

SUBCHAPTER 1
GENERAL PROVISIONS

200-001. Title. Chapters 200 to 295 constitute and may be cited as the Building and Zoning Code and may also be referred to, within chs. 200 to 295, as "this code."

200-002. Purpose of Code. The purpose of this code is to protect the health, safety and welfare of all persons establishing minimum standards for the design, construction, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilating, energy conservation and fire safety for buildings, to regulate the maintenance of buildings and structures, equipment and sanitation and to regulate occupancy and use of all buildings, structures and premises.

200-01. Department of Neighborhood Services.

1. **CREATED.** There is created a department of neighborhood services which shall have the same status and standing as any other city department.

2. **FUNCTIONS, POWERS AND DUTIES.** In order to protect the health, safety and welfare of all persons, the department of neighborhood services shall have the following authority, functions and duties:

a. To enforce the provisions of the building and zoning code by conducting inspections and reinspections, and by issuing orders to correct violations or to stop work whenever a building, structure, equipment or premises is being erected, constructed, installed, enlarged, altered, repaired, removed, converted to other uses, razed, demolished, occupied, used or maintained contrary to the provisions of the building and zoning code.

b. To revoke permits and approvals whenever work on a building, structure, equipment or premises is not being performed in conformance with the building and zoning code, a permit or any conditions relating to such permit, or plans approved by the department of city development.

c. To maintain records of inspections performed and orders and citations issued.

d. To issue and conduct necessary inspections relating to certificates of code compliance, exterior code compliance and habitability of rental units.

e. To administer the city's residential and commercial building recording program.

f. To review plans and applications, issue and revoke permits and licenses, perform inspections and enforce regulations and standards relating to the keeping or sale of domestic animals, the operation of lodging facilities, asbestos hazard control, the commercial application of pesticides, the operation of self-service laundries, dry cleaning establishments, public swimming places and massage businesses, and such other activities for which regulatory and enforcement authority is assigned to the department elsewhere in the code of ordinances.

g. To abate nuisances and control vectors.

h. To assist in the enforcement of the city's solid waste and recycling regulations.

i. To serve as custodian of the official map of the city.

j. To perform investigations and inspections relating to various licenses issued by the city, including but not limited to alcohol beverage licenses, and public entertainment premises licenses.

k. To ensure the proper maintenance of land drainage facilities.

m. To demolish structures on city-owned lots as directed by the common council.

n. To perform plan reviews, approvals and permit issuance for the erection, construction, enlargement, alteration, repair, moving, improvement, conversion to new uses, razing or demolition, occupancy and use of buildings or structures.

o. To keep comprehensive records of all applications for permits, of all permits and fees thereof, approvals and certificates of occupancy issued, and to make such records available for public inspection or as certified copies. Certified copies of any record may be obtained upon payment of the fee specified in s. 200-33 and in compliance with any rules and regulations of the commissioner.

p. To perform all other duties assigned to the department or to the commissioner of neighborhood services in the building and zoning code or elsewhere in the Milwaukee code of ordinances.

3. **COMMISSIONER.** a. **Authority.** The department of neighborhood services shall be under the supervision and direction of a commissioner. The commissioner of building inspection shall be the commissioner of neighborhood services.

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b. Jurisdiction. The commissioner shall have supervision, control and direction over matters relating to building and zoning code enforcement and inspections, nuisance abatement and vector control and all functions, powers and duties of the department described in sub. 2. The commissioner shall also have control over development permit issuance activities, including the building permit issuance authority of a "building inspector" as provided in s. 62.23(9)(a), Wis. Stats. The commissioner shall provide for the enforcement of all laws and ordinances related to buildings by means of the imposition of forfeitures, injunctive actions and other remedies available at law.

200-02. Adoption of State Code. The city of Milwaukee adopts ch. SPS 361, Wis. Adm. Code, as amended, as part of this code.

200-03. Scope. 1. No building, structure, equipment or premises shall be erected, constructed, installed, enlarged, altered, repaired, removed, converted to other uses, razed, demolished, occupied or used, or maintained, nor shall materials, appliances or devices be used for the equipment of a building, structure or premises be erected, constructed, installed, enlarged, altered, repaired, removed, converted to other uses, razed, demolished, occupied or used, or maintained, except in conformity with this code or any authorized rule or approval of the commissioner.

2. This code applies with equal force to the erection, construction, installation, enlargement, alteration, repair, removal, conversion to other uses, razing, demolition, occupancy or use, sanitation, and maintenance of municipal, county, state, or federal buildings, structures, premises, or equipment, as they do to private buildings, structures, premises, and equipment, except where the erection, construction, installation, enlargement, alteration, repair, removal, conversion to other uses, razing, or demolition, occupancy or use, sanitation and maintenance of the same is specifically regulated in detail by state or federal safety statute or code.

3. In any instance of conflicts between regulations of this code, the more stringent regulations shall govern except as regulated in s. SPS 361.03(2), Wis. Adm. Code, as amended.

200-04. Interpretation, Emergency Rules, and Approvals. 1. All matters concerning, affecting, or relating to the erection, construction, installation, enlargement, alteration, repair, removal, conversion to new uses, razing, demolition, fire, public safety, and health protection, use of equipment, materials, occupancy and use, sanitation, and location and maintenance of all buildings, structures, equipment and premises are presumed to be provided for in this code. All reasonable interpretations of the code or emergency rules covering construction and conditions promulgated by the commissioner in furtherance thereof, and in conformance therewith, or in the absence of specific provisions affecting any of the aforesaid items, shall govern in each case except insofar as such matters are otherwise provided by the city charter or other valid law or ordinances.

2. All interpretations and emergency rules shall be prepared in memoranda form. Approval of materials or methods of construction bearing evidence of approval of Underwriters Laboratory, International Code Council, or those referenced in this chapter will be accepted for use in the city of Milwaukee.

3. NOTICE AND APPEAL PROCEDURE FOR SPECIAL CHARGES. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department, the commissioner shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice may also inform the owner of any prospective charges that will or may be imposed if the amount of those charges can be reasonably determined at the time the notice is mailed. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the amount or necessity of the special charge, including any prospective charge to the administrative review appeals board under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

a. The expiration of the time to appeal to the administrative review appeals board as specified in this section.

b. The administrative review appeals board's affirmation, in whole or in part, of the amount to be imposed as a special charge.

c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review appeals board.

4. APPLICABILITY. a. The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

b. The notice and appeal procedures of sub. 3 shall not apply to special charges assessed and collected under s. 200-33-17. The sole remedy for any owner challenging the amount or necessity of such charges shall be filing a claim in accordance with s. 893.80, Wis. Stats.

200-05. Maintenance. The regulations contained in this code covering the efficient maintenance of devices, equipment or materials for the prevention of fire and for the protection of life and health shall apply to all buildings, structures, premises or equipment and materials now existing or hereafter erected. The removal or nonmaintenance of any existing devices, equipment or safeguards in any building, structure or premises heretofore lawfully required shall be unlawful unless authorized in writing by the commissioner.

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