

200-47. Authority for Change in Occupancies and Uses. The commissioner is authorized to approve any change in the occupancy and use of any existing building, structure, or premises or part thereof within any one group of occupancies and uses, as regulated by this code, if the proposed occupancy or use does not fully conform to all of the regulations of this code applicable thereto, provided it is obvious that such change in the occupancy or use will not extend or increase the hazards of fire, health, and public safety, and when not in violation of the regulations of ch. 295.

200-48. Abandonment of Occupancy, Use Rights and Privileges. Whenever a lawful nonconforming occupancy or use of any existing building, or structure, premises or part thereof is changed to an occupancy or use conforming to the regulations of ch. 295 or to a conforming type of construction applicable to such building, structure, premises, or part thereof, as regulated by this code, thereafter any such existing building, structure, premises or part thereof shall not again be occupied or used for any nonconforming occupancy and use rights and privileges. If a nonconforming building or structure, or use is abandoned for one year, the legal nonconforming use of occupancy of that building or structure shall cease and the use of that building or structure shall thereafter be restricted to a legal use or occupancy. If a nonconforming open storage occupancy and use on any premises is vacated for a period of 6 months, then any future occupancy and use of the premises shall conform to the regulations of ch. 295.

200-49. Voiding of Occupancy Applications. If an applicant for a certificate of occupancy does not make use of the application, either by not using the premises or not complying with required regulations of the code within a period of 6 months, such application shall be declared void and no new use of the premises shall be made until a new certificate of occupancy or certificate of zoning has been procured.

200-50. Change in Floor Loads. If the occupancy or use of any existing building or structure or part thereof is changed to any occupancy or use permitted by this code but imposing greater floor loads, then the structural and load carrying portions of such building or structure shall be strengthened to conform with the regulations of this code for such new occupancy or use.

200-51. Rental Units. 1. INSPECTION. Any owner of a rental dwelling unit may request that such unit be inspected by the commissioner. The commissioner shall examine such dwellings to determine if they conform to code standards. Should the commissioner find code violations, the appropriate building code orders will be issued.

2. ISSUANCE OF CERTIFICATE. Once the dwelling unit or units conform to code, the commissioner shall issue a certificate of occupancy which shall contain the following information:

- a. The address of the property.
- b. The owner's name.
- c. A statement specifying that the dwelling unit conforms to all requirements of ch. 275.
- d. The date of such conformance.
- e. The signature of the commissioner.

200-51.5. Property Registration. 1. PURPOSE. Registration of residential and commercial buildings, and condominium units and associations is essential for the proper enforcement of the city's building and zoning code and to safeguard persons, property and general welfare.

2. DEFINITIONS.

- a. "Address" means any location at which first-class mail can be received.
- b. "Authorized contact person" means a natural person with charge, care and control of the property, and in the case of a condominium association, a condominium resident agent.
- c. "Condominium association" means an association, as defined in s. 703.02 (1m), Wis. Stats.
- d. "Condominium-resident agent" means a resident agent as defined in s. 703.23, Wis. Stats.
- e. "Common elements" means common elements as defined in s. 703.02 (2), Wis. Stats.
- f. "Domicile" means the building or unit at issue which is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. It is the one residence that controls for determining the owner's legal rights and privileges such as voting rights, vehicle registration, driver licensure.

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g. "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 present use and enjoyment of the premises. The term includes, but is not limited to, a trustee, a trust, a life-estateholder, a remainderman, a condominium association, a land contract grantee (buyer), a general partnership, a limited partnership, a limited liability partnership, a corporation, a limited liability company, and a cooperative.

h. "Owner-occupied" means the owner is domiciled in the subject building or unit.

3. REGISTRATION REQUIRED.

a. Registration Required. Except as specified in sub. 4, the following shall file with the department on forms provided by the department, a registration in compliance with this section:

a-1. Owners of residential or commercial buildings. One registration form for each tax-key-numbered parcel containing a residential or commercial building.

a-2. Owners of commercial condominium units. One registration form for each tax-key-numbered unit.

a-3. Owners of non-owner-occupied residential condominium units. One registration form for each tax-key-numbered unit.

a-4. Condominium associations. One registration form for the common elements that are part of the condominium.

b. Multiple Buildings on Same Tax-Key Number. Multiple buildings on a parcel with a single tax key number shall be registered on one application.

c. Registration After Death. In the event of death of the owner of a building or condominium unit required to be registered under this section, the subsequent owner shall file an application within 15 days after conveyance from the estate or other acquisition of interest. In the event of death of an authorized contact person required under this section, the owner or condominium association, as the case may be, shall have 60 days after that death to file an application naming a new authorized contact person.

d. Registration After Conveyance or Change in Ownership. In the event of any conveyance of any building or condominium unit required to be registered under this section, the new owner shall file a new registration form and pay the fee required within 15 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 15 days of the date

of court-confirmation of the sale. New registration forms are required in the event of change in ownership, including, but not limited to, conveyances between an individual and a business entity, and conveyances between business entities.

4. EXCEPTIONS. The following are exempt from having to file registration forms required under this section:

a. Owners of owner-occupied one and 2-family buildings where the ownership is recorded with the Milwaukee county register of deeds.

b. Owners of owner-occupied residential-condominium units where the ownership is recorded with the Milwaukee county register of deeds.

c. Owners of jails, convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the Milwaukee county register of deeds.

d. Owners of hospitals and residential facilities licensed by the city of Milwaukee or the state of Wisconsin where the ownership is recorded with the Milwaukee county register of deeds.

e. Government-owned buildings where the ownership is recorded with the Milwaukee county register of deeds.

f. Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the Milwaukee county register of deeds until actual occupancy of any such building or any unit in any such building commences.

g. Owners of residential and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file a registration form unless otherwise exempt under this subsection.

h. Condominium associations responsible for 2-unit residential buildings.

5. REGISTRATION FORM. Registration forms shall be provided by the department and shall at least contain the following:

a. The tax-key number and address of the parcel containing the residential or commercial building or condominium unit.

b. The legal name of the property owner.

c. The legal name, address and telephone number of the authorized contact person.

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6. REGISTRATION FEES; FEE EXCEPTIONS; CHANGES IN INFORMATION.

a. If any information listed on a previously filed registration form changes, within 15 days of the change in information a new registration form shall be filed with, and the requisite fee shall be paid to, the department. Any registration form filed later than that 15-day period shall result in doubling of the fee and subject the required filer to sanctions.

b. Except as provided in par. a, there shall be no fee for the filing of an amendment to an existing registration form where the change in information does not involve a change of ownership interest in the property; where the change in information is associated with a land-contract buyer paying off the land contract and becoming the fee-title holder or with the land-contract relationship otherwise being extinguished; or where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

c. There shall be no fee for the filing of a registration form, but a registration form is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a grantee with a life estate, or an estate for years, or where the grantor has made a conveyance but reserved a life estate, or an estate for years, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one of the grantors or one of the grantees is domiciled in the building or unit after the conveyance.

d. There shall be no fee for the filing of a registration form, but a registration form is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a trust, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one trust settler or one trust beneficiary is domiciled in the building or unit after the conveyance.

e. The commissioner may refund fees paid in error to the department.

f. See s. 200-33-44.2 and 44.3 for fees associated with this section.

7. SELLER NOTIFICATION FORMS.

a. The department shall provide seller notification forms.

b. An owner who conveys any ownership interest in any building or condominium unit required to be registered under this section shall file a seller notification form with the department within 15 days of the conveyance, providing the name and address of the buyer and date of conveyance. There shall be no fee for the filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying owner was also required, but failed to, file a registration form under this section.

c. Upon satisfaction of a land contract registered under this section, the land-contract seller shall file a seller notification form with the department within 15 days after the satisfaction, providing the name and address of the land-contract buyer and date of conveyance in satisfaction of the land contract. There shall be no fee for the timely filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying land-contract seller was also required, but failed to, file a registration form under this section.

8. SERVICE OF ORDER. a. Any order issued under this section shall identify the section of the code to which the order applies in accordance with s. 200-12-2-b.

b. Service of orders shall be in accordance with s. 200-12-3.

c. The order may also be posted on the premises.

d. The commissioner may issue an order to the owner, the condominium association, the condominium-resident agent, or the authorized contact person, requiring the owner or condominium association to comply with this section.

9. ENFORCEMENT; SANCTIONS.

a. Enforcement Fee. If there is a failure to comply within the time set forth in any order issued under this section, or a failure to file an application as required under this section within the time set forth in this section, the commissioner may assess the owner or association a monthly registration enforcement fee under s. 200-33-44.3 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law.

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b. Penalties. Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any application required under this section shall be subject to the penalties provided in s. 200-19. Any authorized contact person providing false, misleading or fraudulent information on any registration form required under this section shall also be subject to the penalties provided in s. 200-19.

10. APPEALS. Appeals of orders and notices under this section shall be made pursuant to s. 200-17.

200-51.7. Vacant Building Registration.

1. FINDINGS. The common council finds that a significant relationship exists between vacant buildings and increased calls for service for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Vacant buildings become havens for vandalism, arson and drug crimes, representing not only a clear drain of valuable governmental resources, but also creating a significant reduction of the quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety. The common council further finds that a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety. The common council therefore directs the chief of police, fire chief and the commissioner of neighborhood services, as provided in this section, to charge the owner or entity functioning as a trustee of an owner of such property the costs of any public safety services rendered to the property while non-compliant with this section.

2. PURPOSE. Registering of residential buildings or any other building, including, but not limited to, buildings designed 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. Residential condominium and rental units are excluded from this section provided the vacancy rate of the building they are situated in does not exceed 95%.

3. DEFINITIONS. In this section:

a. "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

b. "Secured" means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.

c. "Vacant" means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant. An owner occupied single family home or owner occupied 2-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.

d. "Violation" means that an order has been issued by the department and the conditions forming the basis for the order have not been fully abated.

e. "Unsecured" means any building that does not meet the definition of secured.

4. REGISTRATION REQUIRED.

a. The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement and pay a registration fee as prescribed in s. 200-33-64 for each such building with the department on forms provided by the department.

b. In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this section. This person shall reside within the 7-county area as described in s. 200-51.5-2-j.

c. The owner shall be required to renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee as