

CHRONIC NUISANCE ORDINANCE

The Village of La Farge Board do ordain as follows:

Part I. Title 11 of the Village of La Farge Code Ordinances is hereby amended by adding Section 11-7 as follows.

11-7 Chronic Nuisance Premises

(1) Definitions. The following terms shall be defined as follows in this subchapter.

(a) Chief. The Chief of Police or his/her designee.

(b) Enforcement Action. Arrest, the issuance of a citation, or the issuance of a written or verbal warning.

(c) Nuisance Activity. Any of the following activities, behaviors, or conduct whenever engaged in by property owners, or their agents, including operators, tenants, occupants, or persons associated with premises:

- a. An act or acts contrary to Wisconsin Criminal Code (939-951, Wis. Stats.)
- b. Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Ch. 961, Wis. Stats.
- c. Violations of Restraining orders, Injunctions, Chapter 813, Wis. Stats.
- d. Public Safety violations, as defined in Title 5, Village of La Farge Ordinances.
- e. Public Works violations, as defined in Title 6, Village of La Farge Ordinances.
- f. Licensing and Regulation violations, as defined in Title 7, Village of La Farge Ordinances.
- g. Health and Sanitation violations, as defined in Title 8, Village of La Farge Ordinances.
- h. Motor Vehicles and Traffic violations, as defined in Title 10, Village of La Farge Ordinances.
- i. Offenses and Nuisances violations, as defined in Title 11, Village of La Farge Ordinances
- j. Parks and Navigable Waters violations, as defined in Title 12, Village of La Farge Ordinances
- k. Activities relating to the activities related to arrest or search warrants at a particular location.
- l. Inspection-related calls or assisting other agencies (ex. Social Services, Vernon County Sheriff's Office, etc.) where the La Farge Police Department responds.
- m. Violations of fire, zoning, and building codes.
- n. Maintaining a drug or criminal gang house, as defined in s. 823.113, Wis. Stats.
- o. Engaging in prostitution or maintaining a bawdyhouse, as defined in s. 823.09 or s. 823.10, Wis. Stats.

(d) Owner. The owner of the premises and his/her agents.

(e) Persons associated with. Any person who, whenever engaged in a nuisance activity, enters, occupies, patronizes, visits, or attempts to enter, occupy, patronize or visit a property. Includes any officer, director, customer, agent, employee or independent contractor of a property owner, tenant, or occupant.

(f) Premises. An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas located in the Village.

(2) Notice. Whenever the Chief determines that three or more nuisance activities resulting in enforcement action have occurred at the premises during a twenty-four (24) month period, the Chief may notify the premises owner in writing. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance activities resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days but shall never count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities 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 appeals rights of the owner.

(3) Delivery of Notice. The notice shall be deemed to be properly delivered if sent either by certified mail to the property owner's last known address, or if delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed properly delivered if left at the property owner's usual place of residence in the presence of a competent family member at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by certified mail to the last known address of the owner as identified by the records of the tax roll.

(4) Abatement Plan. Any owner receiving notice pursuant to section (2) and (3), shall meet with the Chief, or his/her designee, within five business days of receipt of such notice. The parties shall review the problems occurring at the property and agree upon an abatement plan to end the nuisance activity on the property. The plan shall also specify the name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact.

If the owner does not attend the meeting and fails to abate the nuisance within five business days of receipt of notice, law enforcement may cite the nuisance.

(5) Additional Nuisance Activity. Whenever the Chief determines that additional nuisance activity has occurred at a premises not less than 15 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Chief may calculate the cost of police response and enforcement for this and any subsequent qualifying call [as defined

in (1) (c)]. It may also cause such charges and administrative costs to be assessed against the premises as a fee for current service authorized by 61.34 and 66.0628, Wis. Stats and collected as a special charge which the Village may impose as a lien against the real estate upon which the premises is located.

Notwithstanding the above, whenever the Chief determines that the nuisance activity meets the definition of nuisance activity pursuant to this Section (1)(c)n. or o., the Chief may, regardless of whether the nuisance activity is a first or subsequent nuisance activity, calculate the cost of police response and enforcement for this and any subsequent qualifying call [as defined in (1) (c)]. The Chief may also cause such charges and administrative costs to be assessed against the premises as a fee for current service authorized by 61.34 and 66.0628, Wis. Stats and collected as a special charge which the Village may impose as a lien against the real estate upon which the premises is located.

Cost of Abatement. The cost of abating the nuisance activity shall be collected in accordance with this Section as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. Any fees or costs imposed pursuant to this Section shall be in accordance with the La Farge Police Department Fee Schedule, a copy of which shall be kept on file with the Village Clerk.

(6) Appeal. Any person aggrieved by the written determination of the Chief made under this Section, may file a written appeal, within seven (7) days of receiving such written determination, with the Village Board. The appeal shall state the reasons for reviewing the determination of the Chief. The Village Board shall hold a hearing and decide the matter within a reasonable time. The Village Board may reverse, affirm or modify the determination of the Chief and issue an order accordingly.

(7) Penalties. Any owner in violation of this Section may receive citations for a chronic nuisance, in addition to imposition of a fee for services constituting a special charge against the real estate imposed under section (5).: revised 3-10-2025

A. First Offense. Any person who violates any provision of this Section shall forfeit \$150.

B. Subsequent Offenses. Any person who violates any provision of this Section within twenty-four (24) months after committing a previous violation of this Section shall forfeit not less than \$250 nor more than \$900.

Each day such violation continues shall be a separate offense.

Additionally, the Village may pursue injunctive relief against the owner in the Circuit Court for Vernon County. All legal costs and attorney fees incurred by the Village for enforcement of this Ordinance, pursuant to any remedy available, shall be payable to the Village by the owner of the premises.

11-7 Chronic Nuisance Ordinance

Previously Written:

- A. First Offense. Any person who violates any provision of this Section shall forfeit \$150.
- B. Subsequent Offenses. Any person who violates any provision of this Section within twenty-four (24) months after committing a previous violation of this Section shall forfeit not less than \$250 nor more than \$900.

Recommendation From Municipal Court:

Proposed Revision to 11-7 (7) Penalties

- A. First Offense. Any Person who violates any provision of this Section shall forfeit no less than \$150.
- B. Second Offense. Any Person who violates any provision of this Section shall forfeit no less than \$300.
- C. Third Offense. Any Person who violates any provision of this Section shall forfeit no less than \$400.
- D. Fourth and Subsequent Offenses. Any Person who violates any provision of this Section shall forfeit no less than \$800.

VIOLATIONS	ORD. #	ADOPTS S.S.	BOND	CT COST	J/A	P/A	CRIME LAB	TOTAL
Chronic Nuisance 1st	11 7 (7) (a)		\$ 80.00	\$ 38.00	\$ 10.00	\$ 20.80	\$ 13.00	\$ 161.80
Chronic Nuisance 2nd	11 7 (7) (b)		\$ 200.00	\$ 38.00	\$ 10.00	\$ 52.00	\$ 13.00	\$ 313.00
Chronic Nuisance 3rd	11 7 (7) (c)		\$ 300.00	\$ 38.00	\$ 10.00	\$ 78.00	\$ 13.00	\$ 439.00
Chronic Nuisance 4th	11 7 (7) (d)		\$ 650.00	\$ 38.00	\$ 10.00	\$ 169.00	\$ 13.00	\$ 880.00

Revised

3-10-2025

Kimberly

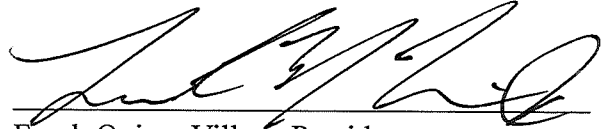
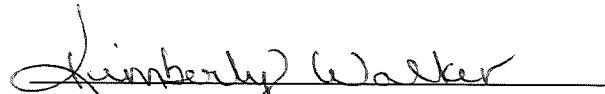
Walter

Village Clerk

Treasurer

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.


Frank Quinn, Village President
Kimberly Walker, Village Clerk

Date Introduced: 6-10-2024

Date Adopted: 6-10-2024

Date Published: 6-18-2024