

Chapter 235

NUISANCES, PUBLIC

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 9, Ch. 7, of the 1987 Village Code. Amendments noted where applicable.]

§ 235-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Black Creek.

§ 235-2. Public nuisance defined.

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

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- 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.

§ 235-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 235-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Garbage cans. Garbage cans which are not flytight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc. Any use of property, substances or things within the Village or within four miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- J. Animals at large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- L. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

§ 235-4. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 235-2:

- A. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- B. Gambling devices. All gambling devices and slot machines.
- C. Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

- D. Continuous violation of Village ordinances. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state of Wisconsin or ordinances of the Village.

§ 235-5. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 235-2:

- A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree limbs. All limbs of trees which project over a public sidewalk less than 10 feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.
- F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by the laws of the state of Wisconsin and ordinances of the Village.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

- K. Obstructions of streets: excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- M. Abandoned refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- N. Flammable liquids. Repeated or continuous violations of the ordinances of the Village or laws of the state relating to the storage of flammable liquids.
- O. Unremoved snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.
- P. Graffiti is hereby specifically declared to be a public nuisance, as defined in § 235-2, affecting peace and safety. **[Amended 11-1996]**
- (1) No person shall write, spray, scratch or otherwise affix graffiti upon any property, whether private or public, without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti, in addition to any fines imposed for violating this subsection. The parents of any unemancipated minor child who affixes graffiti may be held liable for the cost of removing or covering said graffiti in accordance with § 895.035, Wis. Stats.
 - (2) Every owner or occupant of a structure or property defaced by graffiti shall notify the police department of the graffiti before removing or covering such graffiti.
 - (3) Every owner of a structure or property defaced by graffiti shall comply with the terms of a written notice served upon him or her by the police department to remove or cover such graffiti.
 - (4) In event any owner fails to comply with the above-mentioned notice, the police department shall have the graffiti covered or removed and all costs, fees and expenses will be assessed to such owner's real estate taxes.

§ 235-6. Abatement of public nuisances.

- A. Enforcement. The Chief of Police, the Chief of the Fire Department, the Director of Public Works and the Building Inspector shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does, in fact, exist.

Form SBD-6025 (use most current form), "Inspection Report and Notice of Noncompliance," will be issued immediately and enforced. **[Amended 4-9-2012]**

- B. Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement after notice.
- (1) If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.
 - (2) If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Village President, who shall cause an action to abate such nuisance to be commenced in the name of the Village in Circuit Court in accordance with the provisions of Chapter 823, Nuisances, of the Wisconsin Statutes.
 - (3) In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village 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 real estate as a special charge.
- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state of Wisconsin.

§ 235-7. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village 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.

§ 235-8. Process of abatement. [Added 6-13-2011]

- A. A problem house, business, tavern or rental unit is identified (drug activity/prostitution/gang activity) with the cooperation and communication of patrol officers, drug enforcement resources, and the community.
- B. The investigating officer notifies the landlord and the Department's contact person of the problem and the address.
- C. The Village Attorney is contacted to determine if it meets definition of a public nuisance under § 823.113, Wis. Stats.
 - (1) If the property does not meet the criteria, the property becomes the focus of high-intensity enforcement efforts.
 - (2) If the property meets the criteria, the abatement process begins. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- D. Call the local housing authority before you continue the process. All it needs is information and belief that drug or gang activity is accruing at one of their properties and the benefits will stop immediately. This ensures benefits are not supporting illegal behavior in our community. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- E. The landlord is called and notified of the problem and told that a notification letter will be sent, immediately empowering the landlord to evict. The police do not evict.
- F. A landlord notification and letter is then sent, which also contain the ordinance/statutes, crime free addendum, and a copy of § 893.34, Wis. Stats., Immunity for property owners.
- G. A resume item is available to all officers of the problem and the address.
- H. Within a month of the sent notification letter, the landlord is called to see if the tenants have been evicted.
- I. If the landlord has not initiated eviction and the problem resolves itself, no problem, but if there are further incidents, a citation is issued to the landlord for allowing a nuisance contrary to § 235-4. The landlord can also be charged a Village fee for continued calls to that address.
- J. Further incidents after the citation is issued will require a meeting to be scheduled with the Village Attorney, Village officer, and the landlord or property owner. Seizure of the property will be discussed at this meeting in an effort to get the landlord to comply.
- K. Once confirmation is received that the tenants have been evicted and moved from the property, all officers will be notified and the copy of the notification letter is filed.

