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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Common Council/Committee of the Whole LEGISLATION ITEM #: Ord. 0012-24

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 that the Chronic Nuisance Premises Ordinance is amended such that it applies equally to both permanent and mobile commercial business establishments.

EXECUTIVE SUMMARY:

This piece of legislation proposes to amend the definition of "premises" under the Chronic Nuisance Premises Ordinances such that it applies not only to permanent commercial business establishments, but also *mobile* commercial business establishments.

BACKGROUND & ANALYSIS:

The Chronic Nuisance Premises Ordinance was enacted approximately five years ago to hold accountable any property owner whose premises 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 causes the disturbance (e.g. tenant, unwanted guest, partygoer, etc.), regardless of the property owner's proximity to or involvement with the property.

Food truck owners, operators, and licensees, while operating commercial business establishments all the same, evade this ordinance due to the mobile nature of their respective businesses. This proposed legislation amends the definition of "premises" under the Chronic Nuisance Premises Ordinance to

30 include not only permanent (bricks and mortar) commercial business establishments, but also any mobile
31 commercial business establishments.

32 Recently, mobile commercial business establishments—specifically, food trucks—have drawn
33 large crowds (200+ persons) on both public and private property between 2:00 and 4:00 a.m. These
34 crowds have been the source of loud noises (from persons and stereos) and violent crimes (from gun
35 violence to assault). Left behind are black, slippery grease stains on public sidewalks, food remnants (like
36 chicken bones), and other forms of litter. Were the Chronic Nuisance Premises Ordinance applied to
37 mobile commercial business establishments, such would serve as a tool to help abate the nuisance
38 activities stemming therefrom.
39

40 **BUDGETARY IMPACT:** No change.

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42 **OPTIONS/ALTERNATIVES:**

43 To approve, whereby amending the definition of premises to include a mobile commercial business
44 establishment under the Chronic Nuisance Premises Ordinance.

45 To deny, whereby disallowing the definition of premises to include a mobile commercial business
46 establishment under the Chronic Nuisance Premises Ordinance.
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48 **RECOMMENDED ACTION:** To approve.
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50 **ATTACHMENT(S):** None.