

ORDINANCE NO. 766

**AN ORDINANCE TO CREATE CHAPTER 93 OF THE MUNICIPAL CODE,
RELATING TO CHRONIC NUISANCES.**

WHEREAS, on October 22, 2013, at a public meeting at City Hall, the Ordinance and Claims Committee considered and discussed the issue of chronic nuisance premises in the City; and

WHEREAS, on December 9, 2013, the Ordinance and Claims Committee held a public hearing on the matter, soliciting comments from the public, after which the Committee decided to recommend to the Common Council passage of the ordinance below; and

WHEREAS, having considered the Committee's recommendations, the Common Council at its regularly scheduled meeting on February 10, 2014, decided it would be in the best interests of public health and safety to accept the Committee's recommendations,

NOW THEREFORE, the Common Council for the City of Mineral Point does ordain as follows:

Chapter 93 of the Municipal Code is hereby created to read as follows:

Chapter 93: CHRONIC NUISANCES.

§ 93.01 Definitions.

(a) "Chronic Nuisance Premises" means a premises meeting the following criteria: a place where activities have been the cause of three or more calls for police services that have resulted in enforcement actions for nuisance activities on three separate occasions in a 60-day period. Three or more calls for police services resulting in an enforcement action for nuisance activities include any enforcement action taken against any person associated with the premises, including without limitation an owner or a renter of the premises, or a guest of either, while the person is at the premises or is within 200 feet of the premises.

(b) "Chronic Nuisance Premises Notice" is a notice issued by the Chief of Police ("Chief") that declares that the premises are chronic nuisance premises. The Notice shall inform the owner of the premises that the Chief has determined the premises is a chronic nuisance and shall contain the following information:

(i) The identity of the premises by street address, tax parcel number, a legal description, or other description that reasonably identifies the premises;

(ii) A summary of the enforcement actions that have occurred and on which the Chief has based the determination;

(iii) That the cost of future enforcement may be imposed as a special charge against the premises pursuant to Wis. Stat. §66.0627(2) for police and other services rendered;

(iv) That within 10 days of service of the Notice the owner is required to submit to the Chief a written plan to put an end to the nuisance activities;

(v) That within 10 days of service of the Notice the owner is required to schedule a meeting with the Chief to discuss the owner's plan for abatement of the nuisance activities;

(vi) That the owner may be subject to a forfeiture action for permitting a chronic nuisance premises to continue to exist; that if the owner fails to respond to the Notice within 10 days as directed or that if the owner fails to schedule a meeting with the Chief as directed, a forfeiture action may be commenced against the owner.

(c) "Enforcement Action" is an arrest that results in the transportation and detention of the person arrested; conviction for a nuisance activity that is a violation of the Municipal Code; the filing of a summons and criminal complaint by the district attorney's office, regardless of outcome; or a police presence at the premises that is the result of a false report or prank call.

(d) "Nuisance Activities" include the following:

(i) Any activity that results in criminal charges being brought against any person associated with the premises;

(ii) Ordinance violations under the Municipal Code against any person associated with the premises for following offenses:

- disorderly conduct,
- alcohol or drug offenses, or
- noise-related offenses.

(iii) Requesting the assistance of the police or reporting a violation of the law by a person associated with the premises that results in a police presence made without any legitimate or justifiable reason.

§ 93.02

Procedure.

- (a) When the Chief determines there is a Chronic Nuisance Premises within the City, the Chief shall issue a Chronic Nuisance Premises Notice to the owner and notify the Chair of the Ordinance and Claims Committee of such Notice. Service of the Notice to the Owner may be by personal service, pursuant to § 801.11 Wis. Stats., or by certified mail, return receipt requested, to the owner's address as it appears on the current tax roll.
- (b) If the owner responds to the Notice, the Chief shall review the required plan with the owner. If the plan appears that it will result in abatement of the nuisance activities described in the Notice, the Chief shall accept the plan. If the owner then implements the plan, the City will delay any further enforcement under this section.
- (c) If the owner fails to respond to the Notice as directed, either by failing to submit a plan or by failing to schedule a meeting with the Chief, the owner will be subject to a forfeiture action for violation of this section.
- (d) If the owner fails to implement an approved plan, or if the owner fails to follow through with a plan that has been approved and implemented, the owner will be subject to a forfeiture action for violation of this section.
- (e) If an owner submits an unacceptable plan, but meets with the Chief as required by this section, the Chief shall work with the owner to craft an acceptable plan. Any provision of a plan required by the Chief shall become a part of the plan; any provision proposed in the plan by the owner that is rejected by the Chief shall not be a part of the plan. The owner shall be required to implement the plan that results from this process.

§ 93.03

Violations. In addition to the foregoing, the following are violations of this section and shall subject to the owner to a forfeiture action:

- (a) Failure to respond to a Chronic Nuisance Premises Notice;
- (b) Failure to implement a plan, or to carry out an implemented plan;

§ 93.04 Nuisance Abated. If no enforcement action occurs within 180 days after a premises has been declared to be a chronic nuisance premises, then the public nuisance created by the premises will be deemed to have been abated. The Chief shall notify the Chair of the Ordinance and Claims Committee of such abatement. Any subsequent determination that the premises is a chronic nuisance premises shall be based on the same criteria that were used under this section to make the previous determination.

§ 93.05 Penalties.

- (a) Forfeiture. An owner who violates this section shall forfeit not less than \$250.00 nor more than \$2,000.00, plus the costs of the action.
- (b) Special assessments or special charges. In the event an enforcement action occurs within 180 days after an abatement plan has been approved, the Chief shall keep an accurate account of the costs of enforcement which shall be calculated based on the pay and benefit scale of the Chief involved in any enforcement action; the amount of time an Chief has spent dealing with the enforcement action; the amount of time the Chief spends on preparing and serving a Chronic Nuisance Premises Notice and the costs of service; the amount of time the Chief spends in reviewing and developing an abatement plan with the owner; and the reasonable attorney fees for the time the City Attorney spends dealing with the enforcement action. The special charges for services rendered shall be levied as a special assessment against the nuisance premises and collected in the manner of other real estate taxes. These special charges for services rendered shall be collected only for services rendered in enforcement actions involving a premises that has been issued a Chronic Nuisance Premises Notice or in actions taken against an owner for a violation of this section.

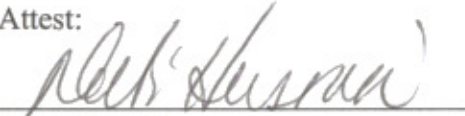
This ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this 10th February, 2014.

Approved:


Gregg Bennett, Mayor

Attest:


Debi Heisner
Administrator/ Clerk-Treasurer