

CHAPTER 8
COMMISSIONER OF BUILDING INSPECTION AND
CITY ENGINEER

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what buildings in the city are unsafe and dangerous to be occupied, arising either from conditions of the building or the manner in which it is used. The commissioner shall identify all cases of the violation of any laws of the state or of any ordinances of the city relating to buildings.

b. Authority. The commissioner of building inspection shall have full power and authority to provide and contract for the demolition of any building or structure or part thereof being razed pursuant to the Wisconsin statutes, or for the abatement of nuisances in accordance with applicable code provisions.

(HISTORY: S. 3, Ch. 570, L. 1919.

8-02 am. Ch. Ord. 330, File #66-3437-a, June 23, 1967.

8-02 am. Ch. Ord. 351, File #65-2052-d, Apr. 15, 1969.

8-02 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.

8-02 rc. File No. 130088, July 23, 2013; eff. Oct. 9, 2013.)

8-01. Commissioner of Building Inspection. The commissioner of building inspection, or a member of the commissioner's executive leadership team, shall have had at least 5 years' experience as an architect, builder or in connection with supervision of building construction. The commissioner shall be covered by a bond as provided in s. 3-22.

(HISTORY: Section 8-01 rc. File #880330, Feb. 14, 1989; eff. May 5, 1989.

8-01 am. File #160315, July 6, 2016; eff. Sept. 21, 2016.)

8-02. Duties, Authority of Commissioner.

a. Duties. The duties of the commissioner of building inspection shall be to inspect the construction, alteration, repair, moving, demolition, use of building materials and equipment, plumbing, use and occupancy, housing facilities and the fire hazard condition of all buildings within the city and to ascertain whether such buildings meet the requirements of the laws of the state and the ordinances of the city. It shall also be the duty of the commissioner when he or she shall deem it necessary, to examine all accidents caused by the breaking or falling down of any building in the city, and also to ascertain

8-025. Rules for Connections to Water and Sewer Systems. The commissioner of building inspection with the approval of the common council, may also make rules and regulations for the proper ventilating and trapping of all drains, soilpipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city, and the common council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishment for disobedience of the same. The commissioner of building inspection with the approval of the common council, may also make rules to regulate the use of vent, soil, drain, sewer and water pipes in all buildings in the city, which hereafter shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and which may prohibit the introduction into any building of any style of water fixture, trap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the commissioner shall require a rigid inspection by a skilled and

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competent inspector under the direction of the commissioner of all plumbing and draining work and water and sewer connections hereafter done or made in any building in the city, and unless the same are done or made, and made according to the rules of the commissioner and approved by the commissioner, no connection of the premises with the city sewerage or water supply shall be allowed.

(HISTORY: S. 1, Ch. 463, L. 1887.

8-025 rn. from 14-25 and am. File #871181, Oct. 27, 1987.)

8-03. Admission to Buildings; Permit to Use Street for Deposit of Materials for Repair of Building. Such commissioner of building inspection may demand, and shall have admission to any building within such city of the first class at any time, except any building used exclusively as a place of residence of not exceeding 2 private families, for the purpose of inspecting the same, and in the performance of the duties of his office; and if such admission be refused and he be unable to obtain such admission for any reason after properly demanding the same at a reasonable time, he may apply to the judge of the circuit court of the county in which any such city is situated for a writ of assistance, and if the judge of said court be satisfied that it is proper and necessary for such commissioner to gain admission to such building, and is unable to do so, he may issue a writ of assistance to the sheriff of the county in which such city is situated, commanding said sheriff to enter in and upon said building with said commissioner, with such force as may be necessary to enable such commissioner to perform his duties. The commissioner of public works of any such city of the first class shall issue no permit to anyone to use any street for the deposit of material for the construction or repair of any building in such city unless such person shall first file with said commissioner his written consent, authorizing said commissioner of building inspection, upon reasonable notice and demand to enter into and upon and inspect said buildings and repairs.

(HISTORY: S. 4, ch. 570, L. 1919.

8-03 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.)

8-04. Restraining Order When Work on Building Unsafe. When in the opinion of the commissioner of building inspection the erection or construction of any building within the city limits of any such city or the making of alterations or repairs upon any building within the city limits of any such city is being done in a reckless, careless or unsafe manner, or in violation of the provisions of any law or of ordinances of such city relating thereto, he may make application upon his verified complaint to any court of record of civil jurisdiction in the county in which such city is situated for an order restraining the person or persons constructing, erecting or repairing such building or buildings, and upon such application the court may issue such order restraining such person or persons from erecting, constructing or repairing such building or buildings until sufficient cause shall be shown for the dissolution of such restraining order. Such restraining order may be dissolved upon sufficient cause being shown, or upon the certificate in writing of the said commissioner of building inspection that the person or persons restrained therein and thereby have agreed to construct or erect such buildings or to make such alterations or repairs according to law and in conformity with the directions of the said commissioner of building inspection. No cost shall be taxed against such city of the first class in any event upon the dissolution of any such restraining order.

(HISTORY: S. 5, Ch. 570, L. 1919.

8-04 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.)

8-06. Excavations, Depressions, Ditches, etc. 1.

DEFINITIONS. The words and phrases used in this section shall have the meanings assigned to them in ch. 200 of the Milwaukee code. In addition, the term "commissioner of health" shall mean the legally designated health authority of the city of Milwaukee or his authorized representative, and the term "commissioner of public works" shall mean the legally designated head of the department of public works of the city of Milwaukee or his authorized representative.

2. PUBLIC HAZARDS OR NUISANCES. a. All excavations, depressions, pits, holes, gullies, ditches or similar depressions more than 12 inches deep and in which water to any depth may accumulate and be retained therein for a period of more than 48 hours on any lot, plot of land or premises shall constitute a public hazard or nuisance.

b. This section shall not apply to any lakes, streams, sloughs, bayous and marsh outlets or any other navigable waters as defined by s. 30.10, Wis. Stats. (1973) nor to any artificial bodies of water such as lakes or lagoons designed, created, developed or maintained for esthetic or recreational purposes; provided, however, that any nuisances or hazards created by the same shall be under reasonable control.

3. NOTICE TO ABATE NUISANCE. a. Served on owner. Except as regulated in par. d, in all cases where a public hazard or nuisance, as enumerated in sub. 2, is found to exist upon any premises within the city, the commissioner of health shall serve or cause to be served on the owner of the premises and on the holder of any encumbrances of record an order to abate such public hazard or nuisance within a reasonable time, not to exceed 30 days from the date of such notice by requiring the owner of the premises to fill in such hazard or nuisance to lot grade in an approved manner, or to provide positive drainage, connected in an approved manner to the city sewer, in conformity with the applicable city code of ordinances, or street so as not to flow on a streetwalk or to cause dampness or injury to any wall, yard or other area or premises. In the case of an immediate and imminent public health nuisance or hazard, the commissioner of health may require immediate temporary

protection or abatement measures. In case of the owner's neglect or refusal to abate such public hazard or nuisance within the time herein prescribed, the commissioner of public works, upon notification by the commissioner of health, either through any available public agency or by contract or arrangement with private persons, shall cause such hazard or nuisance to be abated by the establishment of positive drainage or by the filling in of any or of all such excavations, depressions, pits, holes, gullies, ditches or similar depressions, the cost of which shall be charged against the real estate upon which such work was executed and shall be a lien upon such real estate and be assessed and collected as a special tax in addition to the fine or penalty as provided herein.

b. **Obstructions.** It shall be the duty of every owner of premises who obstructs the flow of any stream, ditch, drainage way, or impedes the flow of surface water by changing the grade of his property, or in any other manner, to provide adequate drainage by permitting the flow of such water substantially as freely as if the obstruction or impediment had not been created so as not to cause the impoundment of water on the property of another.

c. **Compliance.** Highway and street construction shall comply with the provisions of s. 88.87, Wis. Stats., 1973, to prevent the accumulation of water on any premises.

d. **Excavations to be fenced, etc.** Excavations for a basement or foundation of a building or structure on any premises executed under a permit issued by the commissioner of building inspection shall be fenced in, guarded, in an approved manner unless the construction of the building or structure proceeds immediately after the excavation has been completed, provided that no such excavation, whether or not completed, may be left open for more than 6 months whether fenced in, guarded or not without proceeding with the construction of the building or structure. Where such construction is not started within 6 months, the commissioner of building inspection shall serve an order on the owner of the premises and on the holder of any incumbrance of record to the effect that the construction of the building or structure on the

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excavation begin forthwith or in the alternative that the excavation be filled within 4 days in an approved manner to lot grade. In case of the owner's neglect or refusal to abate such public hazard or nuisance, within the time herein prescribed, the commissioner of building inspection shall, either through any available public agency or by contract or arrangement with private persons, completely fill such excavations to lot grade in which case the cost of such work shall be charged against the real estate upon which such work was executed and shall be a lien upon such real estate and be assessed and collected as a special tax in addition to the fine or penalty as regulated herein.

4. PENALTIES. Any person being the owner of premises whereon any provision of this section has been violated and who shall omit, neglect, or refuse to comply with any order issued pursuant to this section shall be subject to the same penalties as provided in s. 200-19 of the Milwaukee code.

(HISTORY: Section 8-06 cr. Ch. Ord. 172, File #50-3543-b, Apr. 8, 1952.

8-06 am. Ch. Ord. 498, File #79-1280, Jan. 20, 1981.

8-06-1 am. Ch. Ord. 424, File #75-482, July 15, 1975.

8-06-1 am. File #871181, Oct. 27, 1987; eff. Jan. 11, 1988.

8-06-2 am. Ch. Ord. 424, File #75-482, July 15, 1975.

8-06-3-a am. Ch. Ord. 424, File #75-482, July 15, 1975..

8-06-3-b m. Ord. 424, File #75-482, July 23, 1975.

8-06-3-b cr. Ord. 424, File #75-482, July 23, 1975.

8-06-3-c cr. Ord. 424, File #75-482, July 23, 1975.

8-06-4 am. Ch. Ord. 424, File #75-482, July 15, 1975.

8-06-4 am. File #871181, Oct. 27, 1987; eff. Jan. 11, 1988.)

8-07. City Engineer: Appointment, Duties. 1.

The city engineer shall be a qualified professional engineer registered under the laws of Wisconsin.

2. The city engineer shall superintend and do or cause to be done all the civil engineering required by the commissioner of public works, in the management and prosecution of all public improvements committed to the city engineer's charge and all other surveying as may be directed by the commissioner or the common council. The city engineer shall possess the same powers in making surveys and plats within the city that are given by law to county surveyors, and the like validity and effect shall be given to his or her acts, and to all plats and surveys made by him or her, as are or may be given to the acts, plats and surveys of county surveyors. The city engineer shall keep a record of all official acts and doings, shall keep on file a copy of all plats of the lots, blocks and sewers embraced in the city limits, of profiles of streets, alleys and sewers, and of their grade and of all drafts and plans relating to bridges, harbors and any public buildings belonging to the city, and shall keep a record of the location of bench marks and permanent corner stakes from which subsequent surveys shall be started, all of which such records and documents shall be property of the city, open to the inspection of parties interested. The city engineer shall make an annual report of all the acts and doing of the engineer's department to the commissioner of public works on or before February 1.

(HISTORY: Section 8-07 rc. File #880330, Feb. 14, 1989; eff. May 5, 1989.

8-07-2 am. File #890298, Sept. 19, 1989; eff. Dec. 6, 1989.)

8-08. City Engineer Under Commissioner of Public Works. 1.

The city engineer shall continue in the discharge of his duties in like manner as under previous laws, and shall discharge his duties under the direction of the commissioner of public works.

2. If any difference shall arise between said city engineer and the commissioner of public works in the discharge of their respective duties, the ruling of said commissioner of public works shall be supreme and final.

(HISTORY: Ch. 297, L. 1907.

8-08, am. Ch. Ord. 170, File #51-202, Jan. 2, 1952.

8-08 am. Ch. Ord. 310, File #64-4089, Apr. 6, 1965.)