors.
- (f) Infill of Exterior Openings, and Other Exterior Building Changes.
1. Infill of openings, such as windows, and other exterior changes to any building or structure shall be made with the use of approved materials.
2. For multi-family, commercial, manufacturing, institutional, and two-family (original construction after Feb. 15, 2000), changes to exterior openings and other exterior building changes shall be approved in accordance with section 12.13 Architectural and Site Plan Review and Procedures. Building permits are required for exterior changes.
- (g) Corrosion of Metal.
1. All ferrous (metal) equipment, trim, metal parts or other shall be protected and maintained free of rust or corrosion.
2. Rusted/corroded metal equipment, trim, or metal parts are not permitted.
- (h) Address of Property To Be Posted.
1. The assigned address of each property shall be posted in a conspicuous place on the front of each main building so as to be easily seen and read from the public street.
2. Each property abutting an alley shall post the assigned address as to be readily visible from the alley.
- (i) Building Permits Required.
- Building permits for additions, alterations, structural changes and repairs are required in accordance with section 13.05.

~~(11)~~(10) Outdoor Areas to be Maintained. Outdoor areas shall be maintained in a clean and sanitary condition and shall not be permitted to be a blighting influence to the surrounding properties, the neighborhood, or the City in general.

(a) Vacant Lots.

The provisions of this code, to the extent practical, shall also apply to vacant lots.

(b) Lawn Areas.

1. Grass shall not exceed six (6) inches of height.

2. Noxious weeds are not permitted and shall be destroyed, as provided in sec. 66.0407 of the Wisconsin Statutes.

3. Lawn areas shall be graded properly to allow for maintenance. Unimproved lawn areas shall not be allowed to erode dust, soil, dirt or mud from the property onto adjacent private or public properties.

(c) Public Property Abutting Private Property.

The public areas between the property line and the paved street shall be maintained by the

abutting property owner in accordance with Section 11.13.

- (d) Sidewalks, Driveways and Other Improvements.
  - 1. Sidewalks, walks, driveways, open parking areas, retaining walls and other concrete, asphalt, brick, gravel, stone or similar areas shall be maintained in sound condition and in good repair.
  - 2. Property conditions resulting in dust, dirt, loose stones or other aggregate being deposited on public property is prohibited.
- (e) Trees and Debris.
  - 1. Properties shall be kept free of diseased or fallen trees, branches or bushes.
  - 2. Trees shall not be allowed to grow near the foundations of buildings and structures so as to damage the building or structure.
- (f) Fences. Every fence shall be maintained in a state of good repair.
- (g) Drainage of Premises.
  - 1. Every premise shall be properly drained as to prevent stagnant water from accumulating thereon.
  - 2. Discharge of storm water from sump pumps, gutter extensions and surface drainage shall be directed to drain away from habitable buildings and shall not cause a nuisance to the public streets, alleys or sidewalks.
- (h) Refuse Storage.
  - 1. See Section 7.05 for specific refuse requirements.
  - 2. Refuse containers shall have tight fitting covers, be maintained in good repair, and shall be rodent and water proof.
  - 3. Refuse and rubbish shall be stored within proper containers excepting as permitted for recyclables and bulk refuse.
  - 4. Refuse containers shall not be stored in the front yard.
- (i) One and Two-Family Off-Street Parking Areas.
  - 1. Off-street parking areas, including driveway access areas, shall be maintained in accordance with the code in effect at the establishment of a parking area. Expanded parking areas shall conform with the code in effect at the time of the expansion.
  - 2. Parking shall not be permitted on lawn areas except as otherwise allowed by the Common Council for special events or as allowed by Common Council Resolution No. 22302, approved August 6, 1987 (State Fair week).
  - 3. Parking surfaces legally established as unimproved prior to Feb. 26, 1956, and all other parking surfaces shall not be allowed to erode or otherwise deposit gravel or aggregate materials on adjacent private or public property.
  - 4. Parking areas shall be maintained to support the weight of vehicles using the area.
- (j) Multi-family and Commercial Off-Street Parking Areas.
  - 1. Off-street parking areas, including drive access for other than one and two family properties, shall be maintained in accordance with the Zoning Code.
  - 2. Parking shall not be permitted on unimproved parking or lawn areas except as otherwise allowed by the Common Council for special events or as allowed by Common Council Resolution No. 22302, approved August 6, 1987 (State Fair week).
  - 3. Parking areas shall be maintained to support the weight of vehicles using the area.
  - 4. Parking areas shall not be allowed to erode or otherwise allow dust, dirt, loose stones or aggregate to be deposited onto adjacent public and private properties.
  - 5. All off-street parking areas shall be improved and maintained in accordance with an approved site and landscaping plan approved by the Plan Commission in accordance with the Zoning Code. If there is not an approved plan, the area shall be maintained in accordance with Section 12.19 Off-Street Parking and Loading Regulations.
- (k) Outside Storage of Materials.

