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Gen. Ord. No. 9 - 12 - 13. By Alderperson Van Akkeren. May 21, 2012.

AN ORDINANCE repealing and recreating Sheboygan Municipal Code Section 26-46 relating to the registration of vacant buildings.

WHEREAS, 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;

WHEREAS, vacant buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction of the quality of life for the surrounding neighborhood;

WHEREAS, registration of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety; and

WHEREAS, a property owner or entity functioning as a trustee of an owner that does not register, permit inspection as needed, 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.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 26-46 of the Sheboygan Municipal Code entitled "Vacant Building Registration" is hereby repealed and recreated to read as follows:

"Sec. 26-46. *Vacant Building Registration.*

(a) Purpose. Registering of vacant residential buildings or any other vacant 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 the general welfare.

(b) Definitions. In this section:

(1) "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.

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- (2) "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 intact and unbroken.
- (3) "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 12 months and the owner intends to resume residing at the property.
- (4) "Violation" means that a lawful order has been issued by the City or a department thereof and the conditions forming the basis for the order have not been fully abated.
- (5) "Unsecured" means any building that does not meet the definition of secured.

(c) Registration Required.

- (1) The owner of any building that has become vacant shall within 90 days after the building becomes vacant or within 90 days after assuming ownership, whichever is later, file a registration statement for each such building with the department on forms provided by the building inspection department.
- (2) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 18 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 Sheboygan County, Wisconsin.
- (3) The owner shall be required to renew the registration for successive 12-month periods as long as the building remains vacant.

(d) Exemptions. The following are exempt from the provisions of this section:

- (1) Property owned by governmental bodies and the housing authority.
- (2) Property that is undergoing an active renovation or rehabilitation and all required permits have been obtained.
- (3) Residential condominium and rental units in buildings whose vacancy rate does not exceed 95%.
- (4) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides in Sheboygan County or a county immediately adjoining Sheboygan County, Wisconsin.
- (5) Property that has no outstanding code violations, does not contribute to blight, is ready for occupancy, and is either actively being offered for sale, lease or rent, or is actively being maintained and monitored by the owner.

(e) Owner Responsibilities. The owner of any building that has become vacant shall:

- (1) Enclose and secure the building as provided in subsection (f).
- (2) Maintain the building in a secure and closed condition until the building is no longer vacant or is legally razed.
- (3) Acquire or otherwise maintain liability insurance in an amount not less than \$300,000 for buildings designed primarily for residential use and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of a building inspector.

(f) Minimum Requirements for Vacant Buildings.

(1) In addition to the requirements of this chapter, vacant buildings shall comply with the following requirements:

a. Lot Maintenance. Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following:

1. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 12 inches in height and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.
2. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with sec. 110-278 of this code.
3. Junk, rubbish and waste, including but not limited to any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.
4. The lot shall be maintained so that water does not accumulate or stand on the ground.
5. All fences and gates shall be maintained in sound condition and in good repair.

b. Exterior Maintenance.

Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. All points of possible ingress and egress shall be secured to prevent unauthorized entry.

c. Interior Maintenance.

1. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or

provide harborage for insects, rodents or other vermin.

2. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.
3. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.
4. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

d. Building Security.

All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of Sec. 26-37(a)(2)(b)(3) of this code.

- (g) Penalties. Any owner failing to comply with any provisions of this section shall be subject to the penalties provided in Sec. 26-1.
- (h) Charge for Public Safety Services.

Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this section. The city shall charge the cost thereof to the owner and, upon notice to the owner, such cost shall be assessed against the real estate as a special charge. Appeal of any determination of the chief of police or fire chief imposing costs against the owner may be submitted for a hearing to the law and licensing committee of the common council. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.



I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 4th day of June, 2012.

Dated June 6 2012. Susan Richards City Clerk

Approved June 6 2012. [Signature], Mayor

Proceedings Published June 13, 2012.

Ordinances Published June 13, 2012.

Certified June 11, 2012 to - Atty.; Ord. Book; City Plan Comm.; Bldg. Insp.; City Dev.; Library Reference Dept.