

ORDINANCE NO.: _____

AN AMENDED ORDINANCE to amend various sections of Chapter 30 and to create Section 30-61 of the Code of Ordinances of the City of La Crosse to improve and protect neighborhoods.

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

SECTION I: Section 30-1(2) is hereby amended to read as follows:

(2) ~~The Director of Planning and Development.~~ The Chief of the Fire Department

SECTION II: Section 30-2(b) is hereby amended to read as follows:

- (b) Abatement by owner. The owner, owners, tenants, lessees, and/or occupants of any lot within the City upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom will hereinafter be referred to collectively as owners), shall jointly and severally abate said nuisance by the prompt removal of said personalty to completely enclosed buildings authorized to be used for such storage purposes, or otherwise to remove it to a location without the corporate limits of the City and it shall be unlawful if said owners allow said nuisance to exist or fail to abate said nuisance. If said person responsible for abatement of nuisance does not abate the same within five days ~~as provided in (1),~~ the Chief of the Fire Department, Division of Building and Inspections may cause said nuisance to be abated after providing 14 days' notice with the cost of the same to be charged or assessed as a special charge under Wis. Stats. § 66.0627 and Section 30-61 of this Code.

SECTION III: Section 30-04(a) is hereby amended to read as follows:

- (a) It shall be the duty of every owner, possessor or occupier of land within the City, or of every person having charge of any such lands, to cut or cause to be cut or otherwise destroy all noxious weeds, grass or other growth detrimental to the health and safety of the citizens of the community growing thereon, as often as may be necessary to prevent such grass or other detrimental growth from blooming or before they grow to a height of more than ~~ten~~ eight inches.

SECTION IV: Section 30-04(b) is hereby deleted, Section 30-04(c) and (d) are hereby renumbered to (b) and (c) and 30-04(b) is hereby amended to read as follows:

- ~~(e)~~(b) In case such owner, possessor or occupier shall fail to conform with the provisions of this section ~~within the time limited therefor in said notice, served as aforesaid,~~ it shall be the duty of the Weed Commissioner to cause all of the said noxious weeds or growths to be cut down, charging the cost thereof to each piece of land, describing the same, and upon nonpayment of such charges, the amounts due shall be filed with the City Clerk, who shall enter the amount chargeable to each tract of land in the next tax roll as tax on the lands upon which such weeds were destroyed, and shall be collected as all other taxes.

SECTION V: The introductory paragraph of Section 30-27 and Section 30-27(2) is hereby amended to read as follows:

30.27 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Chief means the Chief of Police.~~

Enforcement action means arrest, the issuance of a citation, or the issuance of a written warning, or the issuance of an Order to Correct taken against any person associated with the premises.

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

* * *

(2) Code nuisance activity:

- ~~a. Housing code violations as defined in chapter 103.~~
- ~~b. Abandoned, unlicensed or non-operable vehicle as defined section 30-2.~~
- ~~c. Nuisance violations as defined in sections 10-3 and chapter 6.~~
- ~~d. Zoning violations provided they are in a residential setting as defined in chapter 115.~~
- a. Nuisance animal violations as defined in chapter 6.
- b. Environmental code violations as defined in chapter 16.
- c. Fire code violations as defined in chapter 18.
- d. Storage of personalty violations as defined in Section 30-2.
- e. Noxious weed and grass cutting violations as defined in section 30-4.
- f. Boulevard and tree code violations as defined in chapter 34, articles IV-V.
- g. Solid waste violations as defined in chapter 36.
- h. Housing code violations as defined in chapter 103.
- ie. Zoning code violations as defined in chapter 115.

Owner means the owner of the premises and agents.

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

SECTION VI: Section 30-27~~8~~ (a), (b), (c) and (e) are hereby amended to read as follows:

- (a) Whenever the Chief of Police determines that ~~four~~ three or more police nuisance activities resulting in enforcement action have occurred at a premises on separate days during ~~the~~ a consecutive 12-month period, the Police Chief shall notify the owner that the premises are a chronic nuisance premises. ~~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 section.

- (b) Whenever the ~~Director of Planning and Development~~ the Chief of the Fire Department determines that ~~four~~ 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 Director of Planning and Development~~ the Chief of the Fire Department shall notify the owner that the premises are a chronic nuisance premises. ~~Only the Director of Planning and Development may notify the premises owner and tenant in writing.~~ In reaching this determination, ~~the Director of Planning and Development~~ 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 Director of Planning and Development~~ 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 and Director of Planning and Development~~ may jointly agree to initiate, implement and enforce this Section in the event that an aggregate of ~~four~~, 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.

* * *

- (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 Fire Chief~~ Chief of Police or the Chief of the Fire Department or ~~Director of Planning and Development~~, as applicable, may determine appropriate under the particular facts and circumstances.

SECTION VII: Section 30-29 and 30-30 are hereby amended to read as follows:

Sec. 30-29 – Abatement Plan.

Any owner receiving such notice shall personally meet with the City Official, ~~Fire Chief, Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, who issued the notice, within five days of receipt of such notice. The ~~Chief or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, as applicable, and owner shall review the problems occurring upon the premises. Within ten days of this meeting, the owner shall submit to the ~~Chief or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, as applicable, 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 60 miles of the premises who can be contacted in the event of further police, fire or inspection activities and/or contact.

Sec. 30-30. - Additional nuisance activity.

Whenever the ~~Chief or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, as applicable, determines:

- (1) Additional nuisance activity and/or enforcement action has occurred upon a premises for which the written notice has been issued under this section;

- (2) This additional nuisance activity and/or enforcement action has occurred more than 15 days after the written notice was delivered; and
- (3) Reasonable effort has not been made by the owner of the premises to abate the nuisance activity;

then the ~~Chief or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, 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 or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, 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 VIII: Sections 30-31 (a), (e), (f) and (i) are hereby amended to read as follows:

- (a) Appeal by affected owner. An affected owner of the premises may appeal to the ~~Chief or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, as applicable, the determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this article in the manner set forth in this section.
* * *
- (e) Upon receipt of the written appeal, the Clerk shall set the matter for a public evidentiary hearing for a ~~regularly scheduled meeting~~ of the Common Council not less than 30 days nor more than 60 days after the filing of the written appeal.
- (f) The Clerk shall provide written notice to the appellant and to the Chief of Police or the Chief of the Fire Department ~~or Director of Planning and Development~~, as applicable, of such Common Council Meeting hearing date, time and place.
* * *
- (i) The appellant and ~~Chief or Fire Chief of Police or the Chief of the Fire Department or Director of Planning and Development~~, 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.

SECTION IX: Section 30-61 is hereby created to read as follows:

Sec. 30-61 Special Charges

(a) Except as otherwise provided in Wis. Stat. § 66.0627 and this Code, each department of the City is authorized to impose and collect a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served.

(b) Except as otherwise provided in Wis. Stat. § 66.0627 and this Code, the department imposing the special charge shall provide notice to the property owner by first class mail.

(c) The special charge is not payable in installments. Unless otherwise provided in this Code, if the special charge is not paid within sixty (60) days, the special charge is delinquent. A delinquent special charge shall become a lien on the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74, Wis. Stat.

(d) "Service" includes, without limitation, snow and ice removal, weed elimination, garbage and refuse disposal, recycling, tree care, removal and disposition of dead animals and calls for assistance, but excludes those things prohibited by Wis. Stat. § 66.0627.

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

Timothy Kabat, Mayor

Teri Lehrke, City Clerk

Passed:

Approved:

Published: