

8/6/10

ORDINANCE NO. O-2010-0024

Ordinance to create Section 9.34 of the City of West Allis Revised Municipal Code Requiring Property Owner Registration.

By Safety and Development Committee

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 9.34 of Revised Municipal Code is hereby created to read as follows:

9.34 PROPERTY OWNER REGISTRATION

(1) PURPOSE.

- (a) Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's Building, Zoning, Fire & Health Codes and to safeguard persons, property and general welfare.
- (b) The Common Council of the City of West Allis has determined that, in order to best safeguard the health, safety, and general welfare of the public, it is necessary to maintain a listing of current property owner contact information so that City agencies may expeditiously process property related enforcement issues.
- (c) The Common Council of the City of West Allis has further determined that in order to expeditiously process enforcement issues, the property owner shall maintain domicile in the near area of the City of West Allis or appoint a local operator who maintains domicile in the near area of the City of West Allis.

(2) DEFINITIONS. In this section:

- (a) "Condominium association" means an association in s703.02(1m) Wis Stats.
- (b) "Condominium – Resident Agent" means a resident agent as defined in s.703.23, Wis Stats.
- (c) "Commercial" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, commercial, manufacturing, industrial and institutional property classifications.
- (d) "Common elements" means common elements as defined in s.703.02(2) Wis Stats.
- (e) "Domicile" means the owner's true, fixed and permanent residence and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time.
- (f) "Local operator" means a person appointed by the property owner with charge, care, and control of the property and, in the case of a condominium association, a person appointed with charge, care, and control of the condominium.
- (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 mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract seller, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation.
- (h) "Owner-occupied" means the owner is domiciled in a building or unit on the subject property.
- (i) "Person" means an individual.
- (j) "Physical address" means a unit-specific building or house number and street name and not a post office box or commercial alternative to a post-office box.
- (k) "7-County Area" means the area within Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington and Waukesha Counties.

(3) REGISTRATION REQUIRED.

(a) Except as specified in sub. (4), the following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section.

1. Residential or Commercial Property Owner. One registration for each tax-key-numbered parcel classified as residential or commercial, including properties classified as a vacant lot.
2. Condominium Owner. One registration for each tax-key-numbered unit.
3. Condominium Association. One registration for the common elements that are part of the condominium.
4. Land Contract Owner. One registration containing seller and buyer information for each tax-key numbered parcel.

(b) Local Operator Required. If the owner's domicile is not within the 7-County Area, the property owner shall appoint a local operator with a physical address and domicile within the 7-County Area and having the authority to accept notice of violations for enforcement of City codes and of this section.

(c) Local Operator Required for Condominium. If the owner of a property classified as a condominium does not have a domicile within the 7-County Area, a local operator shall be appointed with a physical address and domicile within the 7-County Area and having the authority to accept notice of violations for enforcement of City Codes and of this section.

(d) Local Operator May Be Appointed. A property owner with domicile in the 7-County Area may appoint a local operator with a physical address and domicile within the 7-County Area and having the authority to accept notice of violations for enforcement of City Codes and of this section.

(e) Local Operator Required if the Owner or Condominium Agent is Domiciled Outside of the 7-County Area. If the owner's domicile in the case of a condominium or the resident agent's domicile, in the case of a condominium association, is outside of the 7-county area, the owner, or as the case may be, the condominium association, shall have a local operator with a physical address and domicile within the 7-county area and having the authority to accept notice of violations or enforcement of this section.

(f) Recording After Death. In the event of death of the property owner or condominium unit owner required to be registered under this section, the subsequent owner shall file a registration within 30 days after conveyance from the estate or other acquisition of interest. In the event of death of the condominium resident agent required to be registered under this section, the association shall have 60 days after that death to file a new registration naming a new condominium agent. In the event of the death of the local operator required under this action, the owner or condominium association, as the case may be, shall have 60 days after that death to file a registration naming a new local operator.

(g) Registering After Conveyance or Change of Ownership. In the event of any conveyance of any property or condominium unit required to be recorded under this section, the new owner shall file a new registration within 30 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court-confirmation of the sale.

(h) Satisfaction of Land Contracts. Upon satisfaction of a land contract recorded hereunder, the land-contract seller shall file a seller notification hereunder, and the land-contract buyer who has acquired the fee interest in the building or condominium unit shall file a new registration.

(4) EXCEPTIONS. The following are exempt from registering as required under this section.

