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FOR INFORMATION CALL

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Ald. Robert J. Bauman
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“Clean Hands” Ordinance Having Impact, Officials Say

Applicants Choosing to Pay Delinquent Taxes, Unsettled Code Violations, Fines & Judgments, According to Ald. Bauman and Zoning Official

An ordinance approved by the Common Council earlier this year is compelling applicants with matters before the Board of Zoning Appeals and the City Plan Commission to cut checks for delinquent property taxes and assessments, unpaid judgments and fines for outstanding health and building code violations.

Ald. Robert J. Bauman, the author of the ordinance, said city officials have told him that applicants are choosing to pay their outstanding bills when faced with submitting a signed affidavit indicating whether they owe the city money.

“It’s pretty clear people are realizing that the new ordinance requires them to come clean about unpaid taxes and other items, and it’s causing them to open their wallets and satisfy their obligations,” the alderman said.

“That’s good for the taxpayers and that’s good for the City of Milwaukee,” he said.

Ald. Bauman said the idea for the ordinance “was simply to provide city officials with another tool they can use” to collect unpaid taxes, judgments and fines – as well as a means to get property owners and landlords to comply with code violation orders and to make sure they abate nuisances. Previously, the city was rewarding applicants with special zoning permits, special use permits and other privileges even though they were avoiding building code orders, not paying taxes and avoiding outstanding fines and assessments, he said.

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“Clean Hands Ordinance” Having Impact/ADD ONE

Clifton Crump, secretary of the Board of Zoning Appeals, said applicants are clearly conscious of being truthful on the affidavit. “Many applicants have told me – and I’ve also overheard them telling BOZA staff members prior to submitting their appeal – that they’ve paid outstanding tax bills owed to the city in light of this new ordinance,” Crump said.

The ordinance – approved by the Council on July 31 – requires each applicant for a zoning map amendment (except most overlay zones), planned development approval, use variance or special use permit to submit to the City Plan Commission or the Board of Zoning Appeals, as the case may be, a signed affidavit indicating whether the applicant is:

- Delinquent in the payment of any property tax, special assessment, special charge or special tax due to the city, provided that all appeals of the tax, assessment or charge have been concluded or the time to appeal has expired.
- A party against whom the city has an outstanding judgment, provided that all appeals of the judgment have been concluded or the time to appeal has expired.
- A party against whom the city has outstanding health or building and zoning code violations and orders from the Commissioner of Health or the Commissioner of Neighborhood Services that are not actively being abated, provided that all appeals of orders to correct violations have been concluded or the time to appeal has expired.
- A party who has been convicted of violating an order of the Commissioner of Health or Commissioner of Neighborhood Services within the past year, provided that all appeals of the conviction have been concluded or the time to appeal has expired.
- The owner of a premises found to be in violation of s. 80-10 to whom the Commissioner of Neighborhood Services has charged the costs of police enforcement, pursuant to s. 80-10-4, provided that all appeals of these charges have been concluded or the time to appeal has expired.

If the applicant for approval of a zoning matter is a corporation, partnership, limited liability company or nonstock corporation, the affidavit must be submitted by a duly authorized officer or director of the corporation, a duly authorized partner, general partner or limited partner of the partnership, a duly authorized member or manager of the limited liability company, or a duly authorized officer or director of the nonstock corporation. The affidavit submitted must attest to any outstanding taxes, unpaid fines, unpaid judgments, etc. of each of the partners, officers, managers, directors, etc. of each entity.