

CHAPTER 10

PUBLIC NUISANCES

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10.01 PUBLIC NUISANCES PROHIBITED

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

10.02 PUBLIC NUISANCE DEFINED

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public insecure in life or in the use of property;
- (3) Greatly offend the public morals or decency;
- (4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Sec. 10.02:

- (1) Adulterated Food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) Breeding Places for Vermin, Etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) Privy Vaults and Garbage Cans. Privy vaults and garbage cans which are not fly-tight.
- (6) Noxious Weeds. All noxious weeds, rank growth of vegetation, or the accumulation of unsightly growth and foliage. The Weed Commissioner shall determine when such unsightly growth and foliage of any nature is detrimental to the appearance, neatness, or cleanliness of a neighborhood and shall notify the owner of said property in writing that the accumulated of such unsightly growth and foliage is in violation of this ordinance, and give said owner 10 days within which to cut said accumulation of unsightly growth and foliage, as the case may be. If at the expiration of said 10 days, said owner has not complied with said order to cut such growth, then the Weed Commissioner can direct the proper authorities within the government of the City of Reedsburg to cut such unsightly growth and foliage and notify the property owner of the same and add the cost of said cutting of weeds to the tax roll if the same is not paid for in cash.
- (7) Water Pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

10.03 Public Nuisances Affecting Health

- (8) Noxious Odors, Etc. Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses or ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- (9) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- (10) Storage of Junk, Etc. The open storage of junk, refuse, litter, garbage, and scrap or waste matter. Such items include, but are not limited to, appliances, furniture, tires, wood, machinery parts, boats recreational vehicles, or other unsightly debris that is wrecked, dismantled, partially dismantled, discarded, or inoperative. *(Rev. 3-24-08)*
- (11) Box Elder Trees. Any box elder tree infected with the box elder bug.
- (12) Abandoned, Wrecked or Inoperative Motor Vehicles. No person shall park, store, leave, or permit the parking storing, or leaving of any motor vehicle of any kind that is in an abandoned, wrecked, inoperative, unlicensed, or dismantled condition upon any private property within the City. This section shall not apply to any vehicle enclosed within a building on private property, to any vehicle held in connection with a lawful business within the City or its extraterritorial area, such as a junkyard, salvage yard, or auto repair business, or to temporary repair work that is performed within 24 hours of a vehicle becoming unexpectedly unroadworthy. *(Rev. 11-8-10)*
 - (A) Notice shall be sent to the property owner or vehicle owner with an order that the owner shall, within 30 days, make the vehicle operable and roadworthy and license any vehicle that may not be licensed, or in the alternative, place such vehicle in an enclosed structure or remove the vehicle from the property. *(Rev. 11-8-10)*
 - (B) The Notice shall further advise the owner that if the nuisance is not corrected, the vehicle is subject to be towed, stored, and if not redeemed, disposed of at owner's expense following a hearing before the Ordinance Committee. *(Rev. 11-8-10)*
 - (C) A written notice shall be provided to that owner either personally or by registered mail. All hearings shall be scheduled within a reasonable time after receipt of the written request. *(Rev. 11-8-10)*
 - (D) Failure to appear at the hearing may be grounds for an immediate towing under the terms of this ordinance. If, at the conclusion of the hearing, the Committee finds that there is probable cause to believe that the vehicle is in violation pursuant to the definitions contained in this ordinance, a citation provided in Section 25.04 of this municipal code shall be issued and the vehicle shall be impounded. In the event that the vehicle is impounded, the owner shall remain liable for all towing charges and these charges shall be assessed over and above the penalties set forth in Section 25.04 if the person is found to be guilty of a violation of this ordinance. *(Rev. 11-8-10)*

10.03A COMMERCIAL AND INDUSTRIAL PROPERTY MAINTENANCE *(Created 02-08-10)*

- (1) Purpose. The purpose of this section is to recognize and protect the private and public benefits resulting from safe, sanitary and attractive nonresidential buildings, structures, yards and vacant areas. Attractive and well-maintained properties enhance neighborhoods and the City and protect physical and monetary property values.
- (2) Building Standards. It shall be the duty of any person(s) owning or controlling a building or premises, including vacant buildings and lots, to improve and maintain all property under their control to comply with the following minimum requirements.

