

City of Sun Prairie, Wisconsin

**AN ORDINANCE REPEALING AND
RECREATING SECTION 8.44.110 -
CHRONIC NUISANCE PREMISES**

Presented: , 2007

Adopted: , 2007

Publication: , 2007

File Number:

Ordinance No.:

ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. That Section 8.44 is hereby amended as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

8.44.110 Chronic nuisance premises.

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

1. Chief. The Chief of Police or his or her designee.

2. Chronic Nuisance Premises.

a. (i) Is a premises which has generated three (3) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three (3) separate occasions within a ninety (90) day period. Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred (200) feet of the Premises for a Nuisance Activity; or

(ii) Is a single owner building with two (2) to four (4) dwelling units which has generated four (4) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on four (4) separate occasions within a ninety (90) day period. Four (4) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the building while at or within two hundred (200) feet of the buiding for a Nuisance Activity; or

(iii) Is a single owner building with five (5) or more dwelling units which has generated six (6) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on six (6) separate occasions within a ninety (90) day period. Six (6) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the building while at or within two hundred (200) feet of the building for a Nuisance Activity; or

b. Is a Premises for which a court of law has determined that, pursuant to a search warrant requested, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the Premises; or

c. Is a Premises which has one (1) Enforcement Action associated with the Premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961, Wis. Stats.

2. Enforcement Action. Arrest, the issuance of a citation or the issuance of a verbal or written warning.

~~3-~~ 4. Nuisance Activity. Any of the following activities, behaviors or conduct occurring on a premises:

a. An act of Harassment, as defined in §947.013, Wis. Stats.

b. Disorderly Conduct, as defined in §947.01, Wis. Stats.

~~c. Battery. Substantial Battery or Aggravated Battery, as defined in §940.19, Wis. Stats. Crimes of Violence as defined in Chapter 940, Wis. Stats.~~

d. Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.

e. Prostitution, as defined in §944.30, Wis. Stats., Keeping a Place of Prostitution, as defined in §944.34, Wis Stats., Soliciting Prostitution, as defined in §944.32, Wis. Stats., Patronizing Prostitutes, as defined in §944.31., Wis. Stats. and Pandering as defined in §944.33. Wis. Stats.

f. Theft, as defined in §943.20, Wis. Stats.

g. Receiving Stolen Property, as defined in §943.34, Wis. Stats.

h. Arson, as defined in §943.02, Wis. Stats.

i. Possession, Manufacture or Delivery of a Controlled Substance or related offenses, as defined in §961, Wis. Stats.

j. Gambling, as defined in §945.02, Wis. Stats.

k. Animal violations, as defined in §6.04, Sun Prairie Municipal Code.

l. Trespassing, as defined in §943.13 and §943.14, Wis. Stats.

m. Weapons violations, as defined in Chapter 9.32, Sun Prairie Municipal Code and crimes involving illegal possession of firearms as defined in §§941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.

n. Noise violations, as defined in Chapter 8.32, Sun Prairie Municipal Code.

o. 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 3.a. through n. above.

p. Damage to property as defined in §943.01, Wis. Stats.

q. Alcohol Violations as defined in Chapter 5.08 and sec. 9.08.010 of the Municipal Code and Chapter 125, Wis. Stats.

r. Obstructing Streets as defined in sec. 9.08.030 of the Municipal Code.

s. Fireworks as defined in sec. 8.16 of the Municipal Code.

~~4.~~ 5. Owner. The owner of the premises or his or her agents.

6. Person Associated With. Any person who, whenever engaged in a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

~~5.~~ 7. Premises. An individual dwelling unit or an individual business premises and areas associated with such unit or premises.

B. Notice. Whenever the Chief determines that three or more nuisance activities resulting in enforcement action have occurred at a premises on separate days during a ~~30~~ 90-day period, the Chief may notify the premises owner in writing. In reaching this determination, the Chief shall not count nuisance activities that were reported by the owner 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. The notice shall be delivered pursuant to Section 8.44.060(E), Sun Prairie Municipal Code.

C. 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 8.44.110(B), Sun Prairie Municipal Code, that this nuisance activity has occurred not less than fifteen (15) days nor more than one hundred eighty (180) days after notice has been issued, and that reasonable efforts have 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.

D. Appeal. Appeal of the determination of the Chief of Police pursuant to either Section 8.44.110(A) or 8.44.110(B), Sun Prairie Municipal Code, may be submitted to the Committee of the Whole. Chapter 68, Wisconsin Statutes, shall not apply to such an appeal.

SECTION 2. Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: _____
Joe Chase, Mayor

Date Approved: _____, 2007

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the _____ day of _____, 2007.

Diane J. Hermann-Brown, City Clerk