

**ORDINANCE NO.: 02-O-07**

AN ORDINANCE TO CREATE SECTION 14.437 OF CHAPTER 14  
OF THE MUNICIPAL CODE OF THE VILLAGE OF WEST MILWAUKEE, WISCONSIN  
TO REQUIRE INSPECTION AND ISSUANCE OF A CLOSING CERTIFICATE  
PRIOR TO ANY TRANSFER & OCCUPANCY OF RESIDENTIAL DWELLINGS

WHEREAS, the Village Board of the Village of West Milwaukee has determined that a number of existing dwellings within the Village may not meet all applicable codes due to deterioration from age or due to repairs, construction, remodeling, etc., which may have been done without permits or to applicable standards; and,

WHEREAS, the Village Board has determined that, for the health, safety and welfare of the citizens of the Village, it is necessary that dwellings should be inspected to determine any code violations and ensure the repair of any violations discovered; and,

WHEREAS, the Village Board has determined that an inspection by the Village Building Inspector before transfer of ownership and new occupancy of residential dwellings would be an appropriate time for inspections without unduly disturbing the occupants and that such inspections will provide a reasonable tool for the evaluation of the condition of the dwelling to promote the health, safety, and welfare of new owners within the Village; and,

NOW THEREFORE, the Village Board of the Village of West Milwaukee, Milwaukee County, Wisconsin, DO ORDAIN as follows:

SECTION 1: Chapter 14, entitled Buildings and Building Regulations, is hereby amended by the creation of §14-437 entitled Closing Certificate, Required, to read as follows:

**Sec. 14.437, Closing certificate, Required**

**(a) Purpose.**

In recognition of the fact that a substantial segment of existing residential dwellings within the Village may not meet all applicable State and local codes, due to deterioration from age, due to construction, repair, and/or remodeling work having been performed without permits and/or required inspections, and due to other reasons, the Village finds a need for a program to determine basic levels of safety for residential dwellings within the Village. Inasmuch as it is impractical to mandate complete compliance with all applicable codes for all residential dwellings within the Village due to structural, access and cost considerations, this ordinance has been created to better ensure that basic safety concerns are addressed and necessary corrections are properly made prior to the sale of any existing residential property within the Village.

**(b) Requirement.**

No transfer of ownership or occupancy of any residential dwelling within the Village of West Milwaukee may occur unless a Closing Certificate has first been obtained from the Department of Building Inspection for the Village of West Milwaukee. For purposes of this section, the terms “dwelling” and “dwellings” have the meaning set forth in sec. 14-471 of the Village of West Milwaukee Code.

**(c) Administration.**

The Village of West Milwaukee Building Inspector, or his or her designee, is authorized and directed to administer and enforce all the provisions of this section.

**(d) Applicability.**

(1) The provisions of this section shall apply to the transfer of ownership and occupancy of all residential dwellings within the Village of West Milwaukee. For purposes of this code, transfer of ownership shall mean any transference of partial or full interest in the subject residential dwelling by any means (including, but not limited to, land contract, lease-purchase agreement, personal representative deed, and/or sale of residential property) to any person(s). Transfer of ownership does not include a transference of ownership interest between a husband and wife when at least one of the parties continues to occupy said dwelling. For purposes of this section, no Closing Certificate shall be required upon a change of occupancy by rental or lease tenants unless there is a transfer of ownership of the subject property involved.

(2) Closing Certificates issued under this section shall remain valid for a period of 12 months from the date of issuance. Additional transfers of ownership of the subject property within 12 months of the issuance of a Closing Certificate shall not require a new inspection as a condition of obtaining a Closing Certificate.

**(e) Application and Inspection Process.**

All residential dwellings within the Village of West Milwaukee, including any residential dwelling units that may be located within commercial or other non-residential structures shall comply with the provisions of this section, subject to the following procedure:

- (1) Any owner of a residential dwelling or an Authorized Agent within the Village of West Milwaukee shall complete a Closing Certificate Inspection Request Form, obtained from the Department of Building Inspection, prior to completing the sale or other qualifying transaction process. For purposes of this code, authorized agent status shall be designated through the use of a form provided by the Village, which the property owner signs authorizing agent status.
- (2) The completed Closing Certificate Inspection Request Form shall be returned to the Department of Building Inspection along with the applicable fee, as established by the Village Board from time-to-time.
- (3) Upon receipt of the completed Closing Certificate Inspection Request Form and applicable fee, the Building Inspection staff will inform the owner or authorized agent of available dates and times to schedule the inspection. No inspection will be performed if any child or children under the age of 18 are present without a supervising adult on the premises.
- (4) An inspection following the criteria set forth herein will be performed on the date and as near as reasonably possible to the time as scheduled.
- (5) An inspection report will be provided to the property owner. If the report indicates unacceptable items, the property owner shall arrange for repairs. Once repairs are completed, the property owner must schedule a re-inspection appointment. If more than one re-inspection is required to determine compliance, the owner must pay an additional fee in advance for subsequent re-inspections.

- (6) When a dwelling passes inspection a Closing Certificate shall be issued to the property owner.
- (7) Work found to have been performed without a valid permit shall require the current building owner to obtain the required permits (certain work may require a licensed contractor be hired who would be responsible for obtaining permits). All after-the-fact permits needed for compliance shall be assessed fees at double the amount as required in sec. 14-80 (10) of the Village Code.
- (8) Upon correction to the inspector's satisfaction of any items found to be unacceptable during inspection, the Department of Building Inspection shall issue a Closing Certificate to the property owner, which shall allow the finalization of the prospective transaction and subsequent occupancy.

**(f) Temporary Certificate**

- (1) In order not to delay or impede a pending transfer of ownership, the Building Inspector or designee, may issue a temporary Closing Certificate if the violations existing at the time of the transfer of ownership are not an immediate and imminent threat to the health or safety of the owners, the tenants or the occupants of the property in question, in the opinion and judgment of the Building Inspector.
- (2) Under such circumstances, the former owner and the new owner shall be jointly and severally liable and responsible for correcting all Code violations existing at the time the transfer of ownership occurs, with said corrections to be completed within the time established by the Village Building Inspector in the Temporary Closing Certificate. Failure to correct such code violations shall subject both the former and current owners to the penalties provided for in this code.

**(g) Inspection Criteria.**

Inspections required by this code shall be limited to the following areas:

- (1) Whether outstanding orders or violations of record have been corrected.
- (2) Whether required occupancy or fire separations are intact and correct for intended use and in consideration of adjacent tenants where applicable.
- (3) Whether Village-issued street numbers are in place, as required by Sec. 14-429(9) of the Village Code of Ordinances.
- (4) Whether property is free of junk and debris and the yard mowed to 6" or less.
- (5) Whether building exterior is free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building and maintained so as not to cause a serious blighting influence on surrounding properties.
- (6) Whether gutters and downspouts, when provided, are adequately secured, kept free of obstruction and in a reasonably good state of repair.

- (7) Whether the foundation and exterior of structure are reasonably weather tight, rodent-proof and insect-proof and in a reasonably good state of maintenance and repair.
- (8) Whether interior and exterior stairways, porches, patios, railings, guardrails, walks or decks are in sound condition and good repair.
- (9) Whether doors, windows and basement hatchways are tight and in sound condition and good repair. Exterior doors, when closed, shall fit reasonably well within their frames.
- (10) Whether exterior electrical fixtures/receptacles are adequately protected from the weather and appear intact.
- (11) Whether hot and cold running water is available.
- (12) Whether interior electrical fixtures/receptacles are in sound condition and good repair. For purposes of this code, good condition shall mean fixture assembly complete, receptacle covers are in place and not cracked or broken.
- (13) Whether toilet rooms have hot and cold running water, light fixture and an operable exhaust fan or a window that can be opened.
- (14) Whether plumbing fixtures are functional, free from leaks, and maintained in a clean and sanitary condition.
- (15) Whether there are apparent plumbing cross connections.
- (16) Whether the sump pump, if present, discharges in accordance with the Municipal Code of West Milwaukee, Sec. 14-291.
- (17) Whether there are backflow protection measures in place.
- (18) Whether smoke detectors are in place and functional.
- (19) Whether the electrical panel enclosure is intact, cover or door operates properly, any unused openings plugged, and over-current devices labeled.
- (20) Whether exterior enclosure of heating units and exhaust vent pipes (to chimney) have readily visible cracks or voids (no inspection of heat exchanger performed).
- (21) Whether the chimney flue is affected by installation of high efficiency equipment.
- (22) Whether an exterior inspection (from grade level) of the chimney reveals obvious defects. No attic or interior inspection of the chimney will be performed.

**(h) Code Compliance Not Determined.**

The following text is provided to further explain the scope and purpose of this code.

- (1) This code is intended to be used as a tool to promote minimum safety standards for residential dwellings. It is not intended to verify or guarantee compliance with all applicable plumbing, heating- air conditioning, electrical or building codes. It is recommended that a professional engineer, architect or other qualified inspector be retained to perform a complete and comprehensive inspection of the premises if verification of complete code compliance is desired.
- (2) Code specific issues such as guardrail height or baluster spacing will not be verified through the inspection process under this section. Inspection will be limited to verifying that a sturdy guardrail is in place, but will not necessarily verify the actual height of same.
- (3) Permit research will not be performed, other than to determine if there are outstanding orders or violations relative to the structure, building location or owner. However, in cases where work is in progress, recently completed or in cases where an installation poses an obvious hazard or violation, an inspection of the Building Inspection Department records may be performed to determine if proper permits have been obtained.

**(i) Fee Required.**

Prior to scheduling the required inspection, and at the time the Closing Certificate Inspection Request Form is submitted, a fee, as established from time to time by resolution of the Village Board, shall be collected. For dwellings that do not pass the inspection and require one (1) re-inspection, no additional fee shall be required. Any additional re-inspections shall require the payment of an additional fee, as established from time to time by resolution of the Village Board. Such resolution shall remain on file with the Village Clerk and the Department of Building Inspection.

**(j) Records.**

Records of closing certificates issued and related inspection details shall be kept in the Department of Building Inspection and shall be available for viewing upon request.

**(k) Liability**

This code shall not be construed to relieve or lessen the responsibility or liability of previous owners, current owners, or person(s) who have performed work on said structure for damages to persons or property caused by any defect therein or therefrom, as a result of using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any electrical, plumbing, heating/air conditioning, or building code related items.

**(l) No Warranty - No Liability**

- (1) Neither the Village or its authorized Inspectors shall be responsible or liable by reason of the issuance of, or failure to issue, any Closing Certificate, or the inspection or re-inspection authorized by this code, or by reason of the approval or disapproval of any items addressed by this section. Nor shall the Village or its authorized Inspectors be held liable for any damages resulting from enforcement of this section.
- (2) Issuance of a Closing Certificate indicates that so far as can be reasonably determined by a visual inspection of the dwelling and a review of Village records as necessary, that the dwelling meets the provisions of this section. Neither the Village of West Milwaukee, nor

the Building Inspector or designee, assumes any liability in the inspection or issuance of a Closing Certificate, and issuance of the Closing Certificate shall not be construed to guarantee or warrant the condition of the premises inspected.

**(m) Penalties.**

It shall be unlawful for any person, firm or corporation to permit the transfer of residential property ownership or the occupancy of a dwelling within the Village of West Milwaukee, without first obtaining a Closing Certificate in compliance with this section. Persons, firms or corporations violating any provision of this section shall be subject to the provisions of section 1-13 of the Village Code. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense.

**SECTION 2: SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3: EFFECTIVE DATE.**

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed by the West Milwaukee Village Board this 15 day of January, 2007.