



**APPLICATION TO REMOVE SALVAGEABLE  
NON-STRUCTURAL MATERIALS FROM  
VACATED BUILDINGS**

APPLICANT \_\_\_\_\_ TELEPHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_  
(Street) (City) (State) (Zip)

PROPERTY OWNER \_\_\_\_\_ TELEPHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_  
(Street) (City) (State) (Zip)

PROJECT LOCATION \_\_\_\_\_

BUILDING INTERIOR FLOOR SPACE (total) \_\_\_\_\_ SQUARE FEET

NOTE: Attach a list of materials to be removed from the building and summary outlining the scope of the project

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The undersigned certifies that the applicant is familiar with all local, county, state and federal laws and regulations pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Applicant)

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**Fee Required:**

\$ 200 Minimum Base Fee  
\$ t/b/d Additional fees may be required in accord with  
Section 6-12-2 of Municipal Code

Schedule

Application Submittal Date \_\_\_\_\_

Date Fee(s) Paid \_\_\_\_\_

Staff Review Date \_\_\_\_\_

City Council Review Date \_\_\_\_\_

\$ \_\_\_\_\_ TOTAL FEE PAID

APPLICATION & FEE RECEIVED BY \_\_\_\_\_

## **REMOVAL OF SALVAGEABLE NON-STRUCTURAL MATERIALS FROM VACATED BUILDINGS**

PURPOSE. To regulate the removal of salvageable materials from vacated buildings without immediate functional replacement thereof. The phrase "immediate functional replacement thereof" does not include replacement that occurs as a part of a remodeling project in conjunction with valid building, heating, plumbing or electrical permits. The Council finds that such removal may result in the complete abandonment of property and reduce the chance that such property will in the future be devoted to any productive or enjoyable public or private use, and therefore cause conditions which will create health and safety hazards and aggravate blight, interfere with the enjoyment of and reduce the value of private property, and interfere with the safety and welfare of the public.

### DEFINITIONS:

**Salvageable Materials.** Real or tangible personal property that is man-made; is affixed to real property; is detachable from real property; and may have a resale value, either for re-use or as scrap or recycling purposes. Such materials shall not include any structural materials or components.

**Vacated Building.** A building or structure having interior floor space of over ten thousand square feet (10,000 sq. ft.) that had a principal non-residential use as its most recent use allowed by law, which principal use has ceased.

**Code Official(s).** The Building Inspector, Plumbing Inspector, Health Officer, Police Department or Fire Department.

PERMIT. No person, firm or corporation shall sell or transfer for purposes of removal or remove salvageable materials in the manner described in this Ordinance from a vacated building without first obtaining a permit from the City Council.

PERMIT APPLICATION. Application for a permit shall be made in writing to the Inspection Department and shall include the name and address of the owner of the building, name and address of the contractor, and a list of materials to be removed from the building. The Building Inspector or the City Council may require additional information of a specific applicant.

PERMIT FEE. The minimum or base permit fee shall be \$200, which shall be paid upon submittal of any application for permit, and must be paid prior to the convening of the Staff Review Committee for an initial review of said application (applications and fees shall be submitted to the Inspections Department).

If, following an initial review of the permit application by the Staff Review Committee, the committee determines that City staff time and/or consultant services (such as architectural or engineering services) reasonably estimated to cost in excess of the \$200 base permit fee are necessary in order to complete a proper review of said application, then the applicant shall be

required to pay such additional amount as determined by the committee prior to the committee proceeding to complete its review and its recommendation to the City Council. If the applicant disagrees with the committee's estimate of such costs, he/she make seek review of such estimate costs by the City Council, which shall have the discretion to modify the committee's estimate and the required payment.

Upon completion of the Committee's review of the application if the actual costs are less than the amount paid by the applicant, any excess funds shall be refunded, except for the minimum base fee of \$200 which shall be retained by the City.

The City shall also bill the applicant for the City's cost of inspection services provided in follow-up to the granting of a permit.

PERMIT GRANT. The City Council shall consider such permit applications only at regular City Council meetings, and only after receiving the recommendation of a City staff review committee consisting of the Fire Chief or his/her designee, Police Chief or his/her designee, the Building Inspector, the Zoning Administrator and the City Planner.

Prior to making a decision to grant or deny an application for permit, the City Council shall consider: the application, the report of the staff review committee, the expertise of the applicant, the effect of the proposed operation on the surrounding neighborhood; the effect on the community of having a stripped structure remain if the structure is not proposed to be immediately razed or immediately renovated; the presentation, if any, of the applicant; the comments of the public; and such other matters germane to the decision.

In granting a permit, the City Council shall make findings as to the following matters; the amount of the Irrevocable Letter of Credit to be required of the permittee as a condition of issuance of the permit and as a requirement of operation; other State or local permits as required by law, rule or regulation that must be obtained as a condition of issuance of the permit or as a requirement of operation; reasonable special operating requirements to be required of the permittee in addition to those General Operating Requirements listed in Subsection G herein; and such other matters or limitations as the City Council determines is necessary to protect the public interest.

IRREVOCABLE LETTER OF CREDIT. As a condition of issuance by the City Manager of the permit, the permittee shall pose an Irrevocable Letter of Credit in an amount required by the City Council and in a form acceptable to the City Attorney. The Irrevocable Letter of Credit must be issued by a financial institution certified by the State to conduct such business within the State of Wisconsin, allowing for direct draw by the City on demand without court action and without approval by permittee, to complete work or to repair damage that was the obligation of the permittee. The Irrevocable Letter of Credit must contain as a part of its provisions that it remains as an obligation to the City for no less than one year after completion of the last act by the permittee of salvage or after the expiration of a permit issued under this section to the permittee, whichever is later. In considering the amount of the Irrevocable Letter of Credit, the City Council shall consider: the recommendation, if any of the staff review committee; the expertise of the applicant; the longevity of the applicant; the capitalization of the applicant; the scope of

the proposed project; the possible environmental hazards that could be created; the effect of the proposed operation on the surrounding neighborhood; the cost of remediation to the City if the city should have to address any matter due to the unwillingness or inability of the permittee to complete its obligations.

PERMIT TERM. The term for a permit issued under this section shall be valid for a permit of one year from the date of issue. Renewals and renewal term shall be at the discretion of the City Council.

GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to all permit holders in accordance with the provisions of the Ordinance:

- (1) The permit issued pursuant to this ordinance shall be plainly displayed on the premises upon which the building is located
- (2) The building and premises shall, at all times, be maintained in a clean, neat and sanitary condition as the premises will reasonably permit
- (3) No garbage, refuse or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage kept in rodent-proof covered containers which are removed from the premises as often as necessary to provide a sanitary environment
- (4) Work done under this permit is subject to inspection by the Code Official
- (5) An applicant for a permit shall maintain proof of insurance policies during the life of the permit in the following minimum amounts, naming the City as additional insured:
  - (a) Automobile Liability (Owned, non-owned, leased)  
Bodily Injury: \$2,000,000 each occurrence  
Property Damage: \$2,000,000 each occurrence
  - (b) Pollution Legal Liability: \$5,000,000 each loss where asbestos removal, environmental process, abatement, remediation or dumping/disposal in a Federal or State regulated facility is required
  - (c) Worker's Compensation: Statutory Limits  
Employer's Liability: \$500,000 Each accident  
\$500,000 Disease, Each employee  
\$1,000,000 Disease, Policy limit
  - (d) Umbrella Policy: \$2,000,000 over the primary insurance coverages listed above
- (6) No scrap salvage or debris which is temporarily stored on the premises shall be allowed to rest or protrude over any public street, walkway or curb, or become scattered about or blown off the premises
- (7) No mechanized process whatsoever shall be utilized on the premises to reduce salvageable materials or debris in volume unless approved by the City Council in conjunction with a specific permit. Such prohibited mechanized processes include, but are not limited to, crushers or shredders
- (8) There shall be strict compliance with Chapter 9 of the Municipal Code related to noise control

- (9) No premises or building subject to a permit shall be allowed to become a public nuisance or be operated in such a manner as to adversely affect the public health, safety or welfare
- (10) There shall be full compliance with the City Building, Fire and Health Codes and with all other City, County State and Federal laws, rules or regulations which may be applicable
- (11) The permit holder shall, during the salvage process, maintain the work site in a safe and secure condition
- (12) The permit holder shall dispose of building debris in a licensed landfill, except for salvaged materials. At any time, the permit holder shall produce to the Code Official receipts and/or and itemized list of debris disposed of by dumping or salvage
- (13) The permit holder shall be responsible for disconnections of utilities, including plumbing and electrical, necessary for the salvaging process, and shall provide evidence that the necessary disconnections have been accomplished
- (14) The permit holder shall comply with all orders of the Code Official imposed at the granting of the permit or at any other time
- (15) The Irrevocable Letter of Credit imposed as a condition of issuance of the permit.

INSPECTIONS. Permit holders and property owners shall permit authorized representatives of any Department of City having enforcement powers to inspect the premises proposed to be permitted, with or without advanced notice, as often as may be required to permit said Departments to perform their duties and assure compliance with this Ordinance, without first obtaining a special inspection warrant. Inspections shall be made during normal hours of business in the absence of emergency circumstances which require prompt attention to protect the public health, safety ad welfare or to preserve evidence of noncompliance with this Ordinance. The unreasonable failure to permit inspections shall be grounds for permit denial, suspension or revocation.

SUSPENSION AND REVOCATION OF PERMIT. If in the opinion of the Code Official, the public is subject to imminent danger due to the violation by the permit holder of any one or combination of more than one of the General Operating Requirements, the Code Official shall issue and order to the permit holder requiring immediate cessation of those operations implicating the imminent danger. Pursuant to such order, the permit holder shall cause such operations to cease as directed by the Code Official. Failure to maintain insurance or a Letter of Credit as required, or to permit inspections as required are each per se violations implicating imminent danger to the public necessitating an order to cease all operations. The Permittee may appeal any such order to the City Council, in writing, setting for the bases for any appeal, which shall be delivered to the Council care of the Office of the City Manager. The Council shall hold a hearing regarding any such appeal, and provide notice at least ten (10) days notice of the hearing to the Permittee and the Code Official. The City Council may revoke any permit if a Permittee fails to comply with the terms of this Ordinance at any time. The City Council will provide the Permittee with an opportunity to be heard by the Council prior to such revocation or non-renewal by providing the Permittee a notice of intent to revoke or non-renew and the grounds for the same at least ten (10) days prior to any meeting of the Council at which action is to be taken, though an order requiring immediate cessation of operations may be issued prior to

such meeting. The Permittee may request a hearing before the Council on receipt of such notice, which request shall be in writing delivered to the Council care of the Office of the City Manager, and must be received prior to the meeting at which the Council intends to act on revocation. The Council shall schedule a hearing upon receipt of such request. The council may authorize a committee to hear any appeal of an order to cease operations or in relation to any intended revocation, in which case such committee shall report to the Council regarding the hearing and its recommendation regarding action by the Council.

ENFORCEMENT. The Code Official shall have the responsibility to enforce this Ordinance. Violations of this Ordinance shall be subject to the general penalty provisions of the Municipal Code, Section 1-1-17. In addition, the City may apply to a court of competent jurisdiction for injunctive relief and the assessment of damages including attorney's fees and costs.

Adopted: July 5, 2011  
Amended: