

**TOWN OF CAMPBELL  
LA CROSSE COUNTY, WISCONSIN**

**ORDINANCE #2022-02**

**AN ORDINANCE TO CREATE CHAPTER 18-33 OF THE TOWN OF CAMPBELL CODE OF ORDINANCES  
RELATED TO CHRONIC NUISANCE PREMISES**

**CHAPTER 18-33 CHRONIC NUISANCE PREMISES**

**18-33-1. DEFINITIONS**

As used in this chapter, the following terms shall have the meanings indicated:

**AUTHORIZED OFFICIAL**

An individual designated by the Chief of Police to exercise the authority of this chapter.

**CHRONIC NUISANCE**

The determination that a premises has engaged in three or more nuisance activities, as defined below, resulting in enforcement action during a twelve-month period. In calculating the requisite nuisance activity, separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days may be counted. The following shall not be considered nuisance activities subject to this chapter except as expressly provided:

A. Activities that were reported to the Police or other Town 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 due to domestic abuse as so defined, activities included as nuisance activities should not be included unless the incidents have been reviewed by the Chief of Police and the Town Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be deemed nuisance activities. In determining whether to include such activities, the Chief of Police and the Town Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this chapter shall not operate to discourage such reports.

**ENFORCEMENT ACTION**

Arrest, the issuance of a citation, or the issuance of a written or documented verbal warning.

**NUISANCE ACTIVITY**

Any of the following activities, behaviors or conduct occurring on a premises:

A. An act of harassment, as defined in § 947.013, Wis. Stats.

- B. Disorderly conduct, as defined in § 947.01, Wis. Stats., and/or Section 22-26 of the Town of Campbell Municipal Code.
- C. Battery, substantial battery, and aggravated battery, as defined in § 940.19, Wis. Stats.
- D. Lewd and lascivious behavior, as defined in § 944.20, Wis. Stats.
- E. Crimes of violence as defined in ch. 940, Wis. Stats.
- F. Prostitution, as defined in § 944.30, Wis. Stats.
- G. Theft, as defined in § 943.20, Wis. Stats.
- H. Receiving stolen property, as defined in § 943.34, Wis. Stats.
- I. Arson, as defined in § 943.02, Wis. Stats.
- J. Possession, manufacture, delivery of a controlled substance or related offenses, as defined in Ch. 961, Wis. Stats.
- K. Maintaining a drug dwelling as defined in § 961.42, Wis. Stats.
- L. Gambling, as defined in § 945.02, Wis. Stats.
- M. Animal violations, as defined in Chapter 6 of this Code.
- N. Trespassing, as defined in §§ 943.13 and 943.14, Wis. Stats., by the occupants, tenants or owners of one premises onto another premises.
- O. Weapons violations as defined in Section 20-57 of the Town of Campbell Municipal Code and crimes involving illegal possession of firearms as defined in § 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
- P. Noise violations, as defined in Section 20-82 of the Town of Campbell Municipal Code.
- Q. The presence of any person engaged in a violation of any curfew ordinance as set forth in Section 20-136 if the Town of Campbell Municipal Code.
- R. Any conspiracy to commit, as defined in § 939.31, Wis. Stats., or attempt to commit, as defined in § 939.32, Wis. Stats., or being a party to any of the activities, behaviors, or conduct enumerated in Subsections A through N above.
- S. The execution of arrest or search warrants at a particular location.
- T. Alcohol violations, as defined in Chapter 4 and Section 20-139 of the Town of Campbell Municipal Code, and § 125.07, Wis. Stats.
- U. Obstructing or resisting an officer, as defined in § 946.41, Wis. Stats.
- V. The violation of any ordinance set forth in Chapter 18 Article III of the Town of Campbell Municipal Code entitled "Abandoned Vehicles".
- W. The violation of Section 18-2 of the Town of Campbell Municipal Code regarding destruction of noxious weeds and regulation of lawns and weeds.

X. The violation of any ordinance set forth in Chapter 18 of the Town of Campbell Municipal Code, entitled "Public Nuisances."

Y. The violation of any ordinance set forth Section 20-2 of the Town of Campbell Municipal Code, "Interference with or failure to obey town officers and employees".

Z. Violations of any state or county health codes or ordinances as determined by the La Crosse County Health Department.

### **OWNER**

Any person, and his or her agents, who alone or jointly or severally with others is the legally recorded holder of the title, with or without actual possession thereof, or who has charge, care or control of any property, dwelling or dwelling unit as an owner. The term "owner" under this chapter shall also include the legally recorded holder of a land contract vendee interest, but shall not include the holder of a land contract vendor interest.

### **PREMISES**

An individual dwelling unit, place of abode, a residence, a house or multiple dwelling unit for one or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. "Premises," as used in this section, may consist of any individual dwelling unit within multiple dwelling units providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation; any property or premises used for residential purpose whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

### **18-33-2 CHRONIC NUISANCES**

No person or entity shall operate, maintain, or allow to be maintained any premises within the Town of Campbell that has been deemed to be a chronic nuisance as defined by this chapter.

### **18-33-3 CHRONIC NUISANCE PREMISES NOTICE (CNP NOTICE)**

**A.** Whenever the Chief of Police deems a premises a chronic nuisance, the Chief shall notify the premises owner, in writing, that the subject location has been deemed a chronic nuisance.

