

Office of Chief of Police



Chief of Police Arthel L. Howell

City of Racine, Wisconsin

August 17, 2016

Sami Naimi
Sam's Riverbank, LLC
3700 Northwestern Avenue
Racine, WI 53404

Dear Mr. Naimi:

It has come to the attention of the Racine Police Department that your property at 3700 Northwestern Avenue has been the subject of an inordinate number of nuisance calls for police or fire services.

Enclosed, is a copy of the Racine City Ordinance Section 66-1001 through Section 66-1004. As you can see, it is a potential violation of Section 66-1002 (b) (1), to have three or more police calls for nuisance activities within a 90 day period to a residential property. The penalty for first offense is \$177.00, second offense within six months of first offense is \$429.00, and all other offenses within two years of the first offense are \$681.00, which can be costly.

Additional penalties may also be taken into effect after the determination that the premise is a chronic nuisance premise. The Council may order the owner to pay the actual cost of any police call for any nuisance activities. Forfeitures under sec. 66-1003 may be imposed for each police call for any nuisance activities. Additional costs of abating a public nuisance by the city shall be collected as debt from the owner, occupant or person causing, permitting or maintaining the nuisance.

The attached table lists the calls that occurred from January 1st, 2015 through July 31st, 2016

The Racine Police Department is calling your attention to this matter in the hopes that you can address these problems with your tenants. If you need any additional information or would like to discuss this matter, please contact Deputy Chief John Polzin at phone number: (262) 635-7805, between the hours of 8:00 a.m. – 4:00 p.m., Monday through Friday.

Sincerely,

RACINE POLICE DEPARTMENT

John Polzin, Deputy Chief
Patrol Division

JP:mw
Enclosures



ARTICLE XXIX. - NUISANCE PROPERTIES

Sec. 66-1001. - Public nuisance prohibited.

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

(1) Definitions.

- a. *Public nuisance* means a public nuisance is a thing, act, occupation, condition or use of property, which shall continue for such a length of time as, to:
1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
 2. In any way render the public insecure in life or in the use of property; or
 3. Greatly offend the public morals or decency; or
 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.
 5. Specific nuisance activities include, but are not limited to, any of the following activities, behaviors or conduct:
 - i. An act of harassment, as defined in Wis. Stats. § 947.013.
 - ii. Disorderly conduct, as defined in Wis. Stats. § 947.01, or section 66-31 RCO.
 - iii. Crimes of violence as defined in Wis. Stats. ch. 940.
 - iv. Resisting or obstructing an officer as prohibited by Wis. Stats. § 946.41, or section 66-162 RCO.
 - v. Damage to property as prohibited by Wis. Stats § 943.01, or sections 66-186—66-188 RCO.
 6. The production or creation of noises disturbing the peace, as prohibited by sections 42-126, 42-127 and/or 42-141 RCO.
 7. Discharge of a firearm as prohibited by section 66-59 RCO.
 8. Crimes involving illegal possession of firearms as defined in Wis. Stats. §§ 941.23, 941.26, 41.28, 941.29 and 948.60.
 9. Trespass to land as defined in Wis. Stats. § 943.13, or criminal trespass to dwelling as defined in Wis. Stats. § 943.14, or unlawful trespass as prohibited in sections 66-136—66-137 RCO.
 10. Obstructing a street or sidewalk, as prohibited by sections 66-106—66-110 RCO.
 11. Theft as defined in Wis. Stats. § 943.20, or section 66-213 RCO.
 12. Arson as defined in Wis. Stats. § 943.02.
 13. Depositing rubbish as prohibited by section 82-32 RCO.
 14. Keeping a place of prostitution as defined in Wis. Stats. § 944.34.
 15. Loitering for the purposes of prostitution as prohibited by section 66-322 RCO.
 16. Loitering for purposes of soliciting prostitutes, as prohibited by section 66-322 RCO.
 17. Prostitution as prohibited by Wis. Stats. § 944.30.
 18. Soliciting prostitutes as prohibited by Wis. Stats. § 944.32.
 19. Pandering as prohibited by Wis. Stats. § 944.33, or section 66-213 RCO.