§ 235-9. Chronic nuisance premises. [Added 6-13-2011]

- A. Findings. The Black Creek Village Board finds that certain premises within the Village receive and require more than the general, acceptable level of services from Village departments. These premises place an undue and inappropriate burden to the Village of

Black Creek taxpayers. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. This section provides a progressive enforcement method to use when working with property owners to abate nuisance activities. Therefore, the Village Board determines that the Village will charge the owners of such premises with the costs associated with abating nuisance activity at premises where nuisance activities chronically occur. This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them. This section does not affect a premises owner's duty to comply with the Fair Housing Laws, nor does it affect a premises owner's duty to comply with all other laws governing residential tenancies which are contained in Ch. 704, Wis. Stats., Ch. ATCP 134, Wis. Adm. Code, and other parts of this Code.

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

AUTHORIZED OFFICIAL — Singularly or collectively, the Police Chief, Fire Chief, Health Officer, Inspections Supervisor or his or her designee with jurisdiction to enforce the various statutes and ordinances prohibiting nuisance activities.

CHIEF OF POLICE — The Village of Black Creek Police Department Chief of Police or designee thereof.

CHRONIC NUISANCE PREMISES — A premises that meets any of the following criteria:

- (1) A premises which has generated three or more calls for police services that have resulted in enforcement action for nuisance activities on three separate days within a ninety-day period or six such calls within a one-year period. This includes enforcement action taken against any person associated with the premises while at or within 200 feet of the premises for a nuisance activity; or
- (2) A premises which has generated three or more corrective orders from a Village Inspections Department for nuisance activities from at least three inspections occurring within a one-year period; or
- (3) A premises for which a court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the premises within 30 days prior to the date of the search warrant application; or
- (4) A premises which has had one enforcement action associated with the premises resulting from the manufacture, deliver or distribution of a controlled substance(s) as defined in Ch. 961, Wis. Stats., or a premises which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in § 939.22(9), Wis. Stats.
- (5) A premises which has any combination of six or more individual contacts, corrective orders or enforcement actions as described in Subsections B(1) through (4) above within a one-year period.

CHRONIC NUISANCE PREMISES NOTICE (CNP NOTICE) — The notice issued by the Chief of Police, Fire Chief, Health Officer and/or the Inspections Supervisor.

ENFORCEMENT ACTION — Any of the following: the physical arrest of an individual(s), the issuance of a citation for a law violation and/or referral of charges by the police or Inspections to the Village Attorney for prosecution for nuisance activities.

FIRE CHIEF — The Village of Black Creek Fire Department or designee thereof.

HEALTH OFFICER — The director in charge of the Village of Black Creek Health Department or designee thereof.

INSPECTIONS SUPERVISOR — The person who supervises the Department of Public Works Inspections Division employees or designee thereof.

NUISANCE ACTIVITIES — Includes any of the following activities, behaviors or conduct:

- (1) An act of harassment as defined in § 947.013, Wis. Stats.
- (2) Disorderly conduct as defined in § 260-11 of this Code or § 947.01, Wis. Stats.
- (3) Crimes of violence as defined in Ch. 940, Wis. Stats.
- (4) Resisting or obstructing an officer as prohibited by § 946.41, Wis. Stats.
- (5) Indecent conduct as prohibited by § 944.20, Wis. Stats.
- (6) Damage to property as prohibited by § 943.01, Wis. Stats.
- (7) The production or creation of noises disturbing the peace, as prohibited by § 260-10 of this Code.
- (8) Discharge or improper possession of a dangerous weapon as prohibited by § 260-3 of this Code.
- (9) Crimes involving illegal possession of firearms as defined in §§ 941.23, 941.26, 941.28, 941.29, and 948.60, Wis. Stats.
- (10) Trespassing to land as defined in § 943.13, Wis. Stats., or criminal trespass to a dwelling as defined in § 943.14, Wis. Stats., or unlawful trespass as prohibited in § 260-1 of this Code.
- (11) Loitering, obstructing a street or sidewalk, as prohibited by § 260-9 of this Code.
- (12) Theft as defined in § 943.20, Wis. Stats.
- (13) Arson as defined in § 943.02, Wis. Stats.
- (14) Depositing rubbish as prohibited by § 260-17 of this Code.
- (15) Keeping a place of prostitution as defined in § 944.34, Wis. Stats.
- (16) Prostitution as prohibited by § 260-1 of this Code or § 944.30, Wis. Stats.
- (17) Soliciting prostitutes as prohibited by § 944.32, Wis. Stats.

