



Legislation Details (With Text)

File #: 30555 **Version:** 1 **Name:** Garbage abatement
Type: Ordinance **Status:** Passed
File created: 6/10/2013 **In control:** BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD
On agenda: 8/6/2013 **Final action:** 8/6/2013
Enactment date: 8/15/2013 **Enactment #:** ORD-13-00137
Title: Amending Section 27.05(2)(c) of the Madison General Ordinances to streamline the process by which the City can clean up the exteriors of abandoned properties.
Sponsors: Lauren Cnare, Denise DeMarb
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
8/6/2013	1	COMMON COUNCIL	Adopt	Pass
7/16/2013	1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/24/2013	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
6/18/2013	1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	Refer	
6/18/2013	1	COMMON COUNCIL	Referred	Pass
6/10/2013	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

Building Inspection anticipates that the fiscal impact will be minimal. The number of eligible properties is relatively small, and the Ordinance is primarily intended as an additional tool available to the City to address poorly maintained abandoned property exteriors. Any City financial outlays that may be required (if, for example, the City enlisted a contractor for remediation assistance) will be administered via the City Special Assessment fund. No additional appropriation is required.

Title

Amending Section 27.05(2)(c) of the Madison General Ordinances to streamline the process by which the City can clean up the exteriors of abandoned properties.

Body

DRAFTER'S ANALYSIS: This ordinance streamlines the process by which the City can clean up the exteriors of abandoned properties by allowing the City to remove exterior trash and debris as long as the property owner has been provided notice and time to correct the violation.

The Common Council of the City of Madison do hereby ordain as follows:

Subdivision (c) of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

"(c) The interior of all vacant buildings and structures and all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards,

rodent harborage and infestation, and animal feces. For purposes of this section, “debris” includes, but is not limited to, rubbish, garbage, physical hazards, rodent harborage and infestation, or animal feces. All animal feces shall be removed within twenty-four (24) hours. Compost piles shall be maintained in accordance with Section 7.361.

1. Failure to Remove Debris on Improved Abandoned Property.

Upon default of any person ordered to remove debris from the exterior of improved property, after notice and opportunity to correct has been given to the last-known property owner or the property registrant under Sec. 27.10, MGO, and the property reasonably appears to be abandoned, the Director of the Building Inspection Division or designee may enter onto the property and remove any debris to conform with the ordinance, and the cost for such service shall be charged to the owner of the real property in question, as follows:

- a. Abandoned Property. An improved property shall be considered “abandoned” for purposes of this subsection if any of the improvements do not reasonably appear to be inhabited, or in the case of an uninhabitable building or structure, if no other commercial or other lawful activities reasonably appear to have taken place since the date of the first inspection, or if the property is abandoned under Sec. 27.10.
- b. Order to Correct, Notice. In order to utilize the abatement procedures under paragraph c., below, notice shall be given as follows:
The Director of the Building Inspection Division or designee shall send an Official Notice or correspondence describing the violation to the property owner or property registrant under Sec. 27.10, at the address on-file with the City Assessor’s office or the Building Inspection Division, in the case of a property registered under Sec. 27.10. The notice shall be sent by certified mail, shall include the date of inspection, a due date to correct the violation, notice that failure to correct the violation may result in the City going onto the property and removing the debris from the exterior of the property and charging the cost back to the property as a special charge, and including the standard right to appeal under Sec. 29.18.
- c. Abatement, Cost. If the violation remains after the due date in Sec. 27.05(2)(c)1.b. above, the Director of the Building Inspection Division or designee is authorized to enter onto the property and cause the removal of the debris from the exterior portions of the property to conform with the requirements of this Ordinance. The Director of the Building Inspection Division shall keep an accurate account of the expenses of such removal and report the same to the Finance Director, who shall not less than annually prepare a statement of the expense so incurred for the real property in question and report the same to the City Clerk, and the amount therein charged shall be entered in the tax roll as a special charge against said lot or parcel of land, and shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.
- d. No Limitation on Other Enforcement. Action by the Building Inspection Division under this subsection shall be in addition to the prosecution and enforcement authority granted elsewhere in these Ordinances or by state law, and shall not bar any prosecution for violations of ordinances or state law or any other lawful remedy; nor shall prosecution or other legal action be a bar against action under this subsection.”