20. Possessing an open container, which contains alcohol beverages, or consuming alcohol beverages upon any public street as prohibited by section 6-4 of these ordinances.
21. Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in Wis. Stats § 125.04(1).
22. Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in Wis. Stats. ch. 961.
23. Maintaining a drug dwelling as defined in Wis. Stats. § 961.42.
24. Illegal gambling as defined in Wis. Stats. § 945.02.
25. Other violations of chapter 66, RCO.

(Ord. No. 29-03, pt. 1, 12-16-03; Ord. No. 2-12, pt. 1, 6-28-12)

Editor's note— Ord. No. 2-12, pt. 1, adopted June 28, 2012, changed the title of § 66-1001 from "Public nuisance declared" to "Public nuisance prohibited". This historical notation has been preserved for reference purposes.

Sec. 66-1002. - Procedure.

- (a) *Purpose.* The common council finds that from time to time certain commercial and residential premises in the City of Racine require a disproportionate amount of police department resources to be devoted to addressing various problems and incidents that occur thereon. Often this disproportionate devotion of police resources is due to property owners' own actions or the failure of property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside upon or frequent the premises. Such premises, as further described in paragraph (b) below, are deemed chronic nuisance premises and are public nuisances. This section is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law, and do not unduly burden the city's police resources, and to provide a mechanism for the city to take action against property owners who fail to ensure premises they own or rent do not require a disproportionate devotion of police resources and to recover the costs associated with the disproportionate devotion of police resources to such premises. This subsection is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

- (b) *Definitions.* For the purpose of this section:

Chief of police means the City of Racine Police Department Chief of Police or designee.

Chronic nuisance premises means a premises that meets any of the following criteria:

- (1) Is a premises which has generated three or more calls for police services that have resulted in enforcement action for nuisance activities on one occasion within a ninety-day period. Three or more calls for police services resulting in enforcement action for nuisance activities includes enforcement action taken against any person associated with the premises while at or within 200 feet of the premises for a nuisance activity; or
- (2) Is a premises for which charges have been filed by the Racine County District Attorney for manufacture, distribution or delivery of a controlled substance that has occurred on or in association with the premises.
- (3) Is a premises which has had one enforcement action associated with the premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Wis. Stats. ch. 961.

Enforcement action means any of the following: The issuance of a citation for a law violation and/or the filing of charges by the district attorney or the city attorney for the prosecution for nuisance activities.

Person means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Racine.

Person associated with means any person who, whenever engaged in a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

Person in charge means any person, in actual or constructive possession of a premises, including, but not limited to, any owner or occupant of premises under his or her ownership or control.

Premises means a commercial business establishment or a place of abode, a residence, a house or multiple dwelling unit for one or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "premises," as used in this section, may consist of any single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

[(c)] *Procedure.* Whenever any such premises exists, the chief of police shall determine from the facts of each incident and considering the purpose of this subsection as set forth in paragraph (a) above, whether the premises is a chronic nuisance premises. A chronic nuisance is a public nuisance. The chief, in making his determination, shall consider, among other things, whether the nuisance activities resulting in enforcement actions were reported by the owner of the premises and whether the nuisance activity was committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator, or agent of the premises.

Wis. Stats. § 968.075 broadly defines "domestic abuse." Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are "domestic abuse" incidents pursuant to Wis. Stats. § 968.075, shall not be included as nuisance activities.

Nothing in this section 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 including, but not limited to, an action under Wis. Stats. ch. 823.

- (d) *Notice.* Whenever the chief of police finds a premises constitutes a chronic nuisance premises under paragraph (b), the chief of police shall provide written notice of his determination to the owner of the premises as identified by the records of the city assessor. Such notice shall be delivered by registered mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be published as a class 2 notice under Wis. Stats. ch. 985. The notice shall contain the following additional information:
- (1) The street address, parcel number or legal description sufficient to identify the premises.
 - (2) A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.
 - (3) A statement that the owner shall, within ten days of receipt of the notice, or last day of publication if published, respond to the chief of police requesting a hearing before the public safety and licensing committee or proposing in writing a course of action that will be taken to abate the nuisance activities.
 - (4) A statement that the owner shall immediately notify the chief of police of any change in address to ensure receipt of future notices.
- (e) *Owner abatement.* If the owner responds to the notice in paragraph (c) with a nuisance abatement proposal, the chief of police may accept, reject or work with the owner to modify the proposal in his or her discretion. If the chief of police rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the public safety and licensing committee for hearing.