10.03A Commercial and Industrial Property Maintenance

- (A) All exterior doors and windows shall be kept in sound working condition free of broken glass, and shall be secured by latch, lock or other means so as to prevent easy entry into such structure by children, vagrants, or unauthorized persons.
 - (B) All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
 - (C) All exterior walls and roofs shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease- carrying insects.
 - (D) The exterior of said building and the premises thereon shall be kept free of any accumulation of flammable or combustible rubbish or waste materials of sufficient quantity to constitute a danger to said building or any other building or premises in the event that such waste materials become ignited.
 - (E) The exterior of the premises shall be kept free of any accumulation of trash, garbage, rubbish or any waste material of such quantity as to constitute an unsanitary condition.
 - (F) Any existing fence shall be maintained in good repair with gates locked when the property is vacant.
 - (G) Block, brick or other siding shall be maintained in good repair with no holes, loose or missing pieces.
 - (H) An exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment.
 - (I) Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti and all other appropriate measures shall be taken to properly maintain the buildings.
 - (J) Where areas within a multi-use building are owned by separate entities, the obligations of this section shall fall only upon those persons responsible for the maintenance of the particular area that are not being maintained in accordance with this section.
 - (K) Properties shall be landscaped, mowed and trimmed so as to maintain a height of grass no greater than six inches unless allowed in another section of the municipal code.
- (3) Parking Lots. Weeds shall be mowed or removed and all cracks, potholes or other breaks in the parking lot surface shall be promptly filled and repaired by the proprietor. The proprietor shall provide for snow removal services for public right of way and parking lots to provide reasonable access to the property by public emergency services.
- (4) Trash Removal. The proprietor shall provide for the removal of all waste, trash, rubbish or refuse of all kinds from the commercial or industrial property at regular intervals. Between collections, the refuse shall be stored in covered containers.
- (5) Loose trash, rubbish or debris. The proprietor shall be responsible for seeing to it that the premises of the commercial or industrial building, including the parking lot are kept free of junk, trash, rubbish, debris or refuse of any kind.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Sec. 10.02:

- (1) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual, intercourse or gambling.
- (2) Gambling Devices. All gambling devices and slot machines.

10.05 Public Nuisances Affecting Peace and Safety

- (3) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinance of the City.
- (4) Continuous Violation of City Ordinances. Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the City.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Sec. 10.02:

- (1) Signs, Billboards, Etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (2) Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures within the City.
- (3) Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
- (4) Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection of pedestrian crosswalk.
- (5) Tree Limbs. All limbs of trees will be trimmed to a 7 foot height rather than a 9 foot height.
- (6) Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public. A tree whose roots penetrate the public sewer or cause a heaving of the sidewalk shall be included within this subsection.
- (7) Fireworks. All use or display of fireworks except as provided by laws of the State of Wisconsin and ordinances of the City.
- (8) Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (9) Wires Over Streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- (11) Obstructions of Streets and Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinance of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- (12) Unlawful Assembly. Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- (13) Keeping of Bees. The keeping of more than two hives of bees, the keeping of bees within 100 feet of any adjoining lot line and/or the keeping of bees for a commercial purpose.