**B.** 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 of record as identified by the records of the Town Assessor, Police Department, or delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of such notice is prominently posted at the premises owner's usual place of abode, delivered to a competent member of the owner's family at least 14 years of age or older currently residing there and who shall be informed of the contents of the CNP notice. The CNP notice shall contain the following information:

(1) Street address, parcel number or a legal description sufficient to identify the premises.

(2) A concise statement, including a description of the relevant activities supporting the determination that the premises is a chronic nuisance premises.

(3) A statement that the owner shall immediately notify the authorized official of any change in address to ensure receipt of future notices.

(4) A statement that the actual costs of future enforcement may be assessed as a special charge against the premises.

(5) 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.

(6) A statement that the premises owner shall at all times comply with the fair housing requirements.

(7) A statement that the premises owner, in addition to actual abatement costs, shall be subject to a \$200 owner action plan abatement fee and may be subject to a forfeiture action with a penalty of not less than \$500 nor more than \$5,000 for each enforcement action for nuisance activity occurring after the premises has been declared a chronic nuisance premises.

#### **18-33-4 OWNER ACTION PLAN**

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 alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity or is not available as a remedy. 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.

A. If the owner responds to the CNP notice and 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. 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 chapter, including cost recovery.

B. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the authorized official may reinstitute enforcement of this chapter and the premises owner shall be sent a letter advising of the change in status. This letter will document the authorized official's efforts to contact and/or obtain cooperation of the owner. The owner shall be required to respond to such change in status letter within 10 days.

C. Owner action plan abatement fee. A fee of \$200 shall be assessed to the owner of a chronic nuisance premises to recover the costs associated with the Town staff time to administer and monitor the requirements of this chapter as related to the chronic nuisance location. This fee along with any other fees or charges as noted in § 18-33-9 below, if not paid within 30 days, shall be collected as a special charge pursuant to § 66.0627, Wis. Stats., except as provided in § 66.0627(7) related to domestic abuse, sexual assault, and stalking.

#### **18-33-5 ENFORCEMENT**

A person shall be deemed to have violated this chapter or failed to comply with provisions of this chapter if any of the following conditions have been met:

- A. A premises owner has failed to respond to the CNP notice;
- B. An action plan submitted has not been completed;
- C. Failure by the premises owner to respond to a change of status letter within 10 days as directed; or
- D. Enforcement action for additional nuisance activity has occurred at premises for which notice has been issued pursuant to § 18-33-3A and this enforcement action has occurred not less than 15 days after the CNP notice has been issued.

#### **18-33-6 ABATEMENT**

**A.** A chronic nuisance premises shall be deemed abated when no enforcement action to address nuisance activities occurs and no police, building, health or fire inspection cases are generated for a period of six consecutive months; or a period of six consecutive months from the date of compliance with the action plan.

**B.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the Municipal Code or laws of the State of Wisconsin.

#### **18-33-7 APPEAL**

An appeal of the determination that a premises is a chronic nuisance premises or of the costs of enforcement assessed by the Town Treasurer must be submitted, in writing, to the Town Board. Such notice of appeal shall be submitted not more than 10 days following notice to the owner that a premises has been determined to be a chronic nuisance. The Town Board or its designee shall then schedule and hold a hearing on such appeal upon reasonable notice to the appellant. The appellant may be represented by counsel at such hearing at the appellant's expense. The appellant and the Town shall be entitled to submit testimony, witnesses and documentation to the Town Board or its designee at such hearing. The Town Board or its designee shall issue a written decision on the appeal within 30 days of the hearing.

#### **18-33-8 INJUNCTION**

This chapter may be enforced by injunction where injunctive relief is available by state statute.

#### **18-33-9 VIOLATIONS AND PENALTIES**

**A.** Any person who violates any provision of this chapter will be subject to a forfeiture of not less than \$500 nor more than \$5,000, plus court costs. Additional costs incurred by the Town for enforcement or abatement of nuisances related to this chapter in full or part shall be assessed. 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 on the invoice. Any unpaid invoice shall result in a \$100 administrative fee and a lien on such premises that may be assessed and collected as a special charge pursuant to § 66.0627, Wis. Stats.

**B.** Each subsequent incident of enforcement action for nuisance activity after a premises has been deemed to be a chronic nuisance premises shall constitute a separate offense and penalties will continue to be assessed until the nuisance is abated.

#### **18-33-10 SUSPENSION OF ENFORCEMENT COSTS**

If, after the receipt of a billing notice from the Town Treasurer, 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 shall remain 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 after a suspension of costs, enforcement costs will be reinstated and immediately due. The owner shall be notified, in writing, by the Town Treasurer of any suspension or reinstatement of enforcement costs. This notice may be included in the notice as outlined in § 18-33-4B above.

**18-33-11 SEVERABILITY**

The provisions of any part of this chapter are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such chapter to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein.

This Ordinance shall take effect and be in force from and after its passage and publication as required by Section 60.80 of the Wisconsin State Statutes.

Passed this 14<sup>th</sup> day of June, 2022.



Joshua Johnson

Town Chairman



Cassandra Hanan

Clerk/Treasurer