

ORDINANCE NO.: 5207

AN AMENDED ORDINANCE to amend the definition section of Section 30-27, and to amend Section 30-28 and Section 30-30 of the Code of Ordinances of the City of La Crosse regarding chronic nuisance premises.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: A new definition of *Chronic Nuisance* is added to Section 30-27 and the definition of Nuisance Activity in Section 30-27 is amended to read as follows:

Chronic Nuisance Premises means a premises where three (3) or more police or code nuisance activities or an aggregate of three (3) or more combined police or code nuisance activities resulting in enforcement action have occurred on separate days during a consecutive 12-month period.

Nuisance activity means any of the following activities, behaviors or conduct: ~~Occurring on the premises:~~

SECTION II: Section 30-28 is amended to read as follows:

Sec. 30-28. - Notice.

- (a) Whenever the Chief of Police determines that a premises meets the definition of a Chronic Nuisance Premises, ~~three or more police nuisance activities resulting in enforcement action have occurred at a premises on separate days during a consecutive 12-month period~~, the ~~Police Chief of Police~~ shall ~~may~~ shall notify the owner that the premises are a chronic nuisance premises. In reaching this determination, the Chief of Police shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief of Police may initiate and implement the procedure and enforcement for police nuisance activities under this section.
- (b) Whenever the Chief of the Fire Department determines that a premises meets the definition of a Chronic Nuisance Premises, ~~three or more Code Nuisance Activities resulting in enforcement action have occurred at the premises on separate days during a consecutive 12-month period~~, the Chief of the Fire Department ~~shall~~ may shall notify the owner that the premises are a chronic nuisance premises. In reaching this determination, the Chief of the Fire Department shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief of the Fire Department may initiate and implement the procedure and enforcement for Code Nuisance Activities under this section.
- (c) The Chief of Police and the Chief of the Fire Department may jointly agree to initiate, implement and enforce this section, ~~in the event that an aggregate of three or more combined Police Nuisance Activities or Code Nuisance Activities, in any combination thereof, resulting in enforcement action have occurred at a premises on separate days during a consecutive 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 of Police or the Chief of the Fire Department, as applicable, may determine appropriate under the particular facts and circumstances.

SECTION III: Section 30-30 is amended to read as follows:

Sec. 30-30. - Additional nuisance activity.

Whenever the Chief of Police or the Chief of the Fire Department, ~~as applicable,~~ determines that any of the following have occurred:

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

then the Chief of Police or the Chief of the Fire Department, as applicable, may calculate all of the costs, 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 of Police or the Chief of the Fire Department, 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.

SECTION IV: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION V: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
Mitch Reynolds, Mayor

_____/s/_____
Sondra Craig, Deputy City Clerk

Passed: 01/13/2022
Approved: 01/18/2022
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