10.06 DUTCH ELM DISEASE AND ELM BARK BEETLES DECLARED PUBLIC NUISANCES

- (1) Whereas the Common Council has determined that there are many elm trees growing on public and private premises within the City of Reedsburg, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the City, and that the health and life of such trees is threatened by a fatal disease known as dutch elm disease, which is spread by the elm bark beetles *scolytus multistriatus* (Eichb.) or *hylurgopinus rufipes* (Marsh.), the Council hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such disease and declares dutch elm disease and the elm bark beetles which carry such disease to be public nuisances.
- (2) The Board of Public Works shall carry out the provisions of this ordinance. It may employ a forester or designate a municipal employee to perform the duties of forester under Chapter 27 of the Wisconsin Statutes and may authorize such forester to perform the duties and exercise the powers imposed on the Board by this ordinance.
- (3) Definitions. As used in this ordinance, unless otherwise clearly indicated by the context:
- (A) "Public Nuisance" means:
1. Dutch Elm Disease.
 2. Elm Bark Beetles *scolytus multistriatus* (Elchb.) or *hylurgopinus rufipes* (Marsh.)
 3. Any living or standing elm tree or part thereof infected with the dutch elm disease fungus or in weakened condition which harbors any elm bark beetles, *scolytus multistriatus* (Elchb.) or *hylurgopinus rufipes* (Marsh.)
 4. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material, from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
- (B) "Public Property" means premises owned or controlled by the City, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
- (C) "Person" means person, firm or corporation.
- (4) Inspection.
- (A) The Board of Public Works shall inspect or cause to be inspected at least twice each year all premises and places within the City to determine whether any public nuisance exists thereon. It shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.
- (B) Whenever necessary to determine the existence of dutch elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Board which shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
- (C) The Board and their agents or employees shall have authority to enter upon private premises at reasonable time for the purpose of carrying out any of the provisions of this ordinance.
- (5) Abatement of Nuisances: Duty of Board of Public Works

10.06 Dutch Elm Disease and Elm Bark Beetles Declared Public Nuisances

- (A) The Board of Public Works shall order, direct, supervise and control the abatement of public nuisances as defined in this ordinance by removal and burying at the city land fill or by other means which it determines to be necessary to prevent as fully as possible the spread of dutch elm disease fungus or the insect pests or vectors known to carry such disease fungus.
 - (B) Whenever the Board of Public Works, after inspection or examination, shall determine that a public nuisance as herein defined exists on public property in the City, it shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease or the insect pests or vectors known to carry such disease fungus.
 - (C)
 1. When the Board of Public Works shall determine reasonable certainty that a public nuisance exists upon private premises (or upon the terrace strip between the lot line and the curb), it shall immediately serve or cause to be served personally or by registered mail upon the owner of such property (or the abutting property), if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than 14 days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommended procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of elm trees in the City, the Board of Public Works shall cause the abatement thereof at the expense of the property served (or abutting property). If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the City.
 2. If, after hearing held pursuant to this subsection, it shall be determined by the Board of Public Works that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within 24 hours after such hearing, the Board of Public Works shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this ordinance. The Board may extend time allowed the property owner for abatement work, but not to exceed 10 additional days.
- (6) (A) The cost of abatement of a public nuisance, when done at the direction of the Board of Public Works, if the nuisance, tree or wood is located on public property, shall be borne by the City.
- (B) The cost of abating a public nuisance located on private premises, when done at the direction and under the supervision of the Board, shall be assessed to the property on which such nuisance, tree or wood is located as follows:
1. The Board shall keep a strict account of the cost of such work and the amount chargeable to each lot or parcel and shall report such work charges, description of lands to which charged, and names and addresses of the owners of such lands to the common council on or before October 15 of each year.
 2. Upon receiving the Board's report, the Council shall hold a public hearing on such proposed charges, giving at least 14 days' notice in advance of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.
 3. After the hearing, the Council shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be

10.06 Dutch Elm Disease and Elm Bark Beetles Declared Public Nuisances

deemed final.