(a) Owners of owner-occupied one and two-family residential classified properties where the ownership is recorded with the Milwaukee County Register of Deeds and the owner's domicile is on the subject tax key numbered property.

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

(c) Government-owned properties, including Federal, State, County, City of West Allis and West Allis/West Milwaukee School District properties where ownership is recorded with the Milwaukee County Register of Deeds Office.

(h) Condominium associations responsible for 2-unit residential buildings and where the association agent's mail-to is domiciled on the subject tax-key property.

(5) REGISTRATION.

(a) Signing.

1. Completed registration forms shall be signed by at least one of the owners, or, in the case of a condominium association, by the association's current condominium resident agent, and in cases involving a local operator, also by the local operator.

2. In the case of a registration involving a land contract, at least one land contract seller and one land contract buyer shall sign and file the same registration form for the subject property.

(b) Required Contents. Registration forms shall be provided by the City and information required to be provided on the form shall contain the following:

1. The tax-key number and legal address of the property.

2. The legal name and date of birth of the property owner or condominium agent.

3. The physical address and telephone number of the property owner, condominium agent, and local operator where the person can be readily and expeditiously contacted by the City.

4. For a registration filed by a condominium association, the name and physical address of the association, where the association is self-managed or has hired or retained management and the identity of any hired or retained management including contact telephone number for expeditious contact by the City.

(6) REGISTRATION; CHANGES IN INFORMATION.

(a) Beginning with the calendar year of 2010 and each year thereafter, each owner of a property required to be registered by this Section shall file the required registration form and required fee by October 1st of each year. The registration form shall be sent by first-class mail. Any registration filed later than October 15th of the registration year shall result in triple the fee.

(b) If any information listed on a previously filed registration changes, a new registration shall be filed within 30 days of the change in information. There shall be no fee for information change.

(c) The City may offer a reduced registration fee to a property owner of a single family, two family or multi-family use residential classified property upon presentation of proper documentation of attendance at a City sponsored landlord training program or equivalent program. Owners of other property classifications may also be offered reduced fees for attending City sponsored programs. Programs eligible and fee reduction shall be approved by the City Council by Resolution.

(7) FAILURE TO REGISTER.

(a) The listed owner of the property is responsible for compliance with the registration requirements of this section.

(b) Failure to file the required registration form, failure to file a change of information form, or failure to file the required fee is a violation of this Code and shall be outlined in written form and served upon the owner of the property or the condominium association. Such notice and order shall be served by the City by first class mail to the last known address of the property owner.

(c) Such Notice and Order shall include the following.

1. An adequate description of the property so affected.

2. A statement of violation, including the corresponding reference to the Code requirement.

3. An order for remedial action to correct such violation.

4. Statement of time for compliance to the Code requirement.

5. Statement of fee due.

(d) The time period for compliance may be extended at the discretion of the City.

(8) REGISTRATION FEE.

(a) The registration fee is \$30.00 per year for the first year and \$10.00 per year thereafter.

(9) APPEALS. Appeals of orders and notices under this section shall be made to the Property Maintenance Appeals Board.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AS AMENDED: August 3, 2010

/s/ Paul M. Ziehler

City Administrative Officer

Clerk/Treasurer

APPROVED AS AMENDED: August 6, 2010

/s/ Dan Devine, Mayor

9/24/10

ORDINANCE NO. O-2010-0033

Ordinance to Repeal and Recreate Section 9.34 of the City of West Allis
Revised Municipal Code Requiring Property Owner Registration.

By Safety and Development Committee

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 9.34 of Revised Municipal Code is hereby repealed and recreated to read as follows:

9.34 PROPERTY OWNER REGISTRATION.

(1) PURPOSE.

(a) Property owner registration of residential and commercial properties is essential for the proper enforcement of the City's Building, Zoning, Fire & Health Codes and to safeguard persons, property and general welfare.

(b) The Common Council of the City of West Allis has determined that, in order to best safeguard the health, safety, and general welfare of the public, it is necessary to maintain a listing of current property owner contact information so that City agencies may expeditiously process property related enforcement issues.

(c) The Common Council of the City of West Allis has further determined that in order to expeditiously process enforcement issues, the property owner shall provide contact information and appoint a local operator who maintains domicile in the near area of the City of West Allis.

(2) DEFINITIONS. In this section:

(a) "Condominium" means property subject to a condominium declaration established under Chapter 703, Wis. Stat.

