

CITY OF CHIPPEWA FALLS, WISCONSIN

NOTICE OF PUBLIC MEETING

In accordance with the provisions of the Wisconsin State Statutes, Sec. 19.84, notice is hereby given that a public meeting of:

Committee #3
Transportation, Construction, Public Safety and Traffic

Will be held on Tuesday, August 16, 2016, at 4:45 pm in the City Hall Council Chambers, 30 W. Central Street, Chippewa Falls, WI

Items of business to be discussed or acted upon at this meeting are shown on the agenda below:

1. Discuss request of Dawn Bye of Bye the Willow to deviate from Code Section, §12.03 (6) of the Chippewa Falls Municipal Code relative to fencing in Outdoor Beer Gardens. Possible recommendations to Council.
2. Discuss limited hour parking enforcement concerns in the downtown area. Possible recommendations to Council.
3. Discuss speed study in the W Elm Street neighborhood including safe routes to school recommendations, potential speed boards, and feasibility of placing a pedestrian crossing at Hilary Street and Elm Street at the walking path. Possible recommendations to Council.
4. Discuss draft ordinance entitled: An Ordinance Creating the Chronic Nuisance Premises Code Section of the Chippewa Falls Municipal Code - §10.067 of the Chippewa Falls Municipal Code. Possible recommendations to Council.
5. Adjournment

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.
NOTE: REASONABLE ACCOMMODATIONS FOR PARTICIPATION BY INDIVIDUALS WITH DISABILITIES WILL BE MADE UPON REQUEST. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT THE CITY CLERK AT 726-2719.

Please note that attachments to this agenda may not be final and are subject to change. This agenda may be amended as it is reviewed.

CERTIFICATION OF OFFICIAL NEWSPAPER

I hereby certify that a copy of this notice has been posted on the City Hall bulletin board and a copy has been given to the Chippewa Herald on August 12, 2016 at 3:15 pm by BNG.

Bye The Willow is requesting
5ft fencing for Beer Garden.
The Beer Garden is located
in the alley near the back of property.
(Away from main roads) There is no
walkways, foot traffic or motor traffic, so
really no need for 8ft-fencing.
The space is easily monitored from
building as well -

Thank you

Dawn M Bye
Bye The Willow.

AN ORDINANCE CREATING THE CHRONIC
NUISANCE PREMISES CODE SECTION
OF THE CHIPPEWA FALLS MUNICIPAL
CODE - § 10.067 OF THE CHIPPEWA FALLS
MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. That § 10.067 of the Chippewa Falls Municipal Code be created establishing and regulating chronic nuisance premises and which shall provide as follows:

10.067 CHRONIC NUISANCE PREMISES

(1) PURPOSE AND INTENT. The purpose and intent of this section is to eliminate illegal activities and place responsibility on owners of premises to patrol and eliminate illegal activities in, around and near the owner's premises which the owner acquiesces in letting take place and encourages to take place through such acquiescence and inaction and refusal to cooperate with lawful authorities in discouraging and eliminating such illegal activities.

(2) DEFINITIONS. For the purpose of this section the following definitions shall be applicable:

(a) "Chief" means the Chippewa Falls Police Chief or his or her designee.

(b) "Enforcement action" means an arrest, the issuance of a citation, or the issuance of a written or verbal warning.

(c) "Nuisance activity" means any of the following activities, behaviors, or conduct occurring on a premise or within 30 feet of a premise:

1. An act of harassment, as defined in § 947.013, Wis. Stats.
2. Disorderly conduct, as defined in § 947.01, Wis. Stats., or 9.05 of the Chippewa Falls Municipal Code.
3. Battery, substantial battery, or aggravated battery, as defined in § 940.19, Wis. Stats.
4. Lewd and lascivious behavior as defined in § 944.20, Wis. Stats.
5. Theft, as defined in § 943.20, Wis. Stats.
6. Receiving stolen property, as defined in § 943.34, Wis. Stats.

7. Possession, manufacture, or delivery of a controlled substance, or related offenses, as defined in Chapter 961, Wis. Stats., or §§ 9.44 and 9.45 of the Chippewa Falls Municipal Code.
8. Gambling, as defined in § 945.02, Wis. Stats.
9. Animal violations, as defined in § 12.11 of the Chippewa Falls Municipal Code.
10. Trespass, as defined in §§ 943.13 and 943.14, Wis. Stats., or § 9.26 of the Chippewa Falls Municipal Code.
11. Missiles violations, as defined in § 9.02 of the Chippewa Falls Municipal Code.
12. Noise violations, as defined in § 9.07 of the Chippewa Falls Municipal Code.
13. Alcohol violations, as defined in § 125.07, Wis. Stats., or Chapter 12 of the Chippewa Falls Municipal Code.
14. Obstructing or resisting an officer, as defined in § 946.41, Wis. Stats., or § 9.09 of the Chippewa Falls Municipal Code.
15. Loitering, as defined in § 9.12 of the Chippewa Falls Municipal Code.
16. Littering, as defined in § 9.17 of the Chippewa Falls Municipal Code.
17. City of Chippewa Falls inspection-related calls where the Police Department or Fire Department responds.
18. Being a party to, or any conspiracy to commit, as defined in § 939.31, Wis. Stats., or any attempt to commit, as defined in § 939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in this subsection.

(d) "Owner" means the owner of the premises and his or her agents.

(e) "Premises" means an individual dwelling unit, an apartment building (all units included as one premise), or an individual business premise and associated common areas and areas of public access to the same within 30 feet.

(3) NOTICE. Whenever the Chief determines that three or more nuisance activities resulting in enforcement action have occurred at a premise during a 12-month period, the Chief will notify the premises owner in writing. In calculating the requisite nuisance activities, 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. Nuisance activities that were reported by the owner of the premises will not be counted as qualifying nuisance incidents. 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 appeal rights of the owner. The notice shall be delivered pursuant to subsection (7).

(4) ABATEMENT PLAN. Any owner receiving notice pursuant to subsection (3) shall meet with the Chief within ten days of receipt of such notice. The parties shall review the problems occurring at the property. Within twenty days of this meeting, the owner shall submit to the Chief, or his/her designee, an abatement plan to end the nuisance activity on the property or premises. The plan shall also specify a 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.

(5) ADDITIONAL NUISANCE ACTIVITY. Whenever the Chief determines that additional nuisance activity has occurred at a premise(s) for which notice has been issued pursuant to subsection (3), that this nuisance activity has occurred 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 nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge and tax against the property. In lieu thereof, the owner may have cameras installed at the owner's expense to properly monitor the premises and the recordings shall be kept for at least 7 days and be available to the Police Department upon request for review and viewing by the Police Department.

(6) APPEAL. Appeal of any determination of the Chief under this section may be submitted to Committee No. 3 of the Chippewa Falls Common Council for review and consideration by Committee No. 3 as Committee No. 3 deems appropriate and just under the circumstances. Chapter 68, Wis. Stats., shall not apply to any such appeal.

(7) SERVICE OF NOTICE TO ABATE. There shall be attempted personal service of the Notice described in subsection (3) on the owner, agent of the owner, occupant or other person causing, maintaining or permitting the nuisance at such person's last-known address. If this attempt is unsuccessful or impractical, the notice shall be posted in a conspicuous place in or about the premises where the nuisance exists and a copy sent by first class mail to the last known address of the owner or agent of the owner, or other applicable person.

Dated this _____ day of _____, 2016.

Rob Kiefer, Council President

FIRST READING: _____

SECOND READING: _____

APPROVED: _____
Gregory S. Hoffman, Mayor

ATTEST: _____
Bridget Givens, City Clerk