- (f) *Hearing.* If a hearing is requested or if the chief of police determines that a satisfactory abatement plan cannot be agreed upon, or if the chief of police determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the public safety and licensing committee. The owner shall receive ten days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a class 2 notice under Wis. Stats. ch. 985. The public safety and licensing committee shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the chief of police.
- (g) *Penalties and remedies.*
- (1) If the chief of police's determination is affirmed by the public safety and licensing committee and approved by the common council, the council may order the owner to pay the actual cost of any police call for any nuisance activities occurring after the three police responses that lead to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the common council and may include cost incurred prior to the common council's determination. The common council may order costs of all such police calls to the chronic nuisance premises be paid until the public nuisance is abated under paragraph (h). Such costs shall be billed to the owner by invoice sent by regular mail and if not paid within 30 days of the date on the invoice, shall be charged to the property as a special charge pursuant to Wis. Stats. § 66.0627.
 - (2) Forfeitures under section 66-1003 may be imposed for each police call for any nuisance activities occurring after the three police responses that lead to the determination that the premises was a chronic nuisance premises, however, no forfeiture shall be imposed for any nuisance activity that occurred prior to the common council affirming the decision of the chief of police.
 - (3) The common council may authorize any other penalty or remedy authorized by law.
- (h) *When nuisance is deemed abated.* The public nuisance created by a chronic nuisance premises shall be deemed abated when no police calls to the premises to address nuisance activities occurs for a period of three consecutive months and the chief of police or his designee deems the property to be in compliance with the abatement agreement.
- (i) *Other methods not excluded.* Nothing in this section 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, including, but not limited to, an action under Wis. Stats. ch. 823.

(Ord. No. 29-03, pt. 1, 12-16-03; Ord. No. 2-12, pt. 2, 6-28-12)

Sec. 66-1003. - Penalty for violation.

Upon conviction, persons found in violation of this article may forfeit up to \$100.00 for the first offense, up to \$300.00 for the second offense within six months of the first offense, and up to \$500.00 for any subsequent offenses within two years.

(Ord. No. 29-03, pt. 1, 12-16-03)

Sec. 66-1004. - Cost of abatement.

In addition to any other penalty imposed by this article for the erection, contrivance, 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.

(Ord. No. 2-12, pt. 3, 6-28-12)

