

Informational Only: Public/Chronic Nuisance Ordinance Overview

Property owners are legally responsible for properly maintaining/managing their properties. If a public/chronic nuisance exists, under Janesville City Ordinance chapter 9.32, the property owner may be subject to the following:

- 1) Citation(s) for Maintaining a Public Nuisance, with fines up to \$5,000.00 per incident for each day the nuisance continues.
- 2) Bill(s) for police services at the property due to failure to eliminate the nuisance activity. If not paid, the bill amounts may be assessed as a special charge against the premises.
- 3) Additional legal action against the owner/property by the City of Janesville through Circuit Court.

Billing Property Owners

Chapter 9.32 allows the city to recover the costs of police services from the property owner under certain circumstances. The procedure is as follows:

- 1) The property is deemed a chronic nuisance.
- 2) The owner is notified via a formal letter, personally delivered, sent certified mail, first class mail, in a posting and/or publication, or by such other means as provided by law for service of process in a civil action.
- 3) If the owner does not make a bona fide effort to follow the abatement plan, the City of Janesville may bill the owner for any additional nuisance police calls to that property.

Deeming a property a chronic nuisance: A property may be deemed a chronic nuisance when there have been four or more separate police responses resulting in enforcement action (warning, citation, or arrest) due to the following types of violations within any 12-month period:

Harassment	Disturbing the peace by fighting/noise
Disorderly conduct	Curfew violations
Battery	Truancy
Lewd and lascivious behavior by children	Purchase/possession cigarette/tobacco
Prostitution	Property offenses
Theft	Weapons offenses
Receiving stolen property	Firearm violations
Arson	Animal violations
Illegal drug activity	Conspiracy

Gambling

Indecent exposure/public urination

Trespassing

Drug houses, criminal gang houses, prostitution houses, and gambling houses

Fireworks violations

Obstructing/resisting an officer

Disorderly houses

It should further be noted that calls generated by the property owner are exempt and will not be counted.

Working with Property Owners

The City of Janesville and the Janesville Police Department strive to work cooperatively with property owners in resolving problems at nuisance properties. Legal action as mentioned above is only used when there is no other resolution to a situation. Please call the Janesville Police Department Community Services Section with any questions or for further assistance at (608) 755-3100.

CHAPTER 9.32

CHRONIC NUISANCE PREMISES

Sections:

9.32.010	Definitions.
9.32.020	Notice.
9.32.030	Abatement Plan.
9.32.040	Additional Nuisance Activity.
9.32.050	Appeal.
9.32.060	Violations -- Penalties -- Remedies -- Injunctive and other relief.

9.32.010 **Definitions.** The following terms shall be defined as follows in this chapter:

- A. Chief.** The Chief of Police or his or her designee.
- B. Enforcement Action.** Arrest, the issuance of a citation, or the issuance of a written warning, or the issuance of an order to correct.
- C. JGO.** Janesville General Ordinance.
- D. Neighborhood Services Director.** The Neighborhood Services Director or his or her designee.
- E. Nuisance Activity.** Any of the following activities, behaviors or conduct occurring upon a premises:
 - 1. POLICE NUISANCE ACTIVITY**
 - a.** An act of Harassment, as defined in §947.013, Wis. Stats.
 - b.** Disorderly Conduct, as defined in §947.01, Wis. Stats.
 - c.** Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.

- d.** Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.
- e.** Prostitution, as defined in §944.30, Wis. Stats.
- f.** Theft, as defined in §943.20, Wis. Stats.
- g.** Receiving Stolen Property, as defined in §943.34, Wis. Stats.
- h.** Arson, as defined in §943.02, Wis. Stats.
- i.** Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.
- j.** Gambling, as defined in §945.02, Wis. Stats.
- k.** Trespassing, as defined in §943.13 and §943.14, Wis. Stats.
- l.** Obstructing or resisting an officer, as defined in JGO 9.08.
- m.** Disorderly houses, as defined in JGO 9.15.
- n.** Gambling as defined in JGO 9.18.
- o.** Indecent exposure and/or public urination, as defined in JGO 9.21.
- p.** Drug Houses and Criminal Gang Houses, Prostitution Houses and Gambling Houses, as defined in JGO 9.30.
- q.** Disorderly conduct, as defined in JGO 9.39.
- r.** Disturbing the peace by fighting, noise or other means, as defined in JGO 9.39.
- s.** Curfew violations, as defined in JGO 9.50.
- t.** Truancy, contributing to truancy, as defined in JGO 9.52.
- u.** Purchase or possession of cigarette or tobacco products by children, as defined in JGO 9.54.

- v. Property offenses, as defined in JGO 9.66.
- w. Weapons offenses, as defined in JGO 9.84.
- x. Firearms offense, as defined in JGO 9.87.
- y. Animal violations of any kind, as defined in JGO 6.04, 6.08, 6.12, 6.16, 6.20 and/or 6.22.
- z. Fireworks, as defined in JGO 8.40.
- aa. Underage alcohol activities, as defined in JGO 5.06.
- bb. Adult contributing, allowing, providing alcohol to underage persons activities, as defined in JGO 5.06.
- cc. Any conspiracy to commit, as defined in §939.31, Wis. Stats., or attempt to commit, as defined in §939.32, Wis. Stats., any of the criminal activities, behaviors, or conduct enumerated above; and/or conspiracy to commit, aiding, abetting, causing, allowing, permitting, suffering, or concealing the fact of such ordinance violation act or omission, as defined in JGO 1.04.040

2. **CODE NUISANCE ACTIVITY**

- a. Housing code violations, as defined in JGO 16.08.
- b. Abandoned, Unlicensed or Nonoperable vehicle violations, as defined in JGO 10.52.
- c. Nuisance violations, as defined in JGO 8.60.
- d. Zoning violations provided they are nuisance related and in a residential setting, as defined in JGO 18.24.070, 18.32.030, 18.32.070, and/or 18.36.020.

F. Owner. The owner of the premises and his or her agents.

G. Premises. An individual dwelling unit; any property or premises used for residential purposes whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

9.32.020 Notice. **A.** Whenever the Chief determines that four (4) or more Police Nuisance Activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period, only the Chief may notify the premises owner and tenant in writing. In reaching this determination, the Chief shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief may initiate and implement the procedure and enforcement for Police Nuisance Activities under this Chapter.

B. Whenever the Neighborhood Services Director determines that four (4) or more Code Nuisance Activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period, only the Neighborhood Services Director may notify the premises owner and tenant in writing. In reaching this determination, the Neighborhood Services Director shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Neighborhood Services Director may initiate and implement the procedure and enforcement for Code Nuisance Actives under this Chapter.

C. The Chief and Neighborhood Services Director may jointly agree to initiate, implement and enforce this Chapter in the event that an aggregate of four (4) or more combined Police Nuisance Activities and Code Nuisance Activities, in any combination thereof, resulting in enforcement action have occurred at a premises on separate days during a 12 month period.

D. The notice shall contain the street address including unit number if applicable or legal description sufficient to identify the premises, a description of the nuisance activities and enforcement actions that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

E. The written notice shall be delivered to the owner of the premises by one of the following methods in descending order of preference: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, in that order, as the Chief or Neighborhood Services Director, as applicable, may determine appropriate under the particular facts and circumstances.

9.32.030 Abatement plan. Any owner receiving such notice shall personally meet with the City Official – Chief or Neighborhood Services Director – who issued the notice, or with the applicable City Official’s designee, within five (5) days of receipt of such notice. The Chief or Neighborhood Services Director, as applicable, and owner shall review the problems occurring upon the premises and/or property. Within ten (10) days of this meeting, the owner shall submit to the Chief or Neighborhood Services Director, as applicable, or the applicable City Official’s designee, a detailed written abatement plan designed to forthwith and effectively end all the nuisance activity upon the premises. The plan shall also specify a name, address, and telephone number of a person living within sixty (60) miles of the premises who can be contacted in the event of further police, fire, or inspection activities and/or contact.

9.32.040 Additional nuisance activity. Whenever the Chief or Neighborhood Services Director, as applicable determines that:

1. Additional nuisance activity and/or enforcement action has/have occurred upon a premises for which the written notice has been issued under this Chapter; and
2. This additional nuisance activity and/or enforcement action has/have occurred more than fifteen (15) days after the written notice was served; and
3. Reasonable effort has not been made by the owner of the premises to abate the nuisance activity;

then the Chief or Neighborhood Services Director, as applicable may calculate all of the cost, fees and expenses arising from and/or pertaining to any and all such police and related City responses and enforcement including, but not limited to, actual burdened labor, overtime, materials, vehicle use, and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Chief or Neighborhood Services Director, as applicable shall then cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid, charged, assessed, levied and collected by the City as a special charge against the premises/property.

9.32.050 Appeal.

A. Appeal by Affected Property Owner. An affected owner of the premises may appeal the Police Chief's or Neighborhood Services Director's, as applicable, determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this Ordinance in the manner set forth in this subsection.

B. The appeal shall be in writing, filed with the City Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal shall be filed within ninety (90) days of the invoice from the City Clerk.

C. The appeal shall be considered only if filed prior to the time that any unpaid special charges imposed against the premises/property under this chapter are turned over by the treasurer onto the tax roll.

D. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal nor shall any other provision of state law or city ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

E. Upon receipt of the written appeal, the Clerk shall set the matter for a public hearing for a regularly scheduled meeting of the Common Council not less than thirty (30) days nor more than sixty (60) days after the filing of the written appeal.

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F. The Clerk shall provide written notice to the appellant and to the Chief of Police or

Neighborhood Services Director, as applicable, of such Common Council meeting hearing date, time and place.

G. The parties may agree to continuances and stipulations as to procedure and substance, but in no event shall the hearing be continued beyond the time set forth in subparagraph C.

H. The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven years by the City Clerk. A party may request a court reporter but the requesting party shall pay all costs of the court reporter in advance regardless of the determination of the appeal.

I. The appellant and the Chief of Police or Neighborhood Services Director, as applicable, may each present witnesses who testify upon oath after being duly sworn-in by the City Clerk, the Deputy City Clerk or any other person authorized by law to administer oaths.

J. After the hearing, the Common Council in open session shall deliberate and then make a determination by recorded motion, second and vote with a majority of Council Members voting governing.

K. The City Clerk-Treasurer shall adjust all invoices, tax and related City records in accord with the Council's determination.

9.32.060 Violations -- Penalties -- Remedies -- Injunctive and other relief. In addition to the special charges authorized and described above, the following penalties, remedies and other relief are cumulative and not exclusive, may be jointly and severally sought and/or employed by the City, and may be ordered and/or imposed, as applicable, by the courts:

A. First Offense. Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall forfeit and pay to the City not less than \$100 nor more than \$1,000, together with the costs of prosecution.

B. Subsequent Offenses. Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder within twenty four (24) months after committing a previous violation shall forfeit and pay to the City not less than \$200 nor more than \$5,000, together with the costs of prosecution.

C. Each and every day that a violation occurs, continues and/or remains present constitutes a separate offense.

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D. The City, in addition to the above monetary penalty(ies) and special charges

may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, abatement, and such other legal and/or equitable relief, remedies, judgments, and/or orders of the court against any person(s) and/or property(ies) as the court may, from time to time, deem necessary, appropriate and/or desirable to effectuate the intent of this chapter and the public good, peace, order, welfare, and/or safety.

E. In addition to the above penalties, relief and remedies, the Common Council may refuse to issue or not-renew any license or permit to the owner of the premises and/or the premises, after conducting a public hearing thereon.

F. It shall be the responsibility of the convicted person(s) to immediately abate each and every violation upon the premises property as expeditiously as possible, unless otherwise directed by the City or the court.

G. This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under City ordinances, state statutes, state administrative codes, and common law, including, but not limited to, forfeiture of the property to the City under this chapter and/or the applicable state statutes.

IV. OFFENSES AGAINST PUBLIC PEACE*

Chapter 9.34

BURGLAR ALARMS, SYSTEMS AND USERS

Sections:

9.34.010	Purpose.
9.34.020	Definitions.
9.34.030	Administrative rules.
9.34.040	Automatic dialing devices prohibited.
9.34.050	Direct connections to police department.
9.34.060	Testing.
9.34.070	Notification of disruption.
9.34.080	Police response fee.
9.34.090	Fire response fee.
9.34.100	Termination of direct connection.
9.34.110	Penalty for violation.

9.34.010 Purpose. This chapter is enacted to provide minimum standards and regulations applicable to burglar, holdup and fire alarm systems, alarm businesses and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by police and fire departments with minimization of police officer and fire fighter time spent on alarms which are false or otherwise not the intended function of private security systems.

9.34.020 Definitions. Within this chapter, the following terms, phrases and words and their derivations have the meaning given herein.

A. "Alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm system(s).

B. "Alarm system" means any mechanical or electrical equipment designed and arranged to immediately signal or otherwise notify the occurrence or potential occurrence of a fire, burglary or robbery, including, but not limited to, local and other alarms employing an audible signal and/or a flashing light or beacon designed to signal persons outside the premises. Excluded from this definition and from the scope of this chapter are alarms and alarm systems used solely to alert or signal persons within the premises in which the alarm system is located.

C. "Answering service" refers to a telephone answering service which receives, on a generally continuous or ongoing basis through trained or other employees, emergency signals from alarm systems and thereafter immediately relaying the alarm, signal, or message by any means or form including, but not limited to, by live voice to the communication or alarm center of the police and/or fire department.