1. All outdoor premises shall be kept free and clear of and shall not be used for the outdoor storage of materials, to include, but not limited to; lumber, metal scraps, motor vehicle parts, abandoned vehicles, discarded or non-functional household appliances or accessories, furniture and other articles which from its worn condition renders it practically useless for the purpose for which it was made. Private possessions stored inside a building, the outdoor storage of building materials while permitted construction or alterations are taking place on the site, recreational equipment useable and in good repair and all yard obstructions permitted by the Zoning Code are not applicable to this section.
  2. Outdoor storage of firewood shall be neatly stored in the rear yard of the property. The firewood must be cut to lengths of four (4) feet or less and measure less than two (2) feet in diameter. Outdoor storage of firewood shall not exceed four (4) cords. Firewood storage shall not include any chemically treated or painted wood.
  3. Commercial properties may also have materials stored outdoors consistent with the Zoning Code and the permitted use of the property.
- (l) Abandoned Vehicle Parking Not Permitted on Private Property.
1. As cited in Section 6.015, an abandoned vehicle is the parking or storage of any private passenger vehicle, truck, boat, camper, snowmobile, recreational vehicle, mobile home, trailer or any similar vehicle on an unpaved surface. The parking of a vehicle on lawn or on an unimproved surface is prohibited.
  2. Parking of vehicles on private property shall be in accordance with the Zoning Code.
  3. Abandoned vehicles defined in Section 6.015 as partially dismantled, non-operable, unlicensed or unregistered, wrecked or junked are prohibited on private properties. Procedures for processing abandoned vehicles are as set forth in Section 6.015.
- (12)(11) Major Repairs - Demolition Ordered.
- (a) The Building Inspector may order the owner of premises upon which is located any building or part thereof which, in his judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove, at the owner's option.
  - (b) Major Alterations and/or Repairs. If alterations and/or repairs in excess of fifty percent (50%) of the value of an existing building or structure are made to any existing building or structure within any period of twelve (12) months, the entire building or structure shall be made to conform with the requirements given herein for new construction; provided, however, that any existing building or structure which, for any reason, requires repairs at any one time in excess of fifty percent (50%) of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this Code for new buildings or structures or shall be entirely demolished. "Value" shall mean the full assessed value as determined by the last value placed upon the building as published by the City at the adoption of the Assessment role.
- (13)(12) Failure to Comply with Order. The Director of Building Inspections and Zoning and his designees are authorized to issue citations to enforce the provisions of this Code or may refer the matter to the City Attorney to commence legal action to effectuate the purpose of this Code.
- (14)(13) Penalties for Violations. Any person, firm or corporation convicted of a violation of any provisions of this Code shall be punished by a forfeiture of not less than ten dollars (\$10) nor more than five hundred dollars (\$500) and the costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the Milwaukee County House of Correction until such

forfeiture and costs are paid, but not in excess of the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes. Each day that a violation of a provision of this Code continues after notice has been served shall be deemed a separate offense.

~~(15)~~(14) Property Maintenance Code Appeals Board.

- (a) Any person affected by a notice, order, or decision of a code official issued under Section 13.28, Property Maintenance Code, may appeal to the Property Maintenance Code Appeals Board. A written application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted or is adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.
- (b) The Board shall consist of five (5) members and one (1) alternate, appointed by the Mayor and subject to confirmation of the Common Council, for staggered terms of two (2) years. The members of the Board shall serve without compensation. The Board shall annually select one of its members to serve as Chair and Vice Chair. The alternate member may be called by the Board Chair to hear appeals during the absence or disqualification of a member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest. The Department of Building Inspections and Zoning shall provide support and maintain the files of the Board.
- (c) The Board shall meet monthly or as necessary. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official, or any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than three (3) Board members.
- (d) The Board may modify or reverse the decision of the Code official by a concurring vote of a majority of the Board members present. The decision of the Board shall be recorded and copies furnished to the appellant.
- (e) Any petitioner or other person aggrieved by the decision of the Board may seek relief there from by having the decision reviewed by the Circuit Court, provided such appeal is made within thirty (30) days of the receipt of the Board's decision.
- (f) Appeals of notice and orders, other than imminent danger or emergency orders, shall stay the enforcement of the notice and order until the Appeals Board hears the appeal. This provision shall not absolve the owner of the property of liability during the appeals process.

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.