

Sec. 22-227. - Intent and purpose.

- (a) The City Council finds that there are now, and may in the future be, vacant buildings that are inadequately maintained so as to create or contribute to blight, depress market values of surrounding properties, require additional governmental services, and endanger public health and safety.
- (b) This article is enacted to facilitate the identification, registration, inspection, and standard maintenance of vacant buildings in order to:
  - (1) Preserve and promote public health, safety, prosperity, and general welfare;
  - (2) Abate and prevent public and private nuisances and potential fire hazards;
  - (3) Promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and
  - (4) Maintain property values and assessments.
- (c) The purpose of the article is to establish a vacant building registration program including measures reasonably necessary for regulating the maintenance of vacant residential and commercial properties by parties asserting a collateral or other legal or equitable interest in the property.

(Code 1976, § 8.62.010)

Sec. 22-228. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building/structure* means a building that is less than or equal to 120 square feet, is incidental and subordinate to the principal building, serves the principal building exclusively, and is detached from but located on the same lot with such principal building.

*Agent* means a person, firm or other entity that is responsible to a bank, lender, other financial institution or individual, for securing, maintaining, foreclosing upon or selling any residential property as the result of loan default or mortgage foreclosure proceedings whether or not the proceedings are judicial or initiated as the result of a power of sale clause in the mortgage document. In this section, agency does not include a servicing company. Except, however, an attorney shall not be deemed to be an agent if that attorney is retained solely to represent a bank, lender or other financial institution in connection with a foreclosure proceeding in a court of competent jurisdiction.

*Building* means any structure used or built for the shelter or enclosure of persons, animals, chattels, or movable property of any kind; and when separated by a fire-wall, each portion of such building so separated shall be deemed a separate building.

*Code of General Ordinances* means the Code of General Ordinances for the City of Janesville, Wisconsin, which includes the Vacant Building Registration Program.

*Code official* means the Neighborhood and Community Services Director, or any duly authorized designee.

*Department* means the Department of Neighborhood and Community Services, or any duly authorized designee of the Director.

*Financial institution* means any individual, firm, corporation or entity other than a lender or duly constituted bank that asserts a collateral interest in residential real property as the result of an assignment, sale or transfer of a mortgage or similar instrument.

*Foreclosure* means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgagee.

*Good repair* means free from blighting and hazardous conditions, clean and sanitary, and in a safe condition.

*Lot* means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Mortgage* means a recorded lien or interest in real property to secure payment of a loan.

*Occupied* means when a business is open to the public, when a business or manufacturing activity is performed therein, when people reside therein, or when any personal property is moved therein. Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or residents in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant or tenant on a permanent, non-transient basis, or any combination of the same. For purposes of this article, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric gas, heating, water, and sewer.

*Owner* means any individual, limited liability company member, co-partnership, association, corporation, company, fiduciary, or any other person or legal entity having a legal or equitable title or interest in real property. The term "owner" includes a mortgagee which has obtained a judgment of foreclosure against a property.

*Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.

*Property* means any unimproved or improved real property or portion thereof, situated in the City and includes the buildings or structures located on the property regardless of condition.

*Residential* means any property or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include all buildings and structures located on such property. This includes any real property being offered for sale, trade, transfer, or exchange as residential whether or not it is legally permitted and/or zoned for such use.

*Responsible person* means a natural person who is the owner, operator, or manager of any structure or premises and is responsible for the property's maintenance and management.

*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.

*Servicing company* means an individual, firm or entity that, as a regular part of its business, provides services to the owner or holder of one or more mortgage liens which services may include collection of payments, creation and administration of escrow and insurance accounts, assessment of late-payment charges, managing loss mitigation, and securing and managing foreclosed properties on behalf of the holder of a mortgage lien or the holder's attorney or agent.

*Structure* means anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

*Unsecured* means any building that does not meet the definition of the term "secured."

*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 percent vacant.

*Violation* means 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.

*Weeds* means plants growing where they are not wanted. These typically are invasive species that may be difficult to control, or may be a health hazard to humans or stock animals or wildlife, or may be otherwise detrimental to an environment. They also include weeds enumerated in Section 22-204.

(Code 1976, § 8.62.020)

Sec. 22-229. - Applicability

- (a) *General.* The provisions of this section shall apply to residential and commercial buildings vacant for 90 consecutive days. All buildings with a valid City of Janesville building or demolition permit shall be exempt from the provisions of this section.
- (b) *Conflict.* In any case where a provision of this section is found to be in conflict with a provision of the Zoning Code or any other provisions of the Code of General Ordinances, the provision which established the higher standard for the protection of the public health, safety, and welfare shall prevail.
- (c) *Application of other ordinances.* Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of state law and the Code of General Ordinances. Nothing in this section shall be construed to cancel, modify or set aside any provision of the Zoning Code or Building Code.
- (d) *Existing remedies.* The provisions in this section shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under state laws or this Code of Ordinances, including the Zoning Code, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.
- (e) *Historic buildings.* The provisions of this section shall apply to structures designated by the federal government, state or City as historic buildings. Any work to said structure shall also comply with all applicable code requirements.

(Code 1976, § 8.62.030)

Sec. 22-230. - Enforcement, authority, inspection duties.

- (a) The Neighborhood and Community Services Director, Housing Services Director or any of their designees shall have the authority to enforce the provisions of this section and to exercise the powers and duties specified in this section.
- (b) Inspection of premises and the issuing of orders in connection therewith, under the provisions of this Code, shall be the responsibility of the Code Official or designee. Wherever, in the opinion of the Code Official, it is necessary or desirable to have inspections of any conditions by any other department, he or she shall arrange for this to be done in such manner that the owners or agents of the property shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction for any violation under the Housing Regulations shall be issued without the approval of the Code Official.
- (c) When the Code Official or designee determines that there are reasonable grounds to believe that a violation of any provision of this article may exist or that conditions exist which adversely affect the health, safety, and welfare of the public, he or she may make or cause to be made inspections to determine the conditions of properties in order to safeguard the safety, health, and welfare of the public under the provisions of the Housing Regulations. The Code Official is authorized to enter any premises at any reasonable time for the purpose of performing his or her duties under the Housing Regulations. The owner or agent of every property shall give the Code Official free access to the premises at all reasonable times for the purpose of such inspection.
- (d) Issuance of orders to correct. Upon inspection, an authorized official or his or her designee shall issue orders to repair for work needed.
- (e) Re-inspections. Re-inspections may be conducted after the deadline for repair as stated in the order. Re-inspections are subject to applicable re-inspection fees.
- (f) Notices and orders. An authorized official may issue notices and orders to owners or responsible persons to obtain compliance with this section.

(Code 1976, § 8.62.040)

Sec. 22-231. - Requirement of vacant building registration and fee schedule.

