

**SEC. 11-8-1 CHRONIC NUISANCES.**

The intent of this section is to establish a process to track chronic nuisances occurring at premises within the City of Galesville and to create a method to abate those nuisances.

- (1) DEFINITIONS. The following terms shall be defined as follows in this subchapter.
- (A) Chief. The Chief of Police or his or her designee.
  - (B) **ENFORCEMENT ACTION.** Arrest, the issuance of a citation, the issuance of a written warning, or a documented violation.
  - (C) Nuisance Activity.
    - 1.) Any of the offenses listed in section 11.1.1.
    - 2.) Violations of City Public Nuisance Ordinances.
    - 3.) Violations of City Building Code Ordinances.
    - 4.) Violations of City Zoning Code Ordinances.
    - 5.) Violations of Wisconsin Chapter 823.
  - (D) Owner. The owner of the premises and his or her agents.
  - (E) Premises. An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.
- (2) NOTICE.
- (A) Whenever the Chief determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premises during a 12-month period, the Chief may declare the property a Chronic Nuisance and notify the premises owner in person or in writing. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance incidents 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 or manager 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 appeal rights of the owner as set forth in section 11.8.8(5) below.
  - (B) The notice shall be deemed to be properly delivered if sent either by mail to the property owner's last known address, given verbally by the Police Chief to the property owner, 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 mail to the last known address of the owner as identified by the records of the tax roll.

- (3) **ABATEMENT PLAN.** Any owner receiving notice pursuant to section 11.8.1(2) above, within five (5) days of receipt of such notice, shall meet with the Chief, or his/her designee, and the parties shall review the problems occurring at the property. Within ten (10) 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. 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 or inspection contact, which person may be said Owner.
- (4) **ADDITIONAL NUISANCE ACTIVITY.** Whenever the Chief determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to section 11.8.1(2) above, that this nuisance activity has occurred not less than fifteen (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 (including fire and EMT services) 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 on the real estate premises.
- (5) **APPEAL.** Appeal of the determination of the Chief of Police pursuant to sections 11.8.1(2), 11.8.1(3), or 11.8.1(4) above may be made solely to the City Council by requesting a hearing. Notice of such appeal must be in writing and submitted to the City Council in care of the City Clerk with a copy submitted to the Chief of Police. Wis. Stats. ch. 68, shall not apply to such an appeal. The hearing under this subsection shall be reasonably scheduled and conducted by the City Council.
- (6) **WHEN CHRONIC NUISANCE DEEMED ABATED.** The public nuisance created by a chronic nuisance premises shall be deemed abated when no enforcement action to address nuisance activities occurs for a period of twelve (12) months from the date stated on the notice declaring the premise a chronic nuisance premise

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