

Ordinance 0008-24 – Amendments to the Abatement Phase of the Chronic Nuisance Premises Ordinance

An ordinance to amend Chapter 66, Article XXX, sections 66-1001 and 66-1003(a), (d), (e), and (h) and to create Chapter 66, Article XXX, section 66-1003(m).

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 66, Article XXX, section 66-1001 is amended as follows:

Within the definition of *chronic nuisance premises*, the phrase “within a 90 day period” is amended to “within a 60-day period”.

Part 2: Chapter 66, Article XXX, section 66-1003(a) is amended as follows:

The phrase “within a 90-day period” is amended to “within a 60-day period”.

Part 3: Chapter 66, Article XXX, section 66-1003(d) is repealed and recreated as follows:

(d) *Abatement plan.*

- (1) *Proposed abatement plan.* The owner shall submit to the code enforcement officer a written proposal to abate the nuisance activities at the premises by no later than 10 days from the date of the notice under section 66-1003(c). The code enforcement officer may by no later than 20 days from the date of the notice under section 66-1003(c) accept or reject the proposed abatement plan at his or her discretion. Any rejection shall be in writing and shall state therein the reasons therefor and that the owner may modify the abatement plan and submit for review a finalized abatement plan under section 66-1003(d)(2).
- (2) *Finalized abatement plan.* The owner shall submit to the code enforcement officer a finalized abatement plan by no later than 30 days from the date of the notice under section 66-1003(c). The code enforcement officer may by no later than 40 days from the date of the notice under section 66-1003(c) accept or reject the finalized abatement plan at his or her discretion. Any rejection shall be in writing and shall state therein the reasons therefor.
- (3) *Implementation.* The finalized abatement plan shall be fully implemented by the owner by no later than 60 days from the date of the notice under section 66-1003(c), except that a finalized abatement plan that has been accepted by the code enforcement officer may state an alternative date by which the finalized abatement plan shall be fully implemented by the owner.
- (4) *Intent to pursue remedies.* Upon rejection of the owner’s proposed abatement plan or finalized abatement plan by the code enforcement officer, the code enforcement

officer may notify the owner of his or her intent to pursue remedies under section 66-1003(e).

Part 4: Chapter 66, Article XXX, section 66-1003(e) is repealed and recreated as follows:

- (e) *Notice of intent to pursue remedies.* If any one or more of the following conditions is met, then the code enforcement officer may notify the owner of both his or her intent to pursue one or more remedies under section 66-1003(f) and the right to appeal under section 66-1003(g). Such notice shall be delivered by regular mail to the address on file with the chief assessor's office. If the owner cannot be located, the notice shall be published as a class 2 notice under Wis. Stats. ch. 985 and a copy left at the premises.
- (1) The owner fails to submit a timely proposed abatement plan or such plan is rejected by the code enforcement officer under section 66-1003(d)(1);
  - (2) The owner fails to submit a timely finalized abatement plan or such plan is rejected by the code enforcement officer under section 66-1003(d)(2);
  - (3) The owner fails to fully implement the finalized abatement plan by the expiration date under section 66-1003(d)(3).
  - (4) If, after 180 days from the date of the notice under section 66-1003(c), the premises qualifies as a chronic nuisance premises.

Part 5: Chapter 66, Article XXX, section 66-1003(h) is repealed and recreated as follows:

- (h) *When a chronic nuisance is considered abated.* The public nuisance created by a designated chronic nuisance premises shall be considered abated and such designation lifted if, after the finalized abatement plan has been accepted and timely implemented and after 180 days from the date of the notice under section 66-1003(c), the premises does not qualify as a chronic nuisance premises under section 66-1001.

Cross-reference – Definitions, § 66-1001.

Part 6: Chapter 66, Article XXX, section 66-1003(m) is created as follows:

- (m) *Summary report.* Code enforcement officers shall generate and provide a summary report to the common council no later than February 1 that lists any premises that was deemed a chronic nuisance premises under this section during the previous year and that summarizes the status thereof.

Part 7: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: No change.

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

PROPOSED