4. The City Clerk shall mail notice of the amount of such final assessments to each owner of property assessed at his last known address, stating that unless paid within 30 days of the date of the notice, such assessment shall bear interest at a rate of 6% per annum and will be entered on the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate shall apply to such assessment.
 5. The City hereby declares that in making assessments under this ordinance, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.
 6. The amount chargeable against any parcel or lot in any year under this ordinance shall not exceed 10% of the assessed value of the premises, exclusive of improvements, as shown on that year's tax roll. The portion of any assessment in excess of such percentage amount shall be charged to the City and paid out of general funds.
- (7) Prohibited Acts and Penalties. Any person who does any of the following acts within the City of Reedsburg shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 together with the cost of prosecution, and in default of payment thereof shall be imprisoned in the county jail until such costs and forfeiture are paid, but not exceeding 60 days.
- (A) Transports any bark bearing elm wood, bark or material on public streets or highways or other public premises without first securing the written permission of the Board of Public Works;
 - (B) Interferes with or prevents any act of the Board of Public Works or their agents or employees while they are engaged in the performance of duties imposed by this ordinance;
 - (C) Refuses to permit the Board of Public Works or its duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this ordinance;
 - (D) Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Board of Public Works to abate such nuisance.

10.07 ABATEMENT OF PUBLIC NUISANCES

- (1) Enforcement. The Chief of Police, the Chief of the Fire Department, the Building Inspector, the Zoning Administrator and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied them that a nuisance does in fact exist. *(Rev. 3-24-08)*
- (2) Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Mayor may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- (3) Abatement After Notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such

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nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed as provided in Sub. (2).

- (4) Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

10.08 COST OF ABATEMENT

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.09 PENALTY

Any person who shall violate any provision of this chapter sections 10.01 through 10.08 or permit or cause a public nuisance shall be subject to a penalty as provided in Sec. 25.04 of this municipal code.

(revised 8-10-09)

10.10 CHRONIC NUISANCE PREMISES *(Created 8-10-09)*

- (1) Findings. The Common Council finds that certain premises within the City receive and require more than the general, acceptable level of police services. Such premises place an undue and inappropriate burden on City of Reedsburg taxpayers, and constitute public nuisances. The Common Council therefore authorizes the Chief of Police to charge the owners of such premises the costs associated with abating the violations at premises where nuisance activities chronically occur and to provide for forfeitures for the failure of property owners to abate such nuisance activities.
- (2) Definitions. The following terms shall be defined as follows:
- (A) “Chief of Police” means the Chief of the Reedsburg Police Department or his or her designee.
 - (B) “Chronic Nuisance Premises” means premises that meet any of the following criteria:
 - 1. The premises has had three (3) or more Nuisance Activities resulting in Enforcement Action on separate occasions within thirty (30) days, or;
 - 2. The premise has had six (6) or more Nuisance Activities resulting in Enforcement Action on separate occasions within a twelve (12) month period of time.
 - (C) “Enforcement Action” means any of the following: The physical arrest of a person(s), the issuance of a citation(s) for a law violation and/or referral of charges by the police department to the City Attorney or District Attorney for prosecution for Nuisance Activities.
 - (D) “Nuisance Activity” shall mean any of the following activities, behaviors or conduct occurring on or within two hundred (200) feet of a premises whenever engaged in by premises owners, operators, occupants or a person 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. Crimes of Violence as defined in ch. 940, Wis.Stats.
 - 4. Lewd and Lascivious Behavior, as defined in §944.20, Wis.Stats.

10.10 Chronic Nuisance Premises

5. Prostitution, as defined in §944.30, Wis.Stats.
 6. Keeping a Place of Prostitution, as defined in §944.34, Wis.Stats.
 7. Soliciting Prostitution, as defined in §944.32, Wis.Stats.
 8. Patronizing Prostitutes, as defined in §944.31, Wis.Stats.
 9. Pandering, as defined in §944.33, Wis.Stats.
 10. Theft, as defined in §943.20, Wis.Stats.
 11. Receiving Stolen Property, as defined in §943.34 Wis.Stats.
 12. Arson, as defined in §943.02, Wis.Stats.
 13. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis.Stats., and 9.05(6), Reedsburg Municipal Codes.
 14. Gambling, as defined in §945.02, Wis.Stats.
 15. Animal violations as defined in Chap. 29 Reedsburg Municipal Code.
 16. Trespassing, as defined in §943.13 and §943.14 Wis.Stats.
 17. The production or creation of excessive noise, as defined in 9.05(12), 29.15(1) Reedsburg Municipal Code.
 18. Loitering, as defined in 9.04(5), Reedsburg Municipal Code.
 19. Littering, as defined in 9.04(4), Reedsburg Municipal Code.
 20. Crimes involving illegal possession or use of firearms as defined in ch. 941, §948.60, Wis.Stats., and 9.03(2) Reedsburg Municipal Code.
 21. Indecent exposure as defined in §944.20(1)(b), Wis.Stats.
 22. Possessing open intoxicants in public, as defined in 9.05(7) & 12.01(14)(b) Reedsburg Municipal Code.
 23. Selling or giving away tobacco products to persons under the age of eighteen (18) as defined in 9.03(6) & (7) Reedsburg Municipal Code.
 24. Illegal sale, discharge and use of fireworks as defined in 9.03(4)(a) & (b) Reedsburg Municipal Code.
 25. Truancy, and contributing to truancy as defined in 9.06 Reedsburg Municipal Code.
 26. The operation of structures for the purpose of prostitution, or gambling as defined in 9.05 (1) (r) – (x), Reedsburg Municipal Code.
 27. Loitering by minors, as defined by 9.04(5) Reedsburg Municipal Code.
 28. Underage consumption, possession or procurement of alcohol, as defined in ch. 125, Wis.Stats. and 9.05, Reedsburg Municipal Code.
 29. Conducting a disorderly, riotous or indecent licensed premises, as defined in 9.05(1) Reedsburg Municipal Code.
 30. Illegal sale of intoxicating liquor or fermented malt beverages, as defined in ch.125, Wis.Stats., and ch. 12, Reedsburg Municipal Code.
 31. 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 above.
 32. Any act of aiding and abetting, as defined in §939.05, Wis.Stats., any of the activities, behaviors or conduct enumerated above.
- (E) “Person associated with a premises” means the premises owner, operator, manager, officer, director, resident, occupant, guest, visitor, customer, patron or employee or agent of any of the above individuals, or one who waits to enter or attempts entry to the premises.
- (F) “Premises” means an individual or multi-family dwelling unit; any property used for residential purposes whether or not owner occupied; an individual business or commercial property; and associated common areas.

10.10 Chronic Nuisance Premises

- (3) Chronic Nuisance Premises Prohibited. It shall be unlawful for any property owner, operator, tenant, occupant, or person associated with a premises to allow the establishment of, keep, or maintain a chronic nuisance premises as described herein.
- (4) Notice Of Chronic Nuisance. Whenever the Chief of Police determines that:
 - (A) Three (3) or more Nuisance Activities resulting in Enforcement Action have occurred on separate occasions at the premises within thirty (30) days, or:
 - (B) Six (6) or more Nuisance Activities resulting in Enforcement Action have occurred on separate occasions at the premises within a twelve (12) month period of time, the Chief of Police shall notify the premises owner in writing that the premises is a Chronic Nuisance Premises. Nuisance activities, which were reported by the owner or manager of the premises shall not be counted in determining whether a premises is a Chronic Nuisance Premises.
- (5) Procedure.
 - (A) Upon determining that a premise meets the definition of a Chronic Nuisance Premises the Chief of Police shall provide written notice to the owner of the premises which shall contain the following information:
 1. The street address or legal description sufficient to identify the premises;
 2. A description of the nuisance activities that have occurred at the premises, including the dates that the nuisance activities are alleged to have occurred;
 3. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises pursuant to §66.0627 Wis.Stats.;
 4. A statement that the owner shall respond to the Chief of Police within ten (10) days to propose a written course of action to abate the nuisance activities or to appeal the determination, and that failure to submit a plan to abate such nuisance activities within ten (10) days shall subject the owner to a forfeiture of not less than two hundred fifty (\$250.00) and not more than one thousand dollars (\$1,000.00);
 5. A statement that the owner of the premises may be subject to a forfeiture of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars for each and every day the owner maintains, keeps or allows the Chronic Nuisance Premises to exist; and
 6. A notice as to the appeal rights of the owner.
 - (B) The above notice shall be deemed to be properly delivered to the owner if delivered by any one of the following methods:
 1. by personally delivering the notice to the premises owner;
 2. by sending it registered mail or by certified mail return receipt requested to the owner of the premises last known address;
 3. 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 owner's usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice; or
 4. by publication as a Class 1 notice together with mailing the notice to the owner's last known residential or business address.
 - (C) Upon receipt of the notice, the premises owner shall respond within ten (10) days to the Chief of Police with a written course of action outlining the abatement actions the premises owner proposes to take in response to the notice. The Chief of Police may accept, reject or work with owner to modify the proposal. The proposal shall be deemed acceptable if it can reasonably be expected to abate the Nuisance Activities within sixty (60) days after submission of the proposal.

