

ORDINANCE NO. 2019-14

AN ORDINANCE AMENDING SECTIONS 307-12, ENFORCEMENT, 307-14, FINDINGS, 307-15, DEFINITIONS AND 307-16, NOTICE OF CODE 307, NUISANCES OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SECTIONS 307-12, ENFORCEMENT, 307-14, FINDINGS, 307-15, DEFINITIONS AND 307-16, NOTICE OF CODE 307, NUISANCES BE AMENDED TO READ AS FOLLOWS:

SECTION 1.

§ 307-12 Enforcement. [1]

For the purposes of this article, "officer" shall mean law enforcement officers and the Fire Chief, the Village Building Inspector, the Code ~~and Safety~~ Enforcement ~~Coordinator~~ **Officer** and their designees. These officers shall enforce the provisions of this article that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under § ~~307-5~~ or ~~307-6~~ of this article to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does in fact exist.

SECTION 2.

§ 307-14 Findings. [1]

The Village Board finds that any premises that has three or more contacts with law enforcement ~~or Code Enforcement~~ for nuisance activities has received more than the level of general and adequate law enforcement ~~or Code enforcement service~~ and has placed an undue and inappropriate burden on the taxpayers of the Village. The Village Board therefore directs the Directed Enforcement Officer ~~and Code Enforcement Officer~~, as provided in this article, to charge the owners or such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.

SECTION 3.

§ 307-15 Definitions.

The following terms shall be defined as follows in this article:

NUISANCE ACTIVITY

Any of the follow activities, behaviors, or conduct whenever engaged in by premises owners, operators, or occupants or persons associated with a premises occurring on 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.

D. Lewd and lascivious behavior, as defined in § 944.20, Wis. Stats.

E. Prostitution, as defined in § 944.30, Wis. Stats.

F. Indecent exposure as defined in § 944.20(1)(b), Wis. Stats.

G. Keeping a place of prostitution as defined in § 944.34, Wis. Stats.

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

I. Receiving stolen property, as defined in § 943.34, Wis. Stats.

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

K. Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Ch. 961, Wis. Stats.

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

M. Animal violations, as defined by Village of Allouez Municipal Code and Wisconsin Statutes.

N. Trespassing to land as defined in § 943.13, Wis. Stats., or criminal trespass to dwelling as defined in § 943.14, Wis. Stats.

O. Weapons violations, as defined by Village of Allouez Municipal Code and Wisconsin Statutes.

P. Noise violations, as defined by Village of Allouez Municipal Code.

Q. Misuse of emergency telephone numbers as defined in § 256.35, Wis. Stats.

R. 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 A through Q above.

S. Any violations of the following codes 302, 307, 318, 345, 350, 432, and 475.

OFFICER

The Brown County Sheriff, Zoning Administrator, Building Inspector, Code ~~and Safety~~ Enforcement ~~Coordinator~~ **Officer** or Fire Chief or his or her designee.

SECTION 4.

§ 307-16 Notice.

- A. Whenever the **Code Enforcement Officer (CEO) or Directed Enforcement Officer (DEO) involved (law enforcement, inspection)** determines that three or more nuisance activities resulting in **code** enforcement action have occurred at a premises on separate days during a twelve-month period, the

CEO or DEO officer shall notify the premises owner in writing. In reaching this determination, the **CEO or** DEO may or may 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, and a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises. The notice shall be delivered pursuant to § **307-8** of Article **I** of this chapter. At the discretion of the investigating official, a citation may be issued to the homeowner or tenant for the violation of this article to immediately answer the violation in Allouez Municipal Court. Lack of knowledge regarding activities on the premises is not a defense for violation of this article.

- B. The Code ~~and Safety~~ Enforcement ~~Coordinator~~ **Officer** has authority to contact and identify persons of a residence during an ordinance violation investigation and may issue a citation to the resident as well as the property owner for ordinance violations to include violations that occur on nuisance property.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 17th day of December, 2019.

James F. Rafter, Village President

ATTEST:

Debra M. Baenen, Village Clerk

DATE OF PUBLICATION:
