

ORDINANCE NO. 1786-2024

AN ORDINANCE TO AMEND SECTION 12.02.31 OF TITLE 12 OF THE CODE OF ORDINANCES
OF THE CITY OF ONALASKA RELATING TO CHRONIC NUISANCES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Section 12.02.31. of Title 12 Property Maintenance, Public Nuisances and Vacant Building Code related to Chronic Nuisances, is hereby deleted in its entirety and replaced as follows:

12.02.31 Definitions

- A. Definitions shall have the following meaning:
1. **Chief.** The Chief of Police or their designee.
 2. **Enforcement Action.** Arrest, issuance of a citation or the issuance of a written or verbal warning.
 3. **Nuisance Activity.** Any of the following activities, behaviors or conduct occurring on a premise:
 - a. An Act of Harassment, as defined in Sec.947.013, Wis. Stats.
 - b. Disorderly Conduct, as defined in Sec. 947.01, Wis. Stats.
 - c. Battery, Substantial Battery or Aggravated Battery, as defined in Sec. 940.19, Wis. Stats.
 - d. Lewd and Lascivious Behavior, as defined in Sec. 944.20, Wis. Stats.
 - e. Prostitution, as defined in Sec. 944.30, Wis. Stats.
 - f. Theft, as defined in Sec. 943.20, Wis. Stats.
 - g. Receiving Stolen Property, as defined in Sec. 943.34, Wis. Stats.
 - h. Arson, as defined in Sec. 943.02, Wis. Stats.
 - i. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.
 - j. Gambling, as defined in Sec. 945.02, Wis. Stats.
 - k. Violations of regulations related to Animals under Title 7 of the City of Onalaska Code of Ordinances.
 - l. Trespassing, as defined in Sec. 943.31, Wis. Stats. and Sec. 943.14, Wis. Stats.
 - m. Violations of City regulations related to Firearms, Explosives and Weapons under Chapter 2 of Title 11 of the City of Onalaska Code of Ordinances.
 - n. Noise violations as defined in Chapter 2 of Title 11 of the City of Onalaska Code of Ordinances.
 - o. Any Conspiracy to Commit, as defined in Sec. 939.31, Wis. Stats., or attempt to commit, as defined in Sec. 939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in Subdivision 3.a. through n. above.
 - p. The execution of arrest or search warrants at a particular location.
 - q. Alcohol violations regulated in Chapter 4 of the City of Onalaska Code of Ordinances and Sec. 125.07, Wis. Stats.
 - r. City of Onalaska Inspection/Planning/Zoning-related calls where the Police Department responds.
 - s. Retail theft, as defined in Sec. 943.50(1)(3),(4)(a), Wis. Stats.
 - t. Violations of Title 12 Property Maintenance, Public Nuisances and Vacant Building Code of the City of Onalaska Code of Ordinances.
 4. **Owner.** The owner of the premise and their agents.
 5. **Premise.** An individual dwelling unit, an apartment building (all units included as one premise), or an individual business premise and associated common areas.
- B. **Statutory references.** All references to Wisconsin Statutes in this section are to statutes as may be amended or replaced.
- C. **Notice of chronic nuisance.** Whenever the Chief or Zoning Administrator determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premise during a twelve-month period, the Chief or Zoning Administrator may notify the premises owner in writing of the chronic nuisance. In calculating the requisite nuisance activities, the Chief or Zoning Administrator 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 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 by personal service. If personal service is unsuccessful or impractical, the Chief or their designee or Zoning Administrator shall post a copy of the notice in a conspicuous place on the premises where the nuisance

exists and send notice by first class mail to the last known address of the owner or the agent of the owner.

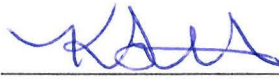
- D. **Abatement plan.** Any owner receiving notice subject to Section 12.02.31.C. above shall meet with the City Attorney and Chief or their designee or Zoning Administrator within five (5) days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten (10) days of this meeting, the owner shall submit to the Chief or their designee or Zoning Administrator, 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 sixty (60) miles of the property that can be contacted in the event of further law enforcement, fire or inspection contact.
- E. **Additional nuisance activity.** Whenever the Chief or Zoning Administrator determines that additional nuisance activity has occurred at a premise for which notice has been issued pursuant to Section 12.02.31.C. above, that this nuisance activity has occurred not less than fifteen (15) days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Chief or Zoning Administrator may calculate the cost of police and/or Zoning Administrator responses 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.
- F. **Appeal.** Appeal of the determination of the Chief or Zoning Administrator under this division may be submitted to the Common Council. Chapter 68, Wis. Stats. shall not apply to such an appeal.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this 14th day of May, 2024.



CITY OF ONALASKA

By: 
Kim Smith, Mayor

By: 
JoAnn Marcon, Clerk

PASSED: 05/14/2024
APPROVED: 05/14/2024
PUBLISHED: 05/21/2024