

1975 Assembly Bill 675

Date published: June 11, 1976

### CHAPTER 354, Laws of 1975

AN ACT to create 62.17 of the statutes, relating to empowering municipalities to adopt certain provisions to aid in enforcement of building codes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

62.17 of the statutes is created to read:

**62.17 Enforcement of building codes.** For the purpose of facilitating enforcement of municipal and state building, plumbing, electrical and other such codes, ordinances or statutes established for the protection of the health and safety of the occupants of buildings referred to elsewhere in this section as "building codes", any municipality may adopt an ordinance with any of the following provisions:

(1) Requiring the owner of real estate subject to any building code to maintain with the register of deeds a current listing of such owner's address and the name and address of any person empowered to receive service of process for such owner. Any changes of names or address in such listing shall be reported within 10 days of such change. This subsection does not apply to owner-occupied one- and 2-family dwellings.

(2) Establishing as sufficient notice to an owner that a building inspector or agency entrusted with the enforcement of the building code has found a violation of any applicable building code, if the building inspector or agency, after making an unsuccessful attempt of personal service during daytime hours at the latest address listed with the register of deeds as that of the owner or agent of the owner, thereafter sends such notice by certified mail to the address noted and in addition posts a copy of the notice in a conspicuous place in or about the building where such violation exists. If the owner has not filed under sub. (1) with the register of deeds a current address or name and address of a person empowered to receive service of process, then posting of a notice of violation on the premises and certified mailing such notice to the last-known address of the owner as well as to the address of the premises in violation shall be deemed sufficient notice to such owner that a violation has been found.

(3) That when notice of a violation of the building code which is found by a building inspector or agency entrusted with the enforcement of the building code is made according to sub. (2), such notice shall be effective notice to anyone having an interest in the premises, whether recorded or not, at the time of the giving of such notice; and shall be effective against any subsequent owner of the premises as long as the violation remains uncorrected and there exists a copy of the notice of violation in a public file maintained by the local agency charged with enforcement of the building codes.

(4) Requiring an owner to give notice to any prospective purchaser that a notice has been issued concerning a building violation, where the condition giving rise to the notice of violation has not been corrected; providing for a fine not exceeding \$500 for failure to so notify; and granting the purchaser who has not received the required notice the right to make any repairs necessary to bring the property up to the

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requirements of the local building code and to recover the reasonable cost of those repairs from the seller.

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