10.10 Chronic Nuisance Premises

- (6) Cost Recovery.
- (A) Whenever the Chief of Police determines that additional nuisance activity has occurred on the premises for which a notice has been served pursuant to (5)(B) above, that this nuisance activity has occurred not less than fifteen (15) days after the notice has been served, and that the owner has not complied with the requirements of (5)(C), the Chief of Police shall then cause all costs, fees and expenses to be charged against the owner of the premises and if unpaid, levied and collected by the City as a special charge against the premises pursuant to Sec. 66.0627.
- (B) Calculation. In calculating the fees and expenses that may be levied and collected by the City as a special charge under (A) above, the Chief may consider but is not limited to the actual labor costs, including overtime, materials, vehicle expenses and related administrative time for enforcement action upon and/or pertaining to the premises in calculating the total costs, fees and expenses.
- (7) Penalties. In addition to the recovery of costs, expenses and fees as provided in subsection (6)(A) and (B), the following penalties may be jointly and severally sought and/or employed by the City and may be ordered and/or imposed for violations herein:
- (A) A premises owner who fails to respond to the Chief of Police within ten (10) days with a written course of action to abate the nuisance activities, pursuant to subsection (5)(C), shall forfeit and pay to the City a forfeiture of not less than two hundred fifty (\$250.00) and not more than one thousand dollars (\$1,000.00) plus court costs and fees.
- (B) Any person who shall allow the establishment of, keep, or maintain a chronic nuisance premises after notice by the Chief of Police that the premises were designated a Chronic Nuisance Premises shall forfeit and pay to the City not less than five hundred dollars (\$500.00) nor more than (\$1,000.00) for each separate incident of nuisance activity.
- (C) The foregoing penalties and remedies are not in lieu of any other legal or equitable remedies available pursuant to other city ordinances, state statutes, or state administrative codes.
- (8) Appeal. Appeal of the determination of the Chief of Police declaring a property to be a Chronic Nuisance Premises or appeal of the imposition of special charges against the premises, shall be submitted in writing to the Ordinance Committee within ten (10) days of receipt of notice of the determination or imposition of special charges. In the event such appeal is timely filed, all parties shall be afforded an opportunity to present evidence and to rebut or offer countervailing evidence at a hearing after reasonable notice. The review procedures provided by Chapter 68, Wis.Stats. shall not apply to appeals under this ordinance.
- (9) When Nuisance Deemed Abated. The public nuisance created by a Chronic Nuisance Premises shall be deemed abated when no enforcement action to address nuisance activities occurs for a period of six (6) months from the date stated on the notice declaring the premise a Chronic Nuisance Premise.