- (18) Pandering as prohibited by § 260-1 of this Code or § 944.33, Wis. Stats.
- (19) Possessing an open container which contains alcohol beverages or consuming alcohol beverages upon any street as prohibited by § 205-28 of this Code.
- (20) Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in § 125.04(1), Wis. Stats.
- (21) Underage person possess or consume alcoholic beverages as provided in § 205-34 of this Code or § 125.07(4)(b), Wis. Stats.
- (22) Adult providing or selling alcohol to underage person as provided in § 205-1 of this Code or § 125.07(1)(a)1, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (23) Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in Ch. 961, Wis. Stats.
- (24) Maintaining a drug dwelling as defined in § 961.42, Wis. Stats.
- (25) Illegal gambling as defined in § 945.02, Wis. Stats.
- (26) Owning, keeping or harboring a dangerous animal or prohibiting dangerous animal contrary to § 108-6 of this Code.
- (27) Any other nuisances set forth in Article II of Chapter 205, Intoxicating Liquor and Fermented Malt Beverages; Chapter 212, Juveniles; this chapter; Chapter 260, Peace and Good Order; and Chapter 282, Sex Offender Residency.
- (28) Failing to maintain a property resulting in weeds, wild growth and general yard neglect as set forth in § 185-3 of this Code.
- (29) Violations of the Fire Prevention and Protection Code, set forth in § 163-12 of this Code.
- (30) Violations of the Minimum Housing Code, as prohibited by Outagamie County Health and Human Services Code.

PERSON — Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the Village of Black Creek.

PERSON ASSOCIATED WITH — Any person who, whenever engaged in a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including, without limitation, any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

PERSON IN CHARGE — Any person in actual or constructive possession of a premises, including, but not limited to, an owner or occupant of premises under his or her ownership or control.

PREMISES — A commercial business, public or private clubhouse, a place of abode, a residence, a house or multiple-dwelling unit for one or more persons, including lodging

house, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "premises," as used in this section, may consist of any single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

VILLAGE INSPECTIONS DEPARTMENT or INSPECTIONS — The Inspections Division of the Department of Public Works, Health and Fire Departments.

C. Procedure.

(1) When a premises meets the definition and is declared a chronic nuisance, the authorized official shall provide written notice of the declaration to the premises owner. A courtesy copy will also be sent to the Village Board. The chronic nuisance premises notice ("CNP notice") shall be deemed delivered if sent either by first class mail to the premises owner's last known address or delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the CNP notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the CNP notice is sent by first class mail to the last known address of the owner as identified by the records of the Village Assessor. The CNP notice shall contain the following information:

- (a) Street address, parcel number or a legal description sufficient to identify the premises.
- (b) A concise statement, including a description of the relevant activities supporting the determination that the premises is a chronic nuisance premises.
- (c) A statement that the owner shall immediately notify the authorized official of any change in address to ensure receipt of future notices.
- (d) A statement that the actual costs of future enforcement may be assessed as a special charge against premises.
- (e) A statement that the owner shall, within 10 days of the date the CNP notice is mailed, contact the authorized official and schedule a meeting with that official to develop a written action plan to abate the nuisance or notify the official, in writing, of the intention to appeal.
- (f) A statement that the premises owner shall at all times comply with the fair housing requirements contained in § 155-1 of this Code when considering an action against a tenant based upon a CNP notice.
- (g) A statement that the premises owner, in addition to actual abatement costs, may be subject to a forfeiture action with a penalty as provided in § 1-4, General penalty, of Chapter 1, General Provisions, for each day a chronic

nuisance is allowed to continue. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- (h) A statement that is the premises is non-owner-occupied; the premises owner shall, within 10 days of the date the CNP notice is issued, schedule attendance at a landlord training session offered by the Black Creek Police Department and subsequently attend said training on the scheduled date.
- (2) Exceptions; abatement of nuisance.
- (a) In reaching a determination that a premises is a chronic nuisance premises, activities that were reported to the police or other Village departments by the premises owner or on-site premises manager shall not be included as nuisance activities.
 - (b) Section 968.075, Wis. Stats., broadly defines "domestic abuse." Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are domestic abuse incidents pursuant to § 968.075, Wis. Stats., shall not be included as nuisance activities, unless the incidents have been reviewed by the Chief of Police and the Office of the Village Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this section shall not operate to discourage such reports.
 - (c) Abatement plan.
 - [1] If the owner responds to the CNP notice with a written action plan to abate the nuisance, the authorized official may accept, reject or work with the owner to modify the action plan. The plan is acceptable if it can reasonably be expected to result in abatement of the nuisance activities described in the CNP notice within 60 days.
 - [2] Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall be encouraged to submit a comprehensive nuisance abatement action plan that considers alternative to eviction and is not the sole remedy available to abate the nuisance activity. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - [3] If the premises owner meets with the authorized official and presents an acceptable abatement action plan and implements the terms of the action plan, the authorized official will delay further enforcement of this section, including cost recovery.
 - [4] If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstate enforcement of this section and the premises owner may be sent a change in status letter. This letter will document the authorized official's efforts to contact and/or obtain cooperation of the owner.
 - [5] Failure by the premises owner to respond within 10 days as directed in this subsection shall result in a forfeiture as provided in § 1-4,

