

16.27 When a use or occupancy shall be discontinued and a building or portion thereof vacated.

Ordinance No. 2168 was adopted amending Sec. 16.275 of the Municipal Code Establishing a Vacant Building Registration
2018-02-22

Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to discontinue such use or occupancy and such person shall vacate such building or portion thereof within 10 days after receipt of the notice or making the building or portion thereof comply with the requirements of this Code on use and occupancy.

16.275 - Vacant building registration.

Ordinance No.2231 was adopted amending 16.275 of the Municipal Code
2022-11-01

- (a) *Purpose.* Registering of vacant non-residential buildings or any other vacant building, including, but not limited to, buildings occupied or in business for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare.
- (b) *Definitions.* In this section:
 - (1) "Owner" mean the person(s) who is vested in all or part of the legal title to the property.
 - (2) "Secured" means a building that has all permanent doors and windows in each appropriate building opening that are secured to prevent unauthorized entry, and has all its door and window components intact and unbroken.
 - (3) "Vacant" means entire abandonment or non-occupancy for any purpose other than residential uses. Commercial malls and strip malls that are more than 75 percent unoccupied will be considered vacant. Vacant shall also include buildings that lack habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business has ceased operation within. This section applies to vacant street level units located in the C-1, C-2 and C-3 zoning districts, regardless if other units of the property are occupied. Spaces with unauthorized or nonpermitted uses are considered vacant for the purposes of this ordinance.
 - (4) "Violation" means that a lawful order has been issued by the city, or a department thereof, and the conditions forming the basis for the order have not been fully abated.
 - (5) "Unsecured" means any building that does not meet the definition of secured.
- (c) *Registration required.*
 - (1) The owner of any building that has become vacant shall within 90 days after the building becomes vacant or within 90 days after assuming ownership, whichever is later, file a registration statement for each such building on forms provided by the city's inspection department.

The registration and provisions of this section shall remain in effect for that period the building remains vacant, and such registration shall be renewed on an annual basis.

(2) Fees. Registration fees shall apply in accordance with the Administrative Fee Schedule.

(d) *Exemptions.* The following are exempt from the provisions of this section:

- (1) Property that is undergoing an active renovation or rehabilitation, and where a permit for same has been secured from the city inspection services department.
- (2) Buildings that are solely for residential use including single-family, two-family or multifamily residential uses.
- (3) Properties that are part of an estate that is in probate and are not subject to bankruptcy.
- (4) Properties that are publicly, actively and in good faith being listed for sale or lease.
- (5) Property owned by the City.

(e) *Owner's responsibilities.* The owner of any building that has become vacant shall:

- (1) Enclose and secure the building as provided in subsection (f).
- (2) Maintain the building in a secure and closed condition until the building is again occupied or legally razed.

(f) *Minimum requirements for vacant buildings.*

- (1) After filing a registration statement the building owner shall provide access to the city, at the city's request, to conduct an exterior and interior inspection of the building to determine compliance with this section.

a. *Exterior and interior maintenance.*

1. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.
2. Exterior building must be maintained in a manner free from filth, dust, or unclean conditions.
3. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.
4. Any plumbing fixtures, including those used for operation of sprinkling system, shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.
5. Every exterior exit door shall be secured with a lock, or with a locking mechanism deemed equivalent or better by the building inspector. Every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.
6. An existing alarm system shall remain operational for buildings with sprinkler systems.
7. Exterior and interior stairs shall have treads, platforms, risers and railings that are sound, securely fastened and have no rotting, loose or deteriorating supports.

8. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.
9. The building interior, when visible to passersby through the storefront windows, shall be maintained in a neat and orderly fashion.
10. If utilized, window treatments shall only be constructed of materials specifically designed to be window treatments.

(h) *Penalties.*

- (1) *Failure to register.* Any property owner that fails to register a vacant building shall forfeit a penalty of \$100.00. Each additional month of violation after notification is a separate \$100.00 penalty.
 - (2) *Failure to secure and maintain.* If any property owner or entity functioning as a trustee of an owner, having a duty to register a vacant building is found to be in violation, the building inspector or his designee, shall send by first class mail a written notice of the violation to the person responsible for day-to-day supervision and management of the building or to the authorized agent for service and process and to the owner of record. Within 30 days or an amount of time deemed appropriate by the building inspector or his designee of the mailing of the notice of violation, the owner shall be required to restore the building in compliance with this section. Failure to secure and maintain the property as required in this section the owner shall forfeit \$50.00 for every day that the building remains noncompliant.
- (i) *Charge for public safety services.* Any property owner or entity functioning as a trustee of an owner or entity functioning as a trustee of an owner that fails to comply with any provisions of this section shall, after 45 days from notification by the building inspector, be charged for those city services rendered to the property by the city while noncompliant with this section. The city shall charge the cost thereof to the owner and failure to pay city any costs shall be assessed against the real estate as a special charge. Appeal of any determination of the city imposing costs against the owner may be submitted for a hearing to the Legislation and Permits Committee of the common council. Wis. Stats. ch. 68 shall not apply to such appeal.