

PUBLIC PROTECTION COMMITTEE AGENDA
Monday, October 14, 2013 – 7:20 P.M.
(or immediately following previously scheduled meeting)
Lincoln Center, 1519 Water Street

[A quorum of the City Council may attend this meeting]

Discussion and Possible Action on the Following:

1. License List:
 - A. New Operator's (Bartender's) Licenses.
2. Request to Keep Miniature Pigs – 340 Second St N.
3. Ordinance Amendment – Animal Care and Licenses – Prohibited Dog Owners.
4. Ordinance – Peace and Offenses – Chronic Nuisance.
5. Discussion on Homecoming and Partners Pub's Temporary Extension.
6. Monthly Inspection Report.
7. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569, TDD #346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

LICENSE LIST
PUBLIC PROTECTION COMMITTEE
October 14, 2013

NEW OPERATOR (PROVISIONAL LICENSE ISSUED): 1YEAR**

1)	Biadasz, Jodi L.	725 Wadleigh Street, Stevens Point, WI 54481
2)	Basinski, Melissa R.	4210 Tower Road, Amherst, WI 54406
3)	Rabe, Caleb J.	1728 Strongs Avenue, Stevens Point, WI 54481
4)	Schneider, Rose	3424 Minnesota Avenue #C, Stevens Point, WI 54481
5)	Luebke, Callie E.	640 Grove Street, Portage, WI 53901
6)	Paul, Jeannie M.	1540 Torun Rd Lot 29, Stevens Point, WI 54482
7)	Czaikowski, Margaret C.	300 Chapley Ave, Junction City, WI 54443
8)	Aderman, Abigail F.	708 Prentice Street, Stevens Point, WI 54481
9)	Kulinski, Samantha D.	2443 River Bend Rd, Plover, WI 54467
10)	Matthews, Robin L.	1309 W Pearl Street, Stevens Point, WI 54481
11)	Kulich, Kaylee A.	3243 Tulip Ln, Stevens Point, WI 54481
12)	Cerrone, Seryna T.	3531 Jackson Ave, Plover, WI 54467
13)	Reeves, Emily G.	1628 Clark Street Apt C, Stevens Point, WI 54481
14)	Nowak, Emily A.	3995 Lindstrom Ln, Stevens Point, WI 54482
15)	Selbach, Kristen N.	925 Maria Drive, Stevens Point, WI 54481
16)	Daniels, Shanaya R.	3611 Ann Marie Drive, Plover, WI 54467
17)	Larson, Claire A. R.	2335 College Avenue, Stevens Point, WI 54481
18)	Behnke, Kyle D.	2000 McCulloch Street, Stevens Point, WI 54481
19)	Watkins, Dylan M.	3417 Center Street, Stevens Point, WI 54481
20)	Detert, Michael D.	1540 Clark Street, Stevens Point, WI 54481
21)	Zipperer, Caitlin A.	3739 Patti Drive, Plover, WI 54467
22)	Schumacher, Craig M.	3700 Doolittle Drive Apt 5, Stevens Point, WI 54481
23)	LaRosa, Jessica A.	261 Shannon Ct Apt 4, Plover, WI 54467
24)	Martin, Thomas J.	1200 North Point Drive Apt D, Stevens Point, WI 54481
25)	Phillips, Kevin J.	3309 Bush Street Apt 5, Stevens Point, WI 54481
26)	Marchal, Alexa J.	3309 Bust Street Apt 5, Stevens Point, WI 54481
27)	Hackley, Ashtyn M.	2630 Minnesota Avenue, Stevens Point, WI 54481
28)	Rowe, Alex M.	1716 Strongs Avenue, Stevens Point, WI 54481
29)	Rink, Anne M.	2582 Collins Lake Lane, Rosholt, WI 54473
30)	Knapp, Ellyn P.	2532 Fifth Ave Apt 6, Stevens Point, WI 54481
31)	Weber, Ashley E.	740 Vincent Ct #102, Stevens Point, WI 54481
32)	Hess, Elizabeth K.	740 Vincent Ct #102, Stevens Point, WI 54481
33)	Devlin, Megan L.	5341 Bees Lane, Plover, WI 54467
34)	Faust, Carolyn J.	1301 Sixth Ave #9, Stevens Point, WI 54481
35)	Waldstein, Andrew A.	3500 Willow Drive Apt 6, Plover, WI 54467
36)	Fuller, Amber K.	821 Sunset Drive, Antigo, WI 54409
37)	Zuberbier, Abby S.	3309 Bush Street Apt 12, Stevens Point, WI 54481
38)	Liebe, Evan J.	1732 Briggs Street, Stevens Point, WI 54481
39)	Natzke, Christopher S.	W16251 Hirt Rd, Tigerton, WI 54486
40)	Rose, Thomas S.	517 W Cornell Ave, Stevens Point, WI 54481
41)	Grzesik, Bridgette A.	1516 Franklin Street, Stevens Point, WI 54481
42)	Mallek, Morgan R.	2816 Leahy Ave Apt 3, Stevens Point, WI 54481

