



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Agenda - Final Public Safety and Licensing Committee

*Chairman Aron Wisneski
Vice Chairman Gregory Holding
Robert Mozol
Jim Kaplan
Melissa Kaprelian-Becker*

Monday, March 12, 2012

5:30 PM

City Hall, Room 205

Call To Order

Approval of Minutes for the February 27, 2012 Meeting.

- [12-7429](#) **Subject:** Communication from the Interim Director of Park, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for roof replacement at Colonial Park Restroom Building.
- [12-7430](#) **Subject:** Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Nielsen Madsen & Barber S.C. to provide engineering, construction documents and construction management for 2012 Parks Asphalt Improvements.
- [12-7431](#) **Subject:** Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for Roof Replacement Sections 5 & 10 at the Chavez Community Center.
- [12-7428](#) **Subject:** (New) Application of Mary's Diamond Corporation, Marilu Perez, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1221 Douglas Avenue (4th District)
- [12-7408](#) **Subject:** (Direct Referral) Sale of Abandoned Vehicles 3-6-2012
- [12-7455](#) **Subject:** (Direct Referral) License Premise Report and DRC Reports for the 03/12/12 Meeting.
- [Ord.2-12](#) Ordinance No. 2-12

To repeal and recreate Sec. 66-1001, repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

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

Part 1:

Sec. 66-1001 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“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.

(a) Definitions.

1. Public Nuisance.

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

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or

(b) In any way render the public insecure in life or in the use of property; or

(c) Greatly offend the public morals or decency; or

(d) 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.”

Part 2:

Sec. 66-1002 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-1002. Chronic Nuisance Premises.

(a) Purpose.

The Common Council finds that from time to time certain 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) Determination of Chronic Nuisance Premises.

1. Any premises to which the Police Department is called to respond to complaints of any nuisance activity, three (3) or more separate times within any thirty (30) day period, is deemed to have received and require more than the general, acceptable level of police services, and places an undue burden upon the taxpayers of the City. For purposes of this subsection, a nuisance activity shall be offenses under Chapter 66 of this Code or their statutory counterparts, or any offense under state law for which a penalty of forfeiture, fine or imprisonment is provided. An offense shall not be considered a nuisance activity if it is 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.

2. Whenever any such premises exist, 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.

(c) 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. Chap. 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 10 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.

(d) 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.

(e) 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 (10) 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. Chap. 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.

(f) 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 (3) 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 (g). Such costs shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (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 (3) 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.

(g) 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 six (6) consecutive months and the Chief of Police or his designee deems the property to be in compliance with the abatement agreement.

(h) 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. Chap. 823."

Part 3:

Section 66-1004 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 66-1004. Cost of abatement.

In addition to any other penalty imposed by this chapter 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.”

Part 4:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski and Gregory Holding

PUBLIC COMMENT

Adjournment

If you are disabled and have accessibility needs or need information interpreted for you, please contact City Clerk at (262) 636-9171 at least 48 hours prior to this meeting.