

To: Common Council
From: Community Development Staff
Date: October 20, 2026
Subject: Vacant Building Registration

RE: Vacant Building Registration

Background

Community Development Staff has reviewed how other Wisconsin municipalities regulate vacant and abandoned buildings as part of the City's consideration of establishing a vacant building registration program. Staff reviewed the regulations of the City of South Milwaukee, the City of Fort Atkinson, and the City of Milwaukee.

Each municipality has established vacant building registration requirements within its municipal or zoning code. The programs range from relatively simple registration requirements to more comprehensive programs addressing definitions, exemptions, registration and renewal fees, inspections, property maintenance, security requirements, penalties, and enforcement.

Staff's review is intended to provide the Common Council with examples of approaches used by other municipalities and to obtain direction regarding the components the City would like included in a potential vacant building registration ordinance. In addition to the administrative considerations associated with establishing a registration program, Staff believes it is important to consider the potential impacts of allowing vacant and abandoned properties to remain unregulated.

Vacant buildings that are not properly maintained can create public health and safety concerns. Unoccupied properties may be more susceptible to unauthorized entry, vandalism, fire, deterioration, and other unsafe conditions. As a building remains vacant, maintenance issues such as broken windows, roof damage, overgrown vegetation, accumulated debris, and unsecured doors or openings can become more significant and costly to address.

Vacant and deteriorating properties can also contribute to neighborhood blight. A property that is visibly neglected may negatively affect the appearance and overall condition of surrounding properties. In addition, neighboring property owners may experience concerns regarding property maintenance, safety, and the potential impact of a deteriorating property on neighborhood stability and property values.

Long-term vacancies can also make it more difficult to return a property to productive use. Deferred maintenance and deterioration may increase rehabilitation costs and, in some circumstances, result in conditions that require significant repairs or demolition. Establishing a

registration program can provide the City with a mechanism to identify vacant properties, maintain current contact information for property owners, monitor property conditions, and encourage owners to maintain and secure their properties while they are vacant.

Other Wisconsin municipalities have addressed these concerns through varying levels of regulation. The programs reviewed by Staff demonstrate that municipalities may use registration requirements not only to identify vacant properties but also to establish minimum maintenance and security standards, require periodic inspections, establish owner responsibilities, and provide enforcement mechanisms when properties are not adequately maintained.

Municipal Examples

City of Fort Atkinson

Fort Atkinson requires vacant residential and commercial properties to be registered. The ordinance provides exemptions for certain historic buildings and landmarks.

The property owner is required to file a written statement with the City identifying the names, addresses, and telephone numbers of person responsible for or in control of the property and building.

The ordinance establishes additional requirements based upon the length of time a property remains vacant:

- **One year of vacancy:** A fire department access box must be installed if the Fire Department determines that one is necessary to conduct an annual fire inspection.
- **Five years of vacancy:** The City may conduct a comprehensive maintenance review of the property and may require the property owner to comply with applicable property maintenance and building code standards.
- **Ten years of vacancy:** If the building has not been adequately maintained, the City may require the property to be cleared of all improvements and returned to vegetative ground cover.

During the first quarter of each year, the property owner must provide the Zoning Administrator with a statement regarding the condition of the building and the prospects for removal or reoccupancy of the building.

The City also retains the ability to utilize other enforcement mechanisms when necessary to address property maintenance and upkeep concerns. After speaking with Staff in Fort Atkinson, the program relies on owner's self-report and both the building inspector and police officers catching those properties that don't. It works for their needs.

City of South Milwaukee

South Milwaukee has a more extensive vacant building registration program. Generally, a property must be registered within 90 days after the building becomes vacant.

The ordinance provides several exemptions, including certain residential properties, properties with active building permits undergoing renovation or rehabilitation, properties that are part of an estate in probate and are not subject to bankruptcy proceedings, and properties owned by the City.

An exemption may also apply when a property is actively and in good faith being marketed for sale or lease. The ordinance considers factors such as:

- Whether the property is readily searchable and available for sale or lease on the Internet;
- Whether appropriate signage is posted and is legible from the public right-of-way;
- Whether the owner has responded to inquiries regarding the sale or lease of the property; and
- Whether the advertised sale or rental price is consistent with market rates in the area.

Owners of vacant properties are responsible for enclosing and securing the building in accordance with applicable property maintenance standards.

South Milwaukee also provides for charges for public safety services. Police or Fire Department services provided to a property while it is not in compliance with the City's property maintenance or building security requirements may be charged to the property owner.

City of Milwaukee

Milwaukee also regulates vacant buildings, including certain residential properties that have been abandoned or are involved in foreclosure proceedings. Whitewater Staff's review identified two properties within the City of Whitewater that currently fit within this category.

Milwaukee generally requires registration after a property has been vacant for 30 days. The ordinance provides exemptions for certain government-owned properties, residential properties in foreclosure, and properties vacant as a result of a natural disaster.

Milwaukee's regulations also allow a building to be secured by boarding it up. This provides an option for securing vacant buildings but may create concerns regarding how long a building can remain boarded and whether the City has sufficient authority to require rehabilitation, repair, or removal when a property remains vacant for an extended period.

Policy Considerations for the City of Whitewater

Based on the review of other municipalities, Staff is requesting direction from the Common Council before preparing a proposed vacant building registration ordinance.

The following items should be considered:

1. Registration Timeframe

What period of vacancy should trigger the registration requirement?

Potential approaches include:

- 30 days;
- 90 days;
- Six months; or
- One year.

2. Exemptions

What types of properties or circumstances should be exempt from registration?

Potential exemptions could include:

- Residential properties;
- Properties actively undergoing renovation or rehabilitation under an active building permit;
- Properties involved in probate;
- Properties in foreclosure;
- Properties vacant due to a natural disaster;
- Government-owned properties;
- Properties actively and legitimately marketed for sale or lease; and
- Historic properties or designated landmarks.

3. Registration and Renewal Fees

Should the City establish:

- An initial registration fee;
- An annual renewal fee;
- Increased fees for properties that remain vacant for multiple years; or
- Additional fees when the City must take enforcement action?

4. Penalties for Failure to Register

Council should determine whether failure to register a vacant property should result in penalties or other enforcement measures and whether penalties should increase for continued noncompliance.

5. Inspections

Council should determine whether an inspection should be required:

- Before the initial registration;
- As part of an annual renewal;
- When the City receives a complaint;
- When the property has remained vacant for an established period; or
- When Staff determines that the condition of the property warrants an inspection.

6. Insurance Requirements

Council should consider whether owners of registered vacant buildings should be required to maintain adequate property and liability insurance and provide proof of insurance to the City.

7. Appeals

The ordinance should establish an appeal process for property owners who disagree with a registration determination, inspection requirement, fee, or other administrative decision.

Because the Board of Zoning Appeals currently hears appeals related to zoning code determinations, Council should determine whether appeals under a vacant building registration ordinance should also be directed to the Board of Zoning Appeals or another designated body.

8. Property Maintenance Standards

Council should determine whether vacant buildings should be required to comply with the City's existing property maintenance standards under **Chapter 20**, or whether additional standards specifically applicable to vacant buildings should be established.

9. Boarding and Securing Vacant Buildings

Council should determine whether boarding a vacant building should be an acceptable method of securing the property.

If boarding is allowed, Staff recommends that Council consider establishing clear standards regarding:

- The type and condition of boarding materials;

- How windows and doors may be secured;
- Maintenance of boarded areas;
- Screening or appearance requirements;
- The length of time a building may remain boarded; and
- Circumstances under which the City may require rehabilitation, repair, or removal of the building.

This issue is particularly important because allowing a building to remain boarded indefinitely could result in a property remaining vacant and secured without addressing the underlying condition of the structure.

Staff does not recommend using this option.

10. Public Safety Service Charges

Council should consider whether the City should have the authority to charge a property owner for police, fire, or other public safety services provided to a vacant property when the property is not in compliance with the vacant building registration requirements, property maintenance standards, or building security requirements.

Requested Direction from Common Council

Staff is requesting that the Common Council provide direction regarding the following components before Staff proceeds with drafting a vacant building registration ordinance:

1. **Timeframe:** How long should a building be vacant before registration is required?
2. **Exemptions:** What properties or circumstances should be exempt?
3. **Fees:** Should registration and annual renewal fees be established?
4. **Penalties:** What penalties should apply for failure to register or maintain the property?
5. **Inspections:** Should inspections be required before registration and/or at renewal?
6. **Insurance:** Should proof of insurance be required?
7. **Appeals:** What board or body should hear appeals?
8. **Maintenance Standards:** Should registered vacant buildings be subject to Chapter 20 property maintenance standards?
9. **Boarding:** Should boarding be permitted as a method of securing a vacant building, and if so, for how long and under what conditions?
10. **Public Safety Charges:** Should the City be authorized to recover the cost of police or fire services provided to properties that are not in compliance?

Staff will use the direction provided by the Common Council to develop a proposed ordinance for further Council consideration.