General penalty, of Chapter 1, General Provisions. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- (d) Any premises owner who has been notified by the authorized official that his or her non-owner-occupied premises is a chronic nuisance premises shall, within 10 days, schedule attendance at a landlord training session offered by the Black Creek Police Department and subsequently attend said training on the scheduled date. Failure to attend the approved landlord training shall result in a forfeiture as provided in § 1-4, General penalty, of Chapter 1, General Provisions. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (3) Whenever the authorized official determines that any of the following have occurred:
 - (a) A premises owner has failed to respond to the CNP notice;
 - (b) Enforcement action for an additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Subsection C(1), and this enforcement action has occurred not less than 15 days after the CNP notice has been issued; or
 - (c) An action plan submitted has not been completed.
- (4) Then the authorized official may calculate the actual costs of enforcement to abate this and any subsequent nuisance activities and may refer such cost to the Village Finance Department so that the cost may be billed to the premises owner. The authorized official shall provide written notice to the premises owner of the decision to refer the cost of enforcement to the Village Finance Department. The notice shall contain:
 - (a) The street address or legal description sufficient for identification of the premises.
 - (b) The statement that the authorized official has referred the cost of enforcement to the Village Finance Department.
 - (c) Notice of the premises owner's right to appeal. Appeal of the determination of the Chief of Police pursuant to either the notice, abatement plan, or the levying of special charges may be made solely to the Village Board requesting a hearing. Notice of appeal must be in writing and submitted to the Village Board in care of the Village Clerk-Treasurer with a copy submitted to the Chief of Police. Chapter 68 of the Wisconsin Statutes does not apply to this chapter.
- (5) Each subsequent incident of enforcement action for nuisance activity shall be deemed a separate violation, and costs will continue to be assessed until nuisance is abated.

D. Penalties and remedies.

- (1) Cost recovery. The authorized official shall keep an accurate account of the cost of enforcement and shall report it to the Village Finance Department. The

Finance Director shall establish a reasonable charge for the costs of enforcement of this section and charge any premises owner found to be in violation of this section the costs of enforcement in full or in part. Such costs shall be billed to the premises owner by invoice sent by regular mail and must be paid within 30 days of the date of the invoice. Any unpaid invoice shall be a lien on such premises and may be assessed and collected as a special charge pursuant to § 66.0627, Wis. Stats. A \$100 administrative fee shall be added to the cost of enforcement charged to the benefited premises any time the premises is declared a chronic nuisance premises.

- (2) Suspension of cost recovery. If, after the receipt of a billing notice from the Finance Department, the premises owner develops an acceptable action plan and implements the plan, the authorized official may suspend further enforcement of this chapter. The premises owner is still responsible for any enforcement costs incurred prior to the premises owner's submitting an action plan, including the administrative fee. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstitute enforcement of this chapter after sending the premises owner a change in status letter.
 - (3) Forfeiture. A forfeiture action may be commenced by the Village Attorney's office for each enforcement action for nuisance activity occurring after the premises has been declared a chronic nuisance premises. The forfeiture shall be as provided in § 1-4, General penalty, of Chapter 1, General Provisions. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- E. Appeal. Appeal of the determination of the authorized official may be made in writing to the Safety and Licensing Committee. Appeals of the action of the Village Finance Department imposing special charges against the premises may be submitted, in writing, to the Administrative Services Committee. Appeals shall be in writing, filed with the Village Clerk-Treasurer no more than 10 days after notice is issued to the property owner.
- F. Injunction. This section may be enforced by injunction.
- G. Abatement in accordance with state law. Nothing in this section shall be construed as prohibiting the abatement of public nuisance by the Village or its officials in accordance with this Code or laws of the state.
- H. When nuisance is deemed abated. The public nuisance created by a chronic nuisance premises shall be deemed abated when no enforcement action to address nuisance activities occurs and there are no police, building, health or fire inspection cases generated for a period of six consecutive months from the date of compliance with the action plan.