



# City of West Allis

## Legislation Text

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**File #:** O-2011-0073, **Version:** 1

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

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

PART I. Section 9.34 of Revised Municipal Code is hereby repealed and recreated to read as follows: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 provide owner contact information and designate a registered contact person and if the owner does not reside in the State of Wisconsin in the State of Wisconsin, designate a person or legal entity located within the State of Wisconsin for service of process.

(2) Definitions. In this section:

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

(b) "Registered Contact Person" means a person designated by the property owner to be contacted regarding related enforcement issues for the subject property. The property owner may be listed as the registered contact person, except where the owner's residency is not within the State of Wisconsin. The property owner may designate more than one registered contact person. The owner shall authorize the City to serve any legal process on the contact person and service shall have the same effect as having served the owner.

(c) "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. The domicile address shall not be a post office box or similar depository.

(d) "Entity" means the legal owner of the property and includes the mortgage in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, a corporation, or other property ownership type.

(e) "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 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 buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation or other property ownership type.

(f) "Owner-occupied" means the owner's residence and domicile is on the subject property.

- (g) "Person" means an individual.
- (h) "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.
- (3) Exceptions. The following are exempt from registering as required under this section.
- (a) Land parcels of owner-occupied one, two, and three-family residential classified properties where the ownership is recorded with the Milwaukee County Register of Deeds.
- (b) Land parcels classified by the Assessor's as a residential vacant lot and where the legal property owner's domicile is adjacent to the vacant lot.
- (c) Owners of owner-occupied condominium units where the ownership is recorded with the Milwaukee County Register of Deeds and a Condominium Association declaration is established, and the association has an appointed condominium agent.
- (d) Government-owned properties, including Federal, State, County, City of West Allis and West Allis/West Milwaukee School District properties, Milwaukee Metropolitan Sewerage District properties, Milwaukee Area Technical College properties, and property owned by public utilities where ownership is recorded with the Milwaukee County Register of Deeds Office.
- (4) Registration Required.
- (a) 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.
- (b) Exceptions. See Subsection (3) for exceptions to registration.
- (5) Registration Information Required.
- (a) The property owner is legally responsible for compliance with the registration requirements of this section and submittal of the required form with required information.
- (b) The registration form shall be provided by the City to the property owner by first-class mail to the last known address of the property owner. The City may allow electronic filing of registration information.
- (c) Information required to be submitted to the City shall be typed or printed legibly and shall include the following:
1. In the case of a person or persons owning the property: legal name; domicile residence address, with street address, city, state, zip code; and phone number for emergency contact. The domicile address shall not be a post office box or similar depository.
  2. In the case of property ownership by corporation, limited partnership, limited liability partnership, or other similar ownership as registered with the State of Wisconsin: Wisconsin corporation identification number; legal name of entity; registered agent's legal name; domicile residence address of registered agent including city, state, zip code and phone number for emergency contact. The domicile address shall not be a post office or similar depository.
  3. In the case of a trust, trustee or life estate holder: Wisconsin Registration Identification Number; legal name of representative; domicile residence address of representative, including street address, city, state, zip code and phone number for emergency contact of the representative. The domicile address shall not include a post office box or similar depository.

4. The property owner shall designate and state on the registration a registered contact person. The registered contact person may be the property owner. The listing of the contact person shall include his/her address, city, state, zip code and phone number.

5. The property address and tax key number of the property being registered.

(6) Registration and Changes In Information.

(a) Initial Registration. Beginning in the calendar year 2010, each owner of a property required to be registered by this Section shall file the required registration form and pay the required fee. The registration form shall be sent by first-class mail. Any registration filed after December 1, 2010 or, in the case of change of ownership, later than stated in (b) through (e) below, shall result in the fee being increased to \$150.00. The increased fee may be waived by the City.

(b) Registration. Any change of ownership after the initial registration shall be filed within 30 days of conveyance. Any registration filed after 30 days of conveyance shall result in the fee being tripled. The increased fee may be waived or rescinded by the City.

(c) Recording After Death. In the event of death of the property owner required to be registered under this section, the subsequent owner shall file a new registration form within 60 days after conveyance from the estate or other acquisition of interest.

(d) Registering After Conveyance, Change of Ownership. In the event of any conveyance of any property 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.

(e) Change of Contact Information. If any information listed on a properly filed registration changes, other than ownership events listed in subparagraphs (a) thru (d) above, a revised registration form shall be filed within 30 days of the change of information. There shall be no fee to change contact information for a registered owner or his designated registered contact person(s). The City may periodically require property owners to verify recorded contact information for changes.

(7) Failure To Register.

(a) The property owner is responsible for compliance with the registration requirements of this section.

(b) Failure of the owner of the property 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. Notice of violation shall be outlined in written form and served upon the owner of the property. The City shall serve such notice and order by first-class mail to the last known address of the property owner.

(c) Such Notice and Order shall include the following:

1. The address or tax key number 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.
6. Statement of penalty.
7. Statement of appeals process.

(d) The time period for compliance may be extended at the discretion of the City. A request for time extension may be considered after receiving a written communication from the property owner, registered contact person, or legal representative stating reasonable cause.

(e) Failure of the property owner to comply with the Notice and Order may be cause for the City to file a court action for violation of this code and be subject to the penalties in subsection (11).

(8) Falsification of Registration Form.

(a) No person shall knowingly or intentionally submit information on the registration form that she/he knows to be false or misleading. Falsification shall be subject to penalties as stated in subsection (11).

(9) Registration Fee.

(a) The registration fee is \$50.00 per new registration. A registration not filed timely, as required by this code, shall result in the fee in a fee increase to \$150.00. The increased fee may be waived or reduced by the City.

(10) Appeals.

(a) A property owner or owner's agent may appeal any compliance order to the City of West Allis Administrative Review Board pursuant to Section 2.48, by filing a written request for a hearing with the City Clerk within twenty (20) days of the date of the issuance of the order.

(b) The appeal and hearing procedure shall conform to the standard rules and hearing procedures of the Administrative Review Board.

(c) If the Administrative Review Board upholds the Order of the City, the property owner may appeal the decision within thirty (30) days to the circuit court.

(d) If a property owner does not file a timely written request for a hearing with the Administrative Review Board, he or she waives the right to assert that the property did not meet the criteria for registration under this section.

(11) Penalties.

(a) Any property owner or entity violating the provisions of this ordinance shall be required to forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), along with 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 Section 800.095(4) of the Wisconsin Statutes.

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.

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