- (a) The owner of vacant property whether vacant and secure, or vacant and unsecured, shall register with the City no later than the earliest of:
  - (1) Ninety days after the premises becomes vacant;
  - (2) Thirty days after transfer of ownership; or
  - (3) Thirty days after a bank, lender, or other financial institution shall, directly or through an agent or servicing company, initiate foreclosure proceedings by filing a summons and complaint in Rock County Circuit Court upon residential real property.
- (b) The owner shall submit a registration fee pursuant to this section and register the property with the Neighborhood and Community Services Department on a form provided by the City that includes, but is not limited to:
  - (1) A statement of physical inspection of the premises, including one or more photographs of the property accurately portraying current condition of the exterior premises.
  - (2) The name and addresses of all known lien holders and or parties with a legal or equitable ownership interest such as bank, lender, or financial institution including address, phone number, and/or email address.
  - (3) The name of the agent designated to act on the behalf of the owner to accept legal processes and notices and to authorize repairs as required including address, phone number, and/or email address. The agent shall reside within a 60-mile radius of the property, and shall be 21 years of age or older.
  - (4) The date that foreclosure proceedings were commenced and the docket number of the foreclosure action, a description of the external condition of the property and accessory structures on the property, if any.
- (c) The owner of the vacant premises shall be responsible for the payment of a nonrefundable registration fee, for a residential property, or for a commercial property. If a vacant premises is owned by the City or its instrumentalities, it shall not be subject to the requirements of this section. The nonrefundable registration fees for residential property or commercial property shall be in amounts as established by the City Council from time to time and set forth in the fee schedule that appears in this Code.
- (d) Any new owner shall register or re-register the vacant premises with the City within 30 days of any transfer of an ownership interest in vacant premises. The new owner shall comply with any approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the City.
- (e) Registration does not exonerate the owner from compliance with all applicable provisions of the City of Janesville's ordinances, including this article; nor does it preclude any of the actions the City is authorized to take pursuant to this article or otherwise under the City of Janesville's Ordinance or as otherwise permitted by law.
- (f) The owner shall be required to renew the registration of each residential or commercial property for successive six-month periods as long as the building remains vacant. The nonrefundable initial registration renewal fee for a residential property and for a commercial property shall be in amounts as established by the City Council from time to time and set forth in the fee schedule that appears in this Code. These fees shall increase increments established by the City Council from time to time and set forth in the fee schedule that appears in this Code for each successive six-month renewal with a maximum fee as established by the City Council until the building is no longer required to register under the program.

- (g) The funds generated from the Vacant Building Registration Program will be utilized for the administrative cost of identifying, inspecting, securing, and managing properties that are abandoned and/or vacant.

(Code 1976, § 8.62.050)

Sec. 22-232. - Exceptions.

- (a) A property that meets the conditions under Section 22-231 shall be registered under the vacant building registration program unless the following conditions are met:
- (1) A property that is undergoing an active renovation or rehabilitation, and where a permit for same has been secured from the Building and Development Services Division.
  - (2) A property that is either actively being offered for sale or lease or is actively being offered for rent.
  - (3) A property that is the primary residence of a member of the armed forces on active duty.
  - (4) A property that has been used by the owner as a vacation home; or on a seasonal basis for a period of at least three months within the previous nine months and the owner intends to resume residing at the property; or a property that is routinely occupied by a Janesville resident except during certain seasons of the year (e.g., snowbird).
  - (5) A property that is currently part of an estate sale that is in probate and is not subject to bankruptcy.
  - (6) Residential condominium, multifamily rental, and commercial buildings that are more than five percent occupied. Less than five percent occupied is considered vacant.
  - (7) A property that is a vacant lot without a structure.
- (b) Property owned by governmental bodies is exempt from the requirements of the vacant building registration program.

(Code 1976, § 8.62.060)

Sec. 22-233. - Owner responsibilities.

All vacant structures and premises thereof shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(Code 1976, § 8.62.070)

Sec. 22-234. - Vacant buildings require exterior inspection.

Any building that has become vacant will be subject to an exterior inspection. The owner of the building shall comply with all requirements of this article and Chapter 18.

(Code 1976, § 8.62.080)

Sec. 22-235. - Penalties.

Any owner failing to comply with any provisions of this section shall be subject to the following penalties:

- (1) The penalty for violating any provision set forth in this article shall be a forfeiture of not less than \$100.00 nor more than \$1,000.00 together with the costs of prosecution.
- (2) In addition to any other remedies herein or at law and/or equity, the City may seek injunctive relief to enjoin and/or abate such violation and/or its continuance.
- (3) In addition to any other penalty imposed under this section, failure to pay any fees for registration, renewal, or failure to allow inspection shall be assessed against the real estate as a special charge.

(Code 1976, § 8.62.090)

Secs. 22-236—22-263. - Reserved.