Date	Call#	CFS	Location
07/27/16 14:24	16.040473	ASSOJN	3700 Northwestern Av;RA
07/26/16 10:29	16.040213	SUSCIR	3700 Northwestern Av;RA
07/20/16 20:47	16.039052	DC	3700 Northwestern Av;RA
07/10/16 22:40	16.036971	NOISE	3700 Northwestern Av;RA
07/10/16 18:30	16.036924	LOUDMU	3700 Northwestern Av;RA
07/07/16 15:56	16.036194	WELFAR	3700 Northwestern Av;RA
06/30/16 18:46	16.034371	CIVTRO	3700 Northwestern Av;RA
06/30/16 17:05	16.034338	FIGHT	3700 Northwestern Av;RA
06/28/16 22:42	16.033935	CIVTRO	3700 Northwestern Av;RA
06/28/16 03:50	16.033724	CIVTRO	3700 Northwestern Av;RA
06/27/16 21:38	16.033673	UNPART	3700 Northwestern Av;RA
06/27/16 21:26	16.033671	ASSREQ	3700 Northwestern Av;RA
06/27/16 17:40	16.033612	ASSLTR	3700 Northwestern Av;RA
06/24/16 10:26	16.032741	CRPREV	3700 Northwestern Av;RA
06/16/16 19:53	16.031058	WELFAR	3700 Northwestern Av;RA
06/13/16 19:01	16.030412	CIVTRO	3700 Northwestern Av;RA
06/10/16 23:04	16.029823	UNPART	3700 Northwestern Av;RA
06/09/16 15:18	16.029478	WANTPR	3700 Northwestern Av;RA
06/09/16 14:31	16.029469	CIVTRO	3700 Northwestern Av;RA
06/09/16 12:55	16.029452	WANTPR	3700 Northwestern Av;RA
06/06/16 19:25	16.028861	ASSREQ	3700 Northwestern Av;RA
06/06/16 18:16	16.028847	CIVTRO	3700 Northwestern Av;RA
06/06/16 12:34	16.028750	CIVTRO	3700 Northwestern Av;RA
06/06/16 00:58	16.028655	WELFAR	3700 Northwestern Av;RA
06/05/16 20:16	16.028594	CIVTRO	3700 Northwestern Av;RA
06/05/16 16:36	16.028523	CIVTRO	3700 Northwestern Av;RA
06/05/16 15:24	16.028516	THEFT	3700 Northwestern Av;RA
06/04/16 10:49	16.028269	CIVTRO	3700 Northwestern Av;RA
06/04/16 10:49	16.028267	CIVTRO	3700 Northwestern Av;RA
06/03/16 17:35	16.028094	CIVTRO	3700 Northwestern Av;RA
06/03/16 01:24	16.027931	CIBHIT	3700 Northwestern Av;RA
06/02/16 18:12	16.027851	WANTPR	3700 Northwestern Av;RA
06/01/16 13:43	16.027556	ASSOJN	3700 Northwestern Av;RA
05/29/16 14:42	16.026887	WELFAR	3700 Northwestern Av;RA
05/26/16 10:46	16.026157	WELFAR	3700 Northwestern Av;RA
05/11/16 19:03	16.023132	CIVTRO	3700 Northwestern Av;RA
05/03/16 20:45	16.021605	ANMBRK	3700 Northwestern Av;RA
05/03/16 20:14	16.021597	ASSOJN	3700 Northwestern Av;RA
05/03/16 19:31	16.021588	ANMBRK	3700 Northwestern Av;RA
05/02/16 09:58	16.021271	FIGHT	3700 Northwestern Av;RA
04/29/16 21:10	16.020900	RR	3700 Northwestern Av;RA
04/27/16 20:45	16.020499	WELFAR	3700 Northwestern Av;RA
04/21/16 21:18	16.019464	SUSVEH	3700 Northwestern Av;RA
04/18/16 21:31	16.018919	UNPART	3700 Northwestern Av;RA
04/13/16 16:22	16.017765	SUSVEH	3700 Northwestern Av;RA
04/06/16 16:59	16.016638	911HUP	3700 Northwestern Av;RA
04/06/16 15:24	16.016617	WANTPR	3700 Northwestern Av;RA
04/05/16 12:33	16.016430	CIVTRO	3700 Northwestern Av;RA
04/04/16 14:37	16.016290	ASSREQ	3700 Northwestern Av;RA
04/03/16 10:32	16.016081	CIVTRO	3700 Northwestern Av;RA
04/01/16 21:11	16.015841	SUSVEH	3700 Northwestern Av;RA
04/01/16 20:26	16.015830	UNPART	3700 Northwestern Av;RA
03/31/16 16:56	16.015625	UNPART	3700 Northwestern Av;RA
03/28/16 13:56	16.015100	APHONE	3700 Northwestern Av;RA
03/26/16 16:36	16.014844	APHONE	3700 Northwestern Av;RA
03/22/16 12:29	16.014148	CRPREV	3700 Northwestern Av;RA
03/18/16 21:22	16.013541	APHONE	3700 Northwestern Av;RA
03/09/16 17:44	16.011737	APHONE	3700 Northwestern Av;RA
03/09/16 00:01	16.011570	WELFAR	3700 Northwestern Av;RA

04/21/16 21:18	16.019464	SUSVEH	3700 Northwestern Av;RA
04/18/16 21:31	16.018919	UNPART	3700 Northwestern Av;RA
04/13/16 16:22	16.017765	SUSVEH	3700 Northwestern Av;RA
04/06/16 16:59	16.016638	911HUP	3700 Northwestern Av;RA
04/06/16 15:24	16.016617	WANTPR	3700 Northwestern Av;RA
04/05/16 12:33	16.016430	CIVTRO	3700 Northwestern Av;RA
04/04/16 14:37	16.016290	ASSREQ	3700 Northwestern Av;RA
04/03/16 10:32	16.016081	CIVTRO	3700 Northwestern Av;RA
04/01/16 21:11	16.015841	SUSVEH	3700 Northwestern Av;RA
04/01/16 20:26	16.015830	UNPART	3700 Northwestern Av;RA
03/31/16 16:56	16.015625	UNPART	3700 Northwestern Av;RA
03/28/16 13:56	16.015100	APHONE	3700 Northwestern Av;RA
03/26/16 16:36	16.014844	APHONE	3700 Northwestern Av;RA
03/22/16 12:29	16.014148	CRPREV	3700 Northwestern Av;RA
03/18/16 21:22	16.013541	APHONE	3700 Northwestern Av;RA
03/09/16 17:44	16.011737	APHONE	3700 Northwestern Av;RA
03/09/16 00:01	16.011570	WELFAR	3700 Northwestern Av;RA



Racine Police Department (RAPD)

730 Center Street | Racine, 53403 | Phone: (262) 635-7700

CAD Summary

Tuesday, July 26, 2016
9:12:35 am

** For official use only **

City of Racine

	01/15	02/15	03/15	04/15	05/15	06/15	07/15	08/15	09/15	10/15	11/15	12/15	Total
911 Hangup/Disconnect					1					1			3
Abandoned Bicycle								1					1
Animal At Large								1					1
Animal Pick Up							1						1
Annoying Phone Calls									1				1
Assault Report			1										2
Assist Mt. Pleasant PD		1											1
Assist OJ-Non Urgent	2				1	1							4
Assistance Requested-Citi					1				1				2
Attempt To Locate		1											1
Auto Theft Report		1											1
Civil Trouble		2	1	3	4	2	3	6	2	2	1		26
Crime Prevention	1		1	1	1			1			1	1	7
Dead On Arrival			1										1
Disorderly Conduct	1									1			2
Extra Attention		1											1
Family Trouble				1	1					1			3
Fight	1	1			1						2		5
Fraud										1	1		2



Racine Police Department (RAPD)

730 Center Street | Racine, 53403 | Phone: (262) 635-7700

CAD Summary

Tuesday, July 26, 2016
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	01/15	02/15	03/15	04/15	05/15	06/15	07/15	08/15	09/15	10/15	11/15	12/15	Total
Information				1									1
Intoxicated Person					1		1						2
Man Down									1				1
Mental Subject	1		2			1				1	1		6
Narcotic In Progress					1	1							2
Noise Violation								1					1
Ordinance Violation					1								1
Parking Violation				1									1
Prostitution													1
Rescue Run	2				1			1					4
Runaway Juvenile							1						1
Search Warrant	1											1	2
Suspicious Circumstances								1	1			1	2
Suspicious Person										1			1
Suspicious Vehicle	1										1		2
Traffic Violation													1
TRO/Injunction										1			1
Truant													2
Unwanted Party	2			1				1	1	3	3		11
Wanted Person							2	1		1			4



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Tuesday, July 26, 2016
 9:12:35 am

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	01/15	02/15	03/15	04/15	05/15	06/15	07/15	08/15	09/15	10/15	11/15	12/15	Total
Welfare Check			3	2		1	2		1	3	2		14
Total	12	7	11	12	15	5	10	14	9	17	13	2	127



Racine Police Department (RAPD)
 730 Center Street | Racine, 53403 | Phone: (262) 635-7700

CAD Summary

Tuesday, July 26, 2016
 9:10:38 am

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City of Racine

	01/16	02/16	03/16	04/16	05/16	06/16	07/16	Total
911 Hangup/Disconnect			1					1
Animal Barking				2				2
Annoying Phone Calls			4					4
Assault Report						1		1
Assist OJ-Non Urgent				1		1		2
Assistance Requested-Citi			1			2		3
Cib Hit						1		1
Civil Trouble		8		2	1	12		23
Crime Prevention		2	1			1		4
Disorderly Conduct							1	1
Fight					1			2
Intoxicated Person	1							1
Loud Music							1	1
Noise Violation							1	1
Rescue Run				1				1
Suspicious Vehicle			3					3
Theft	1						1	2
Unwanted Party	3		1	2		2		8
Wanted Person		1		1		3		5



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CAD Summary

Tuesday, July 26, 2016
9:10:38 am

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	01/16	02/16	03/16	04/16	05/16	06/16	07/16	Total
Welfare Check	2	3	1	1	2	2	1	12
Total	7	14	7	12	7	27	4	78