ORDINANCE NO. 389

The Village Board of the Village of Lomira, Wisconsin, hereby creates Sec. 16-6(i) to read as follows:

(i) *Chronic Nuisances.* Nothing in this ordinance is intended to discourage crime victims or a person legitimate need of law enforcement services from requesting them. This ordinance does not affect a premises owner's duty to comply with any Fair Housing ordinances or all other laws governing residential tenancies with are contained under Chapter 704 of the Wisconsin Statutes and Chapter ATCP 134 of the Wisconsin Administrative Code.

1. Certain premises within the Village of Lomira that receive and require more than the general, acceptable level of law enforcement services place an undue and inappropriate burden on the village taxpayers and constitute a public nuisance. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. These nuisance properties may be either owner- or non-owner occupied.
2. "*Chronic Nuisance Premises*" means a premises that meets any of the following:
    a. A premises which has generated three or more calls for police services that have resulted in enforcement action for nuisance activity on three separate days within one month period, or six or more calls in a twelve month period. Two or more separate and distinct enforcement actions for nuisance activity occurring on the same day shall be counted separately. Calls for police services resulting in enforcement action for nuisance activities include enforcement action taken against any person associated with the premises while at or within two hundred feet of the premises.
    b. Nuisance activities reported by the property owner, such as in the case of rental property involving their own tenants, shall not be counted as a nuisance violation.
    c. A premises for which law enforcement has responded to two or more nuisance activities of the type listed below that have occurred, and probable cause exists that the nuisance activities are associated with the premises.
        i. A premises for which a Dodge County court has determined, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance(s) has occurred on or in association with the premises within thirty days prior to the date of the search warrant application; or
        ii. A premises which had one enforcement action associated with the premises from the manufacture, distribution, or delivery of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes.

3. "*Chronic Nuisance Premises Notice*" means a notice issued by the lead law enforcement officer of the Village.
4. "*Enforcement Action*" means any of the following:
    a. The physical arrest of an individual(s)
    b. The issuance of a citation for a law and/or ordinance violation
    c. The referral of charges by law enforcement to the District Attorney for prosecution for nuisance activities
5. "*Public Nuisance*" means a thing, act, occupation, condition or use of property which shall continue for such a length of time as to:
    a. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public
    b. In any way render the public insecure in life or in the use of property
    c. Greatly offend the public morals of decency
    d. Unlawfully and substantially interfere with, obstruct, or tend to render dangerous for public passage any street, alley, highway, navigable body of water or other public way or the use of public property

6. "*Nuisance Activity*" does not include activities, behaviors or conduct that results in a call for assistance made by a person requesting law enforcement services related to any of the following:
    a. Domestic abuse as defined in §813.12(1)(am) Wis Stats.
    b. Sexual assault as described in §940.225, 948.025 Wis. Stats.
    c. "Stalking" as described in §940.32 Wis Stats.
    d. Enforcement of a restraining order as defined under chapter 813 Wis Stats.
    e. Any incident or behavior involving an individual at risk as defined in §813.123 Wis Stats.
    f. Any matters involving a child in need of protective services as defined under §48.235(4) Wis Stats.
7. "*Lead Officer*" means the sheriff's office supervisor/sergeant overseeing the contract for law enforcement services with the Village.
8. *Public Nuisances Offending Morals and Decency.* The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency:
    a. Disorderly houses. All disorderly houses, bawdy houses, houses of ill frame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
    b. Gambling devices. All gambling devices and slot machines.
    c. Unlicensed sale of liquor and/or beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided by the ordinances of the Village.
    d. Continuous violation of Village ordinances. Any place or premises within the village where Village ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.
    e. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of laws of the State of Wisconsin or ordinances of the Village.
9. *Other Public Nuisances.*
    a. Noise / disturbing the peace complaints confirmed by law enforcement. Enforcement may be either a written/verbal warning or citation.
    b. Disorderly conduct. Enforcement may be either a written/verbal warning or citation.
    c. Crimes involving weapons possession, including illegal possession or use of a firearm.
    d. Damage to property.
    e. Criminal trespass to dwelling.
    f. Acts of harassment.
    g. Battery.
    h. Animal violations, as defined in Chapter 4.
    i. Illegal drug activity. Possession, manufacture, or delivery of controlled substance(s).
    j. Obstruction/Resisting.
    k. Possession of stolen property.
    l. Alcohol violations.
    m. Trespassing.
    n. Lewd and lascivious behavior.
10. *Notice of Abatement.*
    a. If the lead law enforcement officers shall determine that a public nuisance exists at a residential premises within the Village, once approved by the Village President, said officer shall issue and serve upon the owner, occupant, or person causing, permitting, or maintaining the nuisance a notice to abate the nuisance. The notice shall order the abatement of the nuisance within a period of not less than 24 hours or more than seven calendar days. The notice shall state that unless the nuisance is abated, the

Village will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance. Also, if notice to abate the nuisance has been served to the property owner, such cost(s) shall be assessed against the real estate as a special assessment. Should a citation be issued to the property owner for such nuisance and the citation is not paid, the amount shall be assessed against the real estate as a special assessment and added to the tax bill.

b. Should additional nuisance activity continue at a premises after notice has been served, that this nuisance activity has occurred not less than fifteen days after notice had been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Village may calculate the cost of law enforcement 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 added to the tax bill.

11. *Abatement of Public Nuisances.*
    a. *Enforcement.* The lead law enforcement officer for the Village shall enforce the provisions of this section. No action shall be taken under this section unless the officer has inspected the reported nuisance(s) and premises and is satisfied that a nuisance does in fact exist.
    b. *Summary Abatement.* If the lead law enforcement officer shall determine that a public nuisance exists at a premises within the Village, the Village President, upon the direction of the lead officer, may direct the officer to cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance as may be the case.
    c. *Abatement After Notice.* If the lead law enforcement officer shall determine that a public nuisance exists on private premises but the nature of the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he/she shall serve notice on the person(s) causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the officer shall cause the nuisance to be removed as provided in Subsection B.
12. *Other Methods not Excluded:* nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.
13. *Cost of Abatement.* In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance. Such cost shall be assessed against the real estate as a special charge.
14. *Enforcement.*
    a. First Offense: A person who violates any provision of this Chapter or any regulation, rule, or order made hereunder shall forfeit not less than $30 nor more than $100 plus costs.
    b. Subsequent Offenses: A person who violates any provision of this Chapter or any regulation, rule, or order made hereunder within 24 months of committing a previous violation of this Chapter shall forfeit not less than $300 nor more than $500 plus costs.

Moved by Tr. Mora, , seconded by Tr. Jewell

to adopt Ordinance No. 389 as presented.