

## **§206-23. Chronic nuisance premises.**

- A. Findings. The Town Board finds that any premises that has three or more contacts with law enforcement, Fire Marshal or other Town code enforcement official for nuisance activities has received more than the level of general and adequate law enforcement service and has placed an undue and inappropriate burden on the taxpayers of the Town. The Town Board therefore directs its officers, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.
- B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

### **ENFORCEMENT ACTION**

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

### **NUISANCE ACTIVITY**

Any of the following activities, behaviors or conduct whenever engaged in by premises owners, operators, occupants or persons associated with 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) Battery, substantial battery or aggravated battery as defined in §940.19, Wis. Stats.
- (4) Lewd and lascivious behavior as defined in §944.20, Wis. Stats.
- (5) Indecent exposure as defined in §944.20(1)(b), Wis. Stats.
- (6) Keeping a place of prostitution as defined in §944.34, Wis. Stats.
- (7) Prostitution as defined in §944.30, Wis. Stats.
- (8) Theft as defined in §943.20, Wis. Stats.
- (9) Receiving stolen property as defined in §943.34, Wis. Stats.
- (10) Arson as defined in §943.02, Wis. Stats.
- (11) Any violation of the Uniform Controlled Substances Act, Ch. 961, Wis. Stats., and any violation of Ch. 450, Pharmacy Examining Board (prescription drugs), Wis. Stats.
- (12) Gambling as defined in §945.02, Wis. Stats.
- (13) Trespass to land as defined in §943.13, Wis. Stats., or criminal trespass to dwelling as defined in §943.14, Wis. Stats.
- (14) Misuse of emergency telephone numbers as defined in §256.35, Wis. Stats.

- (15) Any repeated violations of:
  - (a) The following chapters of the Wisconsin Administrative Code: Chapter SPS 307, Explosive and Fireworks; Chapter SPS 314, Fire Prevention; Chapters SPS 320 to 325, the Uniform Dwelling Code; and Chapters SPS 361 to 366, the Commercial Building Code.
  - (b) NFPA 14, Standard for the Installation of Standpipe and Hose Systems.
  - (c) The following chapters and articles of the Code of the Town of Scott: Chapter 140, Intoxicating Liquor and Fermented Malt Beverages; Chapter 206, Nuisances and Littering.
- (16) 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 Subsections (1) to (17) of this definition.
- (17) Resisting or obstructing an officer as defined in §946.41, Wis. Stats.
- (18) Any violation of alcohol offenses as defined in Ch. 125, Wis. Stats., or Chapter 140, Intoxicating Liquor and Fermented Malt Beverages.
- (19) Any other violations pertaining to chronic nuisance property of this chapter.
- (20) Any violation of keeping of nuisance animal as defined in Chapter 10, Animals, of this Code.
- (21) Any violation of collection of solid waste as defined in Chapter 282 of this Code.
- (22) Any violations against life and bodily security as defined in Ch. 940, Wis. Stats.
- (23) Any violations against public health and safety as defined in Ch. 941, Wis. Stats.

**OFFICER**

Any law enforcement officer, Fire Marshal, or other code enforcement official duly authorized and assigned to enforce the laws of the State of Wisconsin and the ordinances of the Town of Scott or his/her designee.

**OWNER**

The owner of the premises and his or her agents.

**PERSON ASSOCIATED WITH**

Any person who, whenever engaged in a nuisance activity, enters, patronizes, visits or attempts to enter, patronize or visit, or waits to enter, patronize or visit, a premises or person present on a premises, including any officer, director, customer, agent, employee or independent contractor of a premises owner.

**PREMISES**

An individual dwelling unit or multifamily dwelling or an individual business premises and associated common areas.

- C. Notice. Whenever the officer determines that three or more nuisance activities resulting in contacts with the Town have occurred at a premises on separate days during a twelve-month period, the officer shall notify the premises owner in writing. In reaching this determination, the officer shall not count nuisance activities reported by the owner of the premises when doing so with the intent to stop the nuisance and in doing so shows a good faith effort to work with the Town. 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. This notice shall be deemed to be properly delivered if sent either by first-class mail to the premises owner's last known address or if delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice.
- D. Abatement plan (only for issues that are not an immediate danger to public health/safety). Any owner receiving notice pursuant to Subsection C of this section shall meet with the officer or his/her designee within five days of receipt of such notice. The parties shall review the problems occurring at the property. Within 10 days of this meeting, the owner shall submit to the responsible Town official or his/her designee an abatement plan to end the nuisance activity in the property. The plan shall specify a name, address and telephone number of a person living within 20 miles of the property in the event of further law enforcement action or inspection.
- E. Additional nuisance activity. Whenever the officer determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Subsection C of this section, 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 officer may calculate the cost of law enforcement, fire or other Town response costs and enforcement costs for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge. Rates shall be determined by the Town of Scott Board of Supervisors.
- F. More restrictive provisions shall prevail. In any conflict between this section and any other law, statute, regulation, code or ordinance, the more restrictive provision shall prevail.
- G. Violations and penalties. Except as otherwise provided, any person found in violation of this chapter or any order, rule or regulation made hereunder shall be subject to the penalty provided in §206-22 of the Code of the Town of Scott.