(b) "Condominium association" means all of a condominium's unit owners acting as a group, either through a non-stock, non-profit corporation or an unincorporated association, in accordance with its bylaws and declaration.

(c) "Condominium – Agent" means the person who acts as the agent for a condominium association.

(d) "Commercial" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, multifamily, commercial, manufacturing, industrial and institutional property classifications.

(e) "Domicile" means the owner's true, fixed and permanent residence and to which, whenever absent, the individual intends to return, except that no individual may

have more than one domicile at any time. The domicile address shall not be a post office box or similar depository.

(f) "Entity" means the legal owner of the property and includes the mortgage in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, a corporation, or other property ownership type.

(g) "Local Operator" means a person appointed by the property owner with charge, care, and control of the property. In the case of a condominium association, a person appointed with charge, care, and control of the condominium. The Local Operator shall have authority to accept communications from the City regarding property related issues.

(h) "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 use and enjoyment of the premises. The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation or other property ownership type.

(i) "Owner-occupied" means the owner residence and domiciled on the subject property.

(j) "Person" means an individual.

(k) "Physical address" means a unit-specific building or house number and street name and not a post office box or commercial alternative to a post-office box.

(l) "7-County Area" means the area within Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington and Waukesha Counties.

(3) EXCEPTIONS. The following are exempt from registering as required under this section.

(a) Owners of owner-occupied one and two-family residential properties where the ownership is recorded with the Milwaukee County Register of Deeds.

(b) Owners of owner-occupied condominium units where the ownership is recorded with the Milwaukee County Register of Deeds and a Condominium Association declaration is established, and the association has an appointed condominium agent.

(c) Government-owned properties, including Federal, State, County, City of West Allis and West Allis/West Milwaukee School District properties, Milwaukee Metropolitan Sewerage District properties, Milwaukee Area Technical College properties, and property owned by public utilities where ownership is recorded with the Milwaukee County Register of Deeds Office.

(4) REGISTRATION REQUIRED.

(a) Except as specified in sub.(3), the following shall file with the City the required registration form provided by the City, for registering the property in compliance with this section:

1. Residential or Commercial Property Owner. One registration for each tax-key-numbered parcel classified as residential or commercial, including properties classified as a vacant lot.

(b) Local Operator Required. The property owner shall appoint a Local Operator with a physical address and domicile within the 7-County Area and having the authority to accept communications from the City regarding property related issues and of this section.

(c) Local Operator May Be the Property Owner. A property owner may appoint himself or herself as the Local Operator if their domicile is within the 7-County Area.

(d) Condominium Owner Local Operator. A condominium owner may appoint a Condominium Agent acting for a Condominium Association as the Local Operator.

(5) REGISTRATION INFORMATION REQUIRED.

(a) The property owner is legally responsible for compliance with the registration requirements of the section and submittal of the required form with required information.

(b) The registration form shall be provided by the City to the property owner by first-class mail to the last known address of the property owner.

(c) Information required to be submitted to the City shall be typed or printed legibly and shall include the following:

1. In the case of a person or persons owning the property: legal name; domicile residence address, with street address, city, state, zip code; and phone number for emergency contact. The domicile address shall not be a post office box or similar depository.

2. In the case of property ownership by corporation, limited partnership, limited liability partnership, condominium association or other similar ownership as registered with the State of Wisconsin: Wisconsin corporation identification number; legal name of entity; registered agent's legal name; domicile residence address of registered agent including city, state, zip code and phone number for emergency contact. The domicile address shall not be a post office or similar depository.

3. In the case of a trust, trustee or life state holder: Wisconsin Registration Identification Number; legal name of representative; domicile

residence address of representative, including street address, city, state, zip code and phone number for emergency contact of the representative. The domicile address shall not include a post office box or similar depository.

4. In the appointment by the property owner of a Local Operator, the Local Operator's: legal name; domicile residence address, including street address, city, state, zip code and phone number for emergency contact. The domicile address shall not include a post office box or similar depository.

5. The property address and tax key number of the property being registered.

(6) REGISTRATION; CHANGES IN INFORMATION.

(a) Beginning with the calendar year of 2010 and each year thereafter, each owner of a property required to be registered by this Section shall file the required registration form and required fee by November 15th of each year. The registration form shall be sent by first-class mail. Any registration filed later than December 1st of the registration year shall result in the fee being increased to \$100.00. The increased fee may be waived by the City.

(b) Recording After Death.

1. In the event of death of the property owner required to be registered under this section, the subsequent owner shall file a revised registration form within 60 days after conveyance from the estate or other acquisition of interest.

2. In the event of death of the condominium agent, corporate agent, trustee, or similar required to be registered under this section, the condominium association, corporation, trust/estate, or similar shall have 60 days after that death to file a revised registration naming a new agent or trustee.

3. In the event of the death of the Local Operator appointed under this section, the property owner, condominium agent, corporate agent, trustee, or similar shall have 60 days after that death to file a revised registration naming a new local operator. No fee is required to file a revised registration form in the mid-registration year.

(c) Registering After Conveyance, Change of Ownership. In the event of any conveyance of any property or condominium required to be recorded under this section, the new owner shall file a new registration within 30 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 30 days of the date of court-confirmation of the sale. No fee is required to file a revised registration form in the mid-registration year.

(d) If any information listed on a previously filed registration changes, other than events listed in sub (b) and (c), a revised registration form shall be filed within 30

days of the change in information. There shall be no fee for an information change in mid-registration year.

(e) The City may offer a reduced registration fee to a property owner of a single family, two family or multi-family use residential classified property upon presentation of proper documentation of attendance at a City sponsored landlord training program or equivalent program. Owners of other property classifications may also be offered reduced fees for attending City sponsored programs. Programs eligible and fee reduction shall be approved by the City Council by Resolution.

(7) FAILURE TO REGISTER.

(a) The property owner is responsible for compliance with the registration requirements of this section.

(b) Failure of the owner of the property to file the required registration form, failure to file a change of information form, or failure to file the required fee is a violation of this Code and shall be outlined in written form and served upon the owner of the property. The City shall serve such notice and order by first-class mail to the last known address of the property owner.

(c) Such Notice and Order shall include the following:

1. The address or tax key number of the property so affected.
2. A statement of violation, including the corresponding reference to the Code requirement.
3. An order for remedial action to correct such violation.
4. Statement of time for compliance to the Code requirement.
5. Statement of fee due.
6. Statement of penalty.
7. Statement of appeals process.

(d) The time period for compliance may be extended at the discretion of the City.

(e) Failure of the property owner to comply with the Notice and Order may be cause for the City to file a court action for violation of this code and be subject to the penalties in sub.(11).

(8) FALSIFICATION OF REGISTRATION FORM. No person shall knowingly or intentionally submit information on the registration form that she/he knows to be false or misleading. Falsification shall be subject to penalties as stated in sub(11).

(9) REGISTRATION FEE.

(a) The registration fee is \$30.00 per year for the first year and \$10.00 per year thereafter.

(10) APPEALS.

(a) A property owner, condominium agent, corporate agent, trustee, or local operator may appeal any compliance order to the City of West Allis Administrative Review Board pursuant to Section 2.48, by filing a written request for a hearing with the City Clerk within twenty (20) days of the date of the issuance of the order.

(b) The appeal and hearing procedure shall conform to the standard rules and hearing procedures of the Administrative Review Board.

(c) If the Administrative Review Board upholds the appeal, the property owner, condominium agent, corporate agent, trustee, or local operator may appeal the decision within thirty (30) days to the circuit court.

(d) If a property owner, condominium agent, corporate agent, trustee, or local operator does not file a timely written request for a hearing with the Administrative Review Board, he or she waives the right to assert that the property did not meet the criteria for registration under this section.

(11) PENALTIES.

(a) Any property owner or entity violating the provisions of this ordinance shall be required to forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), along with the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(4) of the Wisconsin Statutes.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AS AMENDED: September 21, 2010
/s/ Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

APPROVED AS AMENDED: September 24, 2010
/s/ Dan Devine, Mayor

Published: October 7, 2010

10/7/10

ORDINANCE NO. O-2010-0036

An Ordinance to Create Subsection 9.34(9)(b) of the West Allis Revised Municipal Code Relating to Allowing Property Owner Registration Fee Discount When Filing Electronically.

By Safety and Development Committee

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 9.34(9)(b) of the Revised Municipal Code of the City of West Allis is hereby created to read:

9.34 PROPERTY OWNER REGISTRATION.

* * *

(9) Registration Fee.

* * *

(b) The first year registration fee is twenty dollars (\$20.00) when the registration is filed electronically.

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PART II. All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED: October 5, 2010
/s/ Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer
APPROVED: October 7, 2010
/s/ Dan Devine, Mayor

Published: October 21, 2010