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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Common Council/Committee of the Whole LEGISLATION ITEM #: Ord. 0008-24

AGENDA DATE: October 28 through November 14, 2024

DEPARTMENT: City Attorney's Office

Prepared By: Robin Zbikowski, Assistant City Attorney

Reviewed By: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting amendments to the Chronic Nuisance Premises Ordinance; specifically, to create a time frame for the abatement plan phase and to reduce the time frame to designate a chronic nuisance premises.

EXECUTIVE SUMMARY:

The proposed amendments to the Chronic Nuisance Ordinance accomplish the following:

- (1) Reduces the time frame to designate a chronic nuisance premises.
- (2) Creates a firm deadline by which the property owner shall submit a proposed abatement plan.
- (3) Creates a firm deadline by which the property owner shall submit a finalized abatement plan.
- (4) Creates a firm deadline by which the property owner shall fully implement the finalized abatement plan.
- (5) Creates certain events that trigger the final phase, which is the pursuit of remedies.

BACKGROUND & ANALYSIS:

The Chronic Nuisance Premises Ordinance was enacted approximately five years ago to hold accountable any property owner whose property is the source of an inordinate number of calls for police services for nuisance activities and/or code enforcement violations occurring there. This ordinance is unique in that it creates a cause of action against the property owner, as opposed to the individual who

29 causes the disturbance (e.g. tenant, unwanted guest, partygoer, etc.), regardless of the property owner’s
30 proximity to or involvement with the property.

31 One amendment included here proposes to reduce the time frame to designate a chronic nuisance
32 premises from 90 days to 60 days. This amendment proposes to reduce the number of properties that
33 qualify as chronic nuisance premises by eliminating from the list of qualifying properties those properties
34 with only a few calls for service spread over 90 days and by including on the list of qualifying properties
35 only those properties with three calls for service in 60 days.

36 Upon notification of a chronic nuisance premises, the property owner has 10 days by which to
37 submit a proposed plan to abate the nuisance activities occurring there. When the nuisance activities have
38 been abated, the designation is lifted. How much time may elapse between these pillars—notification and
39 abatement—is unclear. The remaining amendments propose to create a separate deadline for each
40 milestone between these bookends to keep moving forward the abatement plan phase of this ordinance.

41 Specifically, the property owner must submit a proposed abatement plan within 10 days of notice,
42 followed by a finalized abatement plan within 30 days of notice. Further, the finalized abatement plan
43 must be fully implemented within 60 days of notice. If any one of these deadlines either lapses or is
44 ignored, then the city may commence the final phase, which is to issue notice of intent to pursue
45 remedies. Citations and invoices for services may commence thereafter.

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47 **BUDGETARY IMPACT:** No change.

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49 **OPTIONS/ALTERNATIVES:**

50 To approve, whereby enacting the proposed amendments to the Chronic Nuisance Premises Ordinance
51 that reduce the time frame to designate a property and create firm deadlines for the abatement plan phase.

52 To deny, whereby disallowing the proposed amendments to the Chronic Nuisance Premises Ordinance
53 that reduce the time frame to designate a property and create firm deadlines for the abatement plan phase.

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55 **RECOMMENDED ACTION:** To approve.

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57 **ATTACHMENT(S):** None.