43)	Tran, Joshua M.	1624 Division Street, Stevens Point, WI 54481
44)	Wendler, Katherine A.	2124 Lincoln Ave, Stevens Point, WI 54481
45)	Ingels, Lisa A.	303A Minnesota Ave, Stevens Point, WI 54481
46)	Gallagher, Jeffrey J.	424 Fifth Ave, Stevens Point, WI 54481
47)	Crane, Joshua D.	2933 Church Street, Stevens Point, WI 54481
48)	Malnory, Kristy L.	709 Walker Street, Stevens Point, WI 54481
49)	Bartkowiak, Mindy L.	1804 Edgewood Lane, Stevens Point, WI 54482
50)	Middleton, Selena P.	6309 Oak Lane Ct, Stevens Point, WI 54482
51)	Rusch, Sarah J.	3213 Village Lane, Plover, WI 54467
52)	Wise, Megan A.	1264A North Point Drive, Stevens Point, WI 54481
53)	Raykowski, Carissa C.	402 Crabtree Ave, Plover, WI 54467
54)	Suchon, Linda J.	2820 Gilman Drive, Plover, WI 54467
55)	Lorenz, Melissa M.	401 ½ Van Street, Waupaca, WI 54981
56)	Jacobs, Matthew S.	1248A North Point Drive, Stevens Point, WI 54481

****ISSUANCE OF ANY LICENSE IS CONTINGENT UPON APPLICANTS COMPLIANCE WITH THE TRAINING REQUIREMENTS OF SEC. 125.17(16), WISCONSIN STATUTES.***

I am notifying the committee that I would like to get a permit from the committee at the meeting on October 8, 2013. The permit that I would like to get is the right to keep my miniature pigs, Babe and Charlotte, at my house which is in the city limits of Stevens Point, WI.

Babe and Charlotte are very smart animals. They know how to sit and I have taught Babe to go left and Charlotte to go right in a circle. I work with them at these tricks every time they are given treats.

Our course of action:

We have containers where we put the waste to bring to our land, outside of city limits, to compost and use as fertilizer. If they get sick or hurt we go to the Wisconsin Valley Vet as they are one of the only vet centers who care for mini pigs. We have set up and connected two dog kennels outside and made them shelter as what looks like a dog house. We have notified our home owner's insurance and gotten signatures from all of our adjacent neighbors saying they have no objections to me having Babe and Charlotte within city limits.

More about Babe and Charlotte:

Babe and Charlotte are litter trained to go to the bathroom in a pan. Their waste makes minimal odor. These pigs are so smart that they know when feeding time is as they have scheduled feeding times twice a day. Once at 10:00 am and again at 7:00 pm. I spend so much time with my pigs that they have learned that I am their mother figure. They know my looks and voice and they are always very happy to see me. They sleep from dusk until about 7-8:00 am. They make absolutely no noise at night. Babe and Charlotte are about 50-60 pounds and they aren't going to get any bigger. Their life span is 15-20 years.

I would like to finish by saying that I love Babe and Charlotte as many people love their dogs and/or cats. Nobody would appreciate it if someone was trying to take their animals away. I really hope that you take into consideration how much these pets mean to me while you are making your decision. I say pets because they are not farm animals; they need love, care, and attention just as a dog does. Also as some studies show pigs are smarter and more-well behaved than most dogs are.

Thank you for your time.



Kaylah Callaway

I have no objections to
Kaylan Callaway having mini pigs.

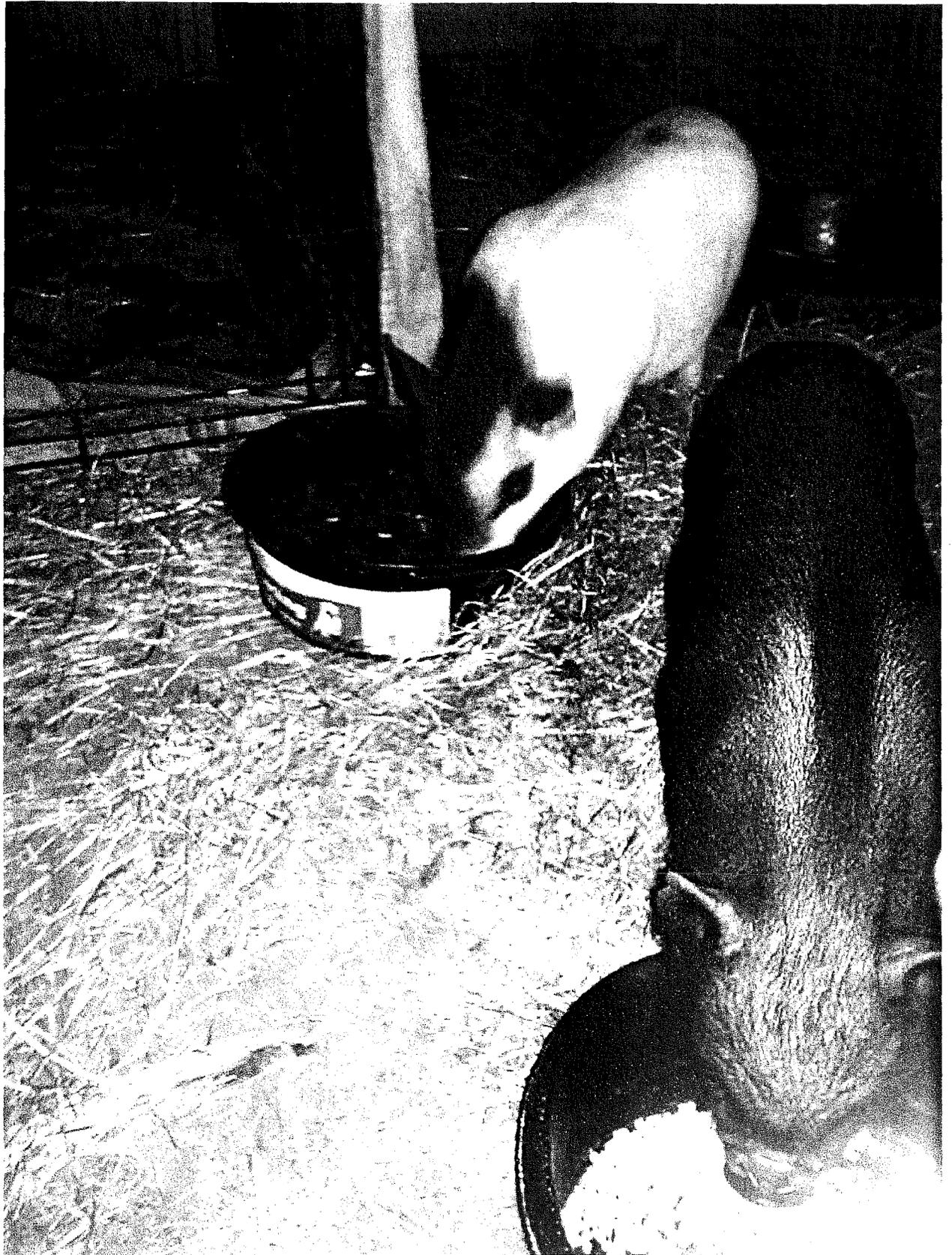
341 1st St. Wang Vