



ORDINANCE O-08-20

AN ORDINANCE AMENDING Title 2 – Government and Administration, Chapter 4, SEC. 2-4-8
(Vacant Building Registration)

INTRODUCED BY THOMAS GRADE

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 2, Chapter 4, SEC 2-4-8 by creating (o) of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 2 – Government and Administration

CHAPTER 4

Boards, Commissions and Committees

...

SEC. 2-4-8. LANDMARKS COMMISSION.

...

(o) VACANT BUILDING REGISTRATION.

- (1) **INTENT.** It is the intent of this ordinance to require owners of vacant buildings in the Central Business District (C-2) to register with the City of Menasha and to maintain these buildings to prevent creation of public nuisance; preserve property values, and promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Menasha.
- (2) **VACANT DEFINED:** For the purpose of this Section, a vacant building is defined as any building, zoned Central Business District (C-2), that has commercial units that are abandoned, unoccupied, empty, or has a retail business that is not open to the public more than 13 days a month. A day is a period of time, not less than 4 consecutive hours in a 24 hour period, which a business is open to the public and an employee of that business is present at the property.
- (3) **REGISTRATION:**
 - a. The property owner of any building, within the Central Business District (C-2), that is or has become vacant, shall file a registration statement with the Community Development Department, on forms provided by the department, within 30 days, after the effective date of this ordinance, after the building

becomes vacant or within 30 days after assuming ownership, whichever is later.

1. It is the responsibility of the property owner to register their building with the city if any of the commercial units within the building are vacant.
 2. If the building is not vacant the burden of proof shall lie with the property owner.
 3. There is no fee for the initial registration of a vacant building.
- b. The property owner shall renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee of \$250 for each registered building.
1. The property owner of any vacant building for which registration is required by this section shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with building and health code requirements, following reasonable notice. If any property owner of a vacant building does not provide access to the property at the scheduled time, the Community Development Director or designee may apply for and obtain a special inspection warrant pursuant to §66.0119, Wis. Stats.
 2. Every vacant building shall be subject to city inspection at least once every six months.
 3. In the event the inspector finds a code violation anywhere on the property, a re-inspection fee of \$500 per vacant building inspection will be imposed until the violation has been corrected. Once the violation is corrected the fee shall return to \$250 per vacant building inspection.
 4. A fee of \$85 shall be imposed for each time the inspector is unable to gain access to the structure for the inspection at the time scheduled.
- (4) In the event the building no longer meets the definition of vacant, it is the responsibility of the property owner to contact the city and provide proof the building is occupied. At this time the building will be removed from the vacant building registration list.
- (5) **FAILURE TO REGISTER.** Any property owner that fails to register or re-register a vacant building as required under this section shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the costs of the action.
- (6) A building vacant for more than a year or a building that has failed multiple inspections may be recommended by the Landmarks Commission to the Plan Commission to be blighted pursuant to Wisconsin State Statute 66.1333(2m)(bm).
- (7) **FEES COLLECTED:** All funds collected through the Vacant Building Ordinance shall be put into the CBD Façade Renovation Grant/Loan Program.

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this 3rd day of August, 2020.

Recommended by: Alderperson
Thomas Grade

Motion/Second:
Ald. Tom Grade/Ald. Ted Grade

Passed 8-0

Requires: Majority Vote



Donald Merkes, Mayor

ATTEST:



Haley Krautkramer City Clerk