

## VILLAGE OF CROSS PLAINS

ORDINANCE NO. 2023-02

### AN ORDINANCE TO CREATE SECTION 23.10 OF THE VILLAGE OF CROSS PLAINS CODE OF ORDINANCES CONCERNING CHRONIC NUISANCE PREMISES

The Village Board of the Village of Cross Plains, Dane County, Wisconsin, does hereby ordain as follows:

1. Section 23.10 of the Village Code is hereby created to read as follows:

#### SECTION 23.10 Chronic Nuisance Premises.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - (1) **Chief.** The Chief of Police or their designee.
  - (2) **Enforcement Action.** Arrest, the 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 premises:
    - a. An act of harassment, as defined in Wis. Stats. §947.013.
    - b. Disorderly conduct, as defined in Wis. Stats. §947.01.
    - c. Battery, substantial battery, or aggravated battery, as defined in Wis. Stats. §940.19.
    - d. Lewd and lascivious behavior, as defined in Wis. Stats. §944.20.
    - e. Prostitution, as defined in Wis. Stats. §944.30.
    - f. Theft, as defined in Wis. Stats. §943.20.
    - g. Receiving stolen property, as defined in Wis. Stats. §943.34.
    - h. Arson, as defined in Wis. Stats. §943.02.
    - i. Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Wis. Stats. Ch. 961.
    - j. Gambling, as defined in Wis. Stats. §945.02.
    - k. Animal violations, as defined in Chapter 21 of the Village Code.
    - l. Trespassing, as defined in Wis. Stats. §§943.13 and 943.14.
    - m. Violations, as defined in Chapter 22 of the Village Code.
    - n. Any conspiracy to commit, as defined in Wis. Stats. § 939.31, or attempt to commit, as defined in Wis. Stats. §939.32, any of the activities, behaviors, or conduct enumerated in subsections (a) through (t) of this section.
    - o. The execution of arrest or search warrants at a particular location.

- p. Alcohol violations, as defined in Chapter 41, and Wis. Stats. §125.07.
  - q. Obstructing or resisting an officer, as defined in Wis. Stats. §946.41.
  - r. Village of Cross Plains inspection-related calls where the Police Department responds.
  - s. Violations of Sections 823.09, 823.10, 823.11 and 823.113 of the Wisconsin Statutes.
  - t. Other nuisance provisions as defined in Chapter 23 of the Village of Cross Plains Code of Ordinances.
- (4) **Owner.** The owner of the premises and their agents.
- (5) **Premises.** An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.
- (b) **Notice.** Whenever the Chief determines that three or more Nuisance Activities resulting in enforcement action have occurred at a premises during a 12-month period, the Chief may notify the premises owner in writing. In calculating the requisite Nuisance Activities, the Chief may count separate qualifying nuisance Activities 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 either by personal delivery to the owner of the premises or by regular mail to the owner of the premises as set forth on the most recent real estate tax bill for the premises.
- (c) **Abatement Plan.** Any owner receiving notice pursuant to Section (b) above shall meet with the Chief, or their designee, within five days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten days of this meeting, the owner shall submit to the Chief, or their designee, 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 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact.
- (d) **Additional Nuisance Activity.** If the Owner of the Premises fails to meet with the Chief of Police as required by section (c) above or whenever the Chief determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Section 23-10(b), that the 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 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.

(e) **Appeal.** Appeal of the determination of the Chief of Police pursuant to the provisions of this section shall be to the Village Board. The provisions of Sections 68.08 through 68.13 Wis. Stats. shall apply to such an appeal.

(f) **Penalty.**

(1) In addition to any other remedy allowed by law, any person violating any term of this Section may be subject to a monetary forfeiture in an amount between \$10 and \$500 for a first offense, and \$500 to \$1,000 for a second and each subsequent offense.

(2) In addition to any other penalties outlined in this Section, the Village may apply to a court of competent jurisdiction for a temporary or permanent injunction to abate the nuisance described or to address any other violation of the provisions of this Section.


2. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

3. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

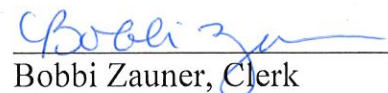
Adopted this 27 day of February, 2023.

**VILLAGE OF CROSS PLAINS**

By:

  
Jay Lengfeld, President

By:

  
Bobbi Zauner, Clerk