

ORDINANCE NO. 73-2019

**AN ORDINANCE TO CREATE SECTION 18-7 OF THE
CODE OF THE VILLAGE OF SUMMIT RELATING TO CHRONIC NUISANCE
PREMISES**

THE VILLAGE BOARD OF THE VILLAGE OF SUMMIT, WAUKESHA COUNTY,
WISCONSIN **DO ORDAIN AS FOLLOWS:**

SECTION 1: Section 18-7 of the Code of the Village of Summit relating to Chronic Nuisance Premises is hereby created to read as follows:

SECTION: 18-7 CHRONIC NUISANCE PREMISES

The intent of this chapter is to establish a process to track chronic nuisances occurring at premises within the Village of Summit and to create a method to abate those nuisances.

DEFINITIONS

The following terms shall be defined as follows in this subchapter.

- A. *Chief.* The Chief of Police or his or her designee.
- B. *Enforcement action.* Arrest, the issuance of a citation, or the issuance of a written warning.
- C. *Nuisance activity.* Any of the following activities, behaviors, or conduct occurring on a premises:
 - 1. An act of harassment, as defined in § 947.013, Wis. Stats.
 - 2. Disorderly conduct, as defined in § 947.01, Wis. Stats.
 - 3. Crimes of violence, as defined in ch. 940, Wis. Stats.
 - 4. Lewd and lascivious behavior, as defined in § 944.20, Wis. Stats.
 - 5. Prostitution, as defined in § 944.30, Wis. Stats.
 - 6. Theft, as defined in § 943.20, Wis. Stats.
 - 7. Receiving stolen property, as defined in § 943.34, Wis. Stats.
 - 8. Arson, as defined in § 943.02, Wis. Stats.
 - 9. Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in ch. 961, Wis. Stats.
 - 10. Gambling, as defined in § 945.02, Wis. Stats.

11. Animal violations, as defined in ch. 4, Village of Summit Municipal Code.
 12. Trespassing, as defined in § 943.13 and § 943.14, Wis. Stats.
 13. Firearms violations, as defined in ch. 941, § 948.60, Wis. Stats., and ch. 20, Village of Summit Municipal Code.
 14. Noise violations, as defined in section 18-6, Village of Summit Municipal Code.
 15. Any conspiracy to commit, as defined in § 939.31, Wis. Stats., or attempt to commit, as defined in § 939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in subdivisions 1 through 14 above.
 16. The execution of arrest or search warrants at a particular location.
 17. Alcohol violations, as defined § 125.07, Wis. Stats.
 18. Obstructing or resisting an officer, as defined in § 946.41, Wis. Stats.
 19. Violations of Public Nuisance Ordinances, as defined in ch. 18, Village of Summit Municipal Code.
 20. Violations of Building Code Ordinances, as contained in ch. 103, Village of Summit Municipal Code.
 21. Violations of Zoning Code Ordinances, as contained in ch. 111, Village of Summit Municipal Code.
- D. *Owner.* The owner of the premises and his or her agents.
- E. *Premises.* An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.
- F. *Notice.*
1. Whenever the Chief determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premises during a 12-month period, the Chief may notify the premises owner in writing. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall never count nuisance activities that were reported by the owner or manager of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.
 2. The notice shall be deemed to be properly delivered if sent either by certified mail to the property owner's last known address, or if delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed properly delivered if left at the property owner's usual place of residence in the presence of a competent family member at least 14 years of age, or a competent adult currently

residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by certified mail to the last known address of the owner as identified by the records of the tax roll.

G. Abatement plan.

Any owner receiving notice pursuant to section 18-7(F), Village of Summit Municipal Code, shall meet with the Chief, or his/her designee, within five days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten days of this meeting, the owner shall submit to the Chief, or his/her designee, an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police or inspection contact.

H. Additional nuisance activity.

Whenever the Chief determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to section 18-7(F), Village of Summit Municipal Code, that this nuisance activity has occurred not less than 15 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Chief may calculate the cost of police response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.

I. Appeal

Appeal of the determination of the Chief of police pursuant to either section 18-7(F) or 18-7(G), Village of Summit Municipal Code, or the levying of special charges may be made solely the Village Board requesting a hearing. Notice of appeal must be in writing and submitted to the Village Board in care of the Village Clerk with a copy submitted to the Chief of Police. Chapter 68, Wisconsin Statutes, shall not apply to such an appeal. The hearing under this subsection shall be conducted by the Village Board

J. When nuisance deemed abated.

The public nuisance created by a Chronic Nuisance Premises shall be deemed abated when no enforcement action to address nuisance activities occurs for a period of twelve (12) months from the date stated on the notice declaring the premise a Chronic Nuisance Premise.

K. Penalties

First Offense – Any person who shall violate any provision of this article, or any regulation, rule, or order made hereunder shall forfeit not less than \$200 nor more than \$500.

Subsequent Offenses – Any person who shall violate any provision of this article, or any regulation, rule, or order made hereunder within 12 months after committing a previous violation of this article shall forfeit not less than \$300 nor more than \$1,000.


SECTION 2: SEVERABILITY. The section of this Ordinance is declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and posting/publication as provided by law.

This Ordinance passed this 10 day of October, 2019.

VILLAGE OF SUMMIT

By: 
Jack Riley, Village President

Attest: 
Debra J. Michael, Village Administrator

Published/Posted the 21 day of November 2019.

This is to certify that this is a true and accurate copy of the Ordinance #73-2019.


Debra J. Michael, Village Administrator