

# Resolution No. 2025-3

## Village of Iola

**BE IT RESOLVED** that the Village of Iola Board of Trustees adopts the following Ordinance No. 2025-3.

### CHAPTER 187: Vacant Building Registration Program(VBRP)

#### **Sec. 187-1. 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:

*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 firewall, each portion of such building so separated shall be deemed a separate building. A boathouse shall be considered a building.

*Dwelling* means any building which is wholly or partly used or intended to be used for living or sleeping purposes by human occupants.

*Evidence of vacant property* means any condition that on its own or combined with other conditions would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded windows, abandoned vehicles, auto parts or materials, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation, or occupation, statements by neighbors, passerby, delivery agents or governmental employees that the property is vacant. For the purpose of this Ordinance, building is considered vacant if building is being used less than 31% of total square footage.

*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 includes a mortgagee which has obtained a judgment of foreclosure against a property.

*Structure* means a combination of material to form a construction that is safe and stable; including among others, buildings, stadiums, reviewing stands, platforms, staging observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, coal bins, shelters, fences and display signs; the term structure shall be construed as if followed by the words "or part thereof."

#### **Sec. 187-2. Intent and purpose.**

- (A) The purpose and intent of this article is to prevent the blighting influence and nuisances caused by residential and commercial structures that are condemned, abandoned, or vacant and to ensure the integrity of our community's health, safety, welfare, and value.
- (B) Properties that are condemned, abandoned, or vacant act as blighting influence for the surrounding neighborhood, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services. The use and maintenance of property in such

condition and manner endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare.

- (C) Unsecured properties are a harborage for rodents; an invitation to derelicts, vagrants and criminals as a temporary abode; have very high probability of intentionally-set fires, an increased risk of explosion due to the theft of internal piping. Unkempt grounds surrounding such properties invite dumping of garbage and rubbish thereon. Therefore, adequate protection of public health, safety and welfare requires the establishment and enforcement of the means by which such nuisance conditions may be abated.
- (D) It is important for the community to know which buildings are vacant or have a higher potential for abandonment so as to establish a proactive approach to track properties that are at risk of becoming vacant while the owner is still known. This type of action reduces the cost to the community and places the responsibility for the buildings on the owner and not the Village.

**Sec. 187-3. Penalty**

- (A) Violation of this article including those provisions of the Wisconsin Statutes or other materials which are incorporated by reference, are a Class B offense in addition:
  - (1) Any license or permit issued pursuant to this article may be suspended by Chief of Police, or Fire Inspector or Building Inspector or revoked by an appointed person by the Village Board of Trustees.
  - (2) Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction thereof.
- (B) Any person violating any State statute, State regulation or the order of a State agency, which statute, regulation or order pertains to health or safety, even though not incorporated herein by reference, shall suffer suspension or revocation of any license or permit issued pursuant to this chapter, as provided immediately above in subsection (a)(1) and (2) of this section; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this article exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

**Sec. 187-4. Interference with enforcement.**

No person shall prevent, resist or interfere with the Fire Inspector, or Chief of Police, or any designated employee thereof in the entering of any premises or the carrying out of their duties under this article.

**Sec. 187-5. Administration.**

- A.) The Chief of Police, Fire Inspector, Building Inspector and an appointed person by board of trustees will be charged with the administration of the VBRP-VACANT BUILDING REGISTRATION PROGRAM- and may contract appropriate repairs or demolition through a public bidding process. The demolition process shall begin within 30 days of notice by an appointed person by the Village Board of Trustees, which shall award a demolition contract within 90 days of notice.
- (1) Identifying qualified properties will require a cooperative effort from public workers in the field. Indicators that present risk factors of a vacant or soon-to-be abandoned building are as follows, but not limited to:
  - a. A history of back taxes and special charges.
  - b. Previous structural fires.
  - c. Unabated zoning and housing code violations.

- d. Unreleased liens and attachments.
- (2) The funds generated from the VBRP will be utilized for the administrative cost of identifying, evaluating, inspecting, securing, demolishing or rehabilitating properties that are condemned, abandoned, or vacant.

**Sec. 187-6. Registration requirement.**

- A.) A residential, commercial, or any other structure that is condemned as unfit for human habitation, abandoned, or vacant shall register for the VBRP.
- (1) The term "unfit building" means any building or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Fire Department - Division of Fire Prevention and Building Safety:
  - a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
  - b. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
  - c. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
  - d. One which lacks any of the following: sanitary sewer, water, heating or electrical service
- (2) The term "abandoned dwelling or structure" means a dwelling or structure which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- (3) The term "vacant dwelling" or structure means a dwelling or structure which is unoccupied for a temporary period of time, less than twelve consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.

**Sec. 187-7. Properties not subject to registration.**

- A) A structure that meets the conditions under section 187-5 shall be registered under the VBRF unless the following conditions are met:
- (1) Existing renovation is occurring on the property in order to bring the building up to minimum standards; and appropriate permits have been issued.
  - (2) A residential single-family home or owner-occupied two-family 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.
  - (3) Residential condominium, multifamily rental, and commercial buildings that are more than five percent occupied. Less than five percent occupied is considered vacant.
  - (4) A property that is currently part of an estate that is in probate and is not subject to bankruptcy.
  - (5) A property that is listed for sale on the multiple listing service or the owner provides copies of advertisements which have been placed in any media for a period of six months.
  - (6) Ice fishing shanties, boat houses, gazebos and garden sheds.

**Sec. 187-8. Registration procedures.**

All properties subject to the VBRP shall:

- (1) File a registration form provided by the Village of Lola -within 30 days of the building becoming unfit for human habitation, abandoned, or vacant. The form may be signed by an agent for an owner provided the agent's written authorization from the owner is also provided. If the owner or the owner's agent fails to register the property, the Village of Lola shall register the property for them and update the form as new information is provided. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.
- (2) *Owner information and availability requirement.* The property owner shall provide to the Village of Lola such information as is required on forms provided by the Village. The information shall include the address of the property, the name and current address of the owner of the property, the owner's local agent or manager, and a current physical address where all correspondence is to be mailed. The information shall also contain a listing of current telephone numbers and email addresses at which the owner and the owner's agent and manager can be reached and a response received within 48 hours. The owners or their representative of a property shall be available via telephone and shall designate an authorized local agent residing within 50 miles of the Village of Lola with the authority to take whatever actions are necessary with respect to the property and the VBRP.
- (3) There is no registration fee for the initial registration, and the first registration shall last for six months. Registrations shall be renewed every six months, and the owner shall pay a fee in the amount established by resolution for each registration renewal until the building is no longer required to register under this program. At the time of registration, if the property has not conformed to the building maintenance and security standards the registration fee will increase in the amount established by current fire fee schedule, plus 5% administration fee.
- (4) If the property owner does not register and pay the fee at the time of registration, the Village of Lola shall be recouped through a special assessment tax or charge.

- (5) An inspection will occur upon the initial registration and for all subsequent registrations to ensure that the property's interior and exterior are satisfactorily maintained and secured per section 103-372.
- (6) A KNOX-Box shall be installed on the exterior of the structure at the discretion of the Chief of Police, or Fire Inspector or by an appointed person by the Village Board of Trustees in order to gain nondestructive entry to the structure. The cost of the KNOX box and installation shall be the responsibility of the property owner. If a KNOX-box is required, an entry key shall be required prior to the inspection.
- (7) The owner will receive a letter stating whether or not the property is in compliance with the building maintenance and security standards. Within 30 days of the mailing of any notice of violation and order to correct, the owner shall be required to comply with the building maintenance and security standards. Window damage requires corrective action within seven days.
- (8) If the building is not brought into compliance with the order to correct within the time specified, The Village or Village's contractor shall take actions needed to bring the property up to maintenance and security standards.
- (9) The owner shall acquire or otherwise maintain liability insurance.

**Sec. 187-9. Inspection fee.**

- (A) An inspection fee in the amount established by resolution shall be paid at the time of each registration. The inspection will cover all exterior and interior elements of the property. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.
- (B) Re-inspection fee. If the property owner was sent an order to correct, a re-inspection will be required to ensure that the corrections were made. If the order to correct is not satisfied, re-inspections will continue every 30 days until the corrections are made. The fee schedule for re-inspections is as established by resolution.
- (C) If the warrant for entry is not obtained prior to a re-inspection, the re-inspection(s) will commence for the external elements, and the re-inspection fee shall apply.
- (D) If the property owner does not pay the inspection or re-inspection fee(s) by the time of an inspection, the Village shall charge the fee as a lien to the property where it shall be recouped through a special assessment tax or charge.

**Sec. 187-10. Building maintenance and security standards.**

- (A.) The property includes the land, interior, and exterior of all condemned as unfit for human habitation, abandoned, or vacant buildings and the owner shall comply with the following standards:
  - (1) All exterior doors, windows, and other openings shall be locked and secured at all times to prohibit entry by unauthorized persons. Broken windows shall be repaired within seven days of an order to correct. Boarded up doors and windows are not permitted under minimum maintenance standards; however, supplemental reinforcement measures may be taken at the Village's discretion for properties with a history of illegal entry.
  - (2) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs are weathertight, waterproof, rodentproof, structurally sound, and in good repair.
  - (3) Maintain the yard and accessory structures.

- (4) Remove all combustible waste, refuse, and vegetation; and remove all storage of personalty in compliance with this article.
- (5) If a vacant building has a fire protection system installed then that system shall be maintained and operational; otherwise, all service and utilities shall be discontinued to said dwelling. Fire protection and fire alarm systems shall be permitted to be removed from service at the direction of the Fire Department.
- (6) The Village of lola shall have the authority to require an inspection and test of any fire protection system or fire alarm system that has been out of service for 30 days or more before restored back to order.
- (7) The National Fire Protection Association (NFPA) fire codes are applicable to this program.
- (8) If the building is not brought into compliance with an order to correct within the time specified by the order to correct, as determined by the Chief Inspector, Village of lola shall take actions needed to bring the property up to maintenance and security standards or demolish. The Village shall charge the fees as a lien to the property where it shall be recouped through a special assessment tax or charge. The owner shall be responsible for all costs, fees and expenses incurred by the Village in the Village's enforcement of this division, including, but not limited to, building inspectors' fees, attorney's fees, cost of Village officials' per diems and salaries, and the Village's out-of-pocket expenses.
- (9) Property shall be maintained free of graffiti or similar markings.
- (10) The owner shall do the necessary to avoid growth of mold or other obnoxious conditions.

**Sec. 187-11. Trespassing or illegal inhabitants.**

Any person who enters or inhabits a condemned, abandoned, or vacant residential, commercial or any other structure shall be penalized.

Resolution No. 2025-3  
Village of Iola  
Vacant Building Registration Program(VBRP)

**RESOLVED:**

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Number of members present: \_\_\_\_\_

Number of members voting yes: \_\_\_\_\_

Number of members voting no: \_\_\_\_\_

Number of members abstaining: \_\_\_\_\_

Dated this 11<sup>th</sup> day of March 2025

\_\_\_\_\_  
Jennifer Schustek, President

Attest: \_\_\_\_\_  
Laura J. Krogwold, Village Clerk/Treasurer