

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF SHOREWOOD

ORDINANCE NO. 3020

AN ORDINANCE AMENDMENT TO SECTION 225-20 OF THE VILLAGE CODE
ELIMINATING CODE COMPLIANCE AND UPDATING OCCUPANCY STANDARDS

WHEREAS, Article III Code Compliance within Chapter 225 Building Construction of the Village of Shorewood Municipal Code details code compliance and occupancy standards for both residential and commercial properties;

WHEREAS, the State of Wisconsin enacted 2015 Act 176 on February 29, 2016, which prohibits local ordinances from requiring code compliance obligations in connection with the sale or purchase of a home;

WHEREAS, this ordinance amendment has been drafted to comply with those State prohibitions related to code compliance and clean-up aspects of the Village's occupancy standards;

WHEREAS, the Community & Business Relations Standing Committee of the Village Board reviewed the proposed updates to this article and provided recommendation to draft an ordinance amendment for Village Board consideration at their January 4, 2021 meeting.

NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 25th day of January 2021, by a favorable vote of the members being present and therefore, said Board does ordain as follows:

SECTION 1

That Article III Code Compliance of Chapter 225 Building Construction is hereby renamed Occupancy Permits.

SECTION 2

That Section 225-20 Code compliance upon change of occupancy and ownership is hereby renamed Occupancy Permits.

SECTION 3

That the newly renamed Section 225-20 Occupancy Permits is amended to read as follows:

§ 225-20 Occupancy Permits.

- A. Purpose. In order to prevent the development of hazardous conditions presenting a threat to the well-being of occupants of buildings and to other persons, and to prevent the deterioration of buildings and appurtenances related thereto resulting in substantial depreciation in the property values of the neighborhood, and in order to protect and secure the health, safety and welfare of those living in the Village, it is necessary that buildings and appurtenances related thereto in the Village be kept in a reasonable state of repair.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL BUILDING

A building or structure used for commercial purposes.

COMMERCIAL TENANT SPACE

A space occupied by a commercial tenant within a commercial or mixed-use building, including occupied outdoor spaces for commercial use.

DWELLING

A residential building containing one or two dwelling units.

DWELLING UNIT

Any combination of habitable rooms, including sleeping, cooking and bathing facilities, designed to be occupied by not more than one family as a residence.

MIXED-USE BUILDING

A commercial building used for both residential and commercial purposes.

MULTIFAMILY BUILDING

A commercial building used for residential purposes containing three or more dwelling units.

- C. Permit required. It shall be unlawful to use or permit the use of any building or premises or part thereof without first obtaining an occupancy permit from the Building Inspector. An occupancy permit is required for:

- (1) Dwellings. New buildings, or additions of bedrooms;
- (2) Commercial buildings and tenant spaces. New buildings, additions, change of use, and change of business owner or tenant.

- D. Occupancy Standards.

- (1) Commercial and multifamily occupancy.
 - (a) The applicable provisions the Wisconsin Uniform Building Code shall govern the issuance of an occupancy permit hereunder. Occupancy permits may be revoked by the Building Inspector when a code violation exists in accordance with the provisions of the Wisconsin Uniform Building Code.
 - (b) Renewal of occupancy permits for commercial buildings or tenant spaces. A renewal occupancy permit shall be required to be obtained every five years from the Building Inspector for all premises to be

occupied for commercial use. Notice to complete an application will be provided by the Planning and Development Department. The Building Inspector shall conduct an inspection of the premises for compliance with the Village and adopted codes applicable to the premises. If the premises is in compliance with the Village and adopted codes and there are no unpaid fees, forfeitures, taxes or any other debts or money owed to the Village related to the premises, then the renewal occupancy permit shall be issued by the Building Inspector.

- (c) Temporary occupancy permit. The Building Inspector may issue a temporary occupancy permit for a commercial building, tenant space, premises or parts thereof; providing that the area(s) to be occupied are safe and sanitary. A temporary occupancy permit may be issued for a period not exceeding 30 days, upon which renewal shall be required.
 - (d) An occupancy permit that has expired shall be deemed to be operating under a temporary occupancy permit until the time the occupancy is renewed and re-issued.
- (2) Dwellings.
- (a) The applicable provisions of the Wisconsin Uniform Dwelling Code, and the Wisconsin Uniform Building Code shall govern the issuance of an occupancy permit hereunder.
 - (b) Temporary occupancy permit. The Building Inspector may issue a temporary occupancy permit for a part or parts of a dwelling; providing that the area(s) to be occupied are safe and sanitary. A temporary occupancy permit may be issued for a period not exceeding 30 days, upon which renewal shall be required.
- (3) No more than one family may reside in any dwelling unit. For the purpose of this subsection, "family" is defined as set forth in Chapter 535, Zoning, § 535-6; however, the provisions of this subsection that are not inconsistent with that definition shall apply to the maximum number of persons that may reside in a dwelling unit.
- (4) Applications. Applications for occupancy permits and renewals shall be available from the Planning and Development Department. Completed applications shall include a plan of operations, and applicable floor and site plans, as determined by the Building Inspector.
- (5) Amendments. Modifications to current occupancy permits shall be approved by the Planning and Development Department through an amendment application.
- (6) Fees. Fees for an occupancy permit, temporary occupancy permit, renewal

occupancy permit and amendments shall be as provided in the Village Fee Schedule. If more than one re-inspection is required, an additional fee shall be paid in advance for each re-inspection. No fee shall be charged for re-inspection when compliance is recorded.

SECTION 4

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

SECTION 5

That this Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 25th day of January 2021.



Allison Rozek, Village President

Countersigned:



Sara Bruckman, CMC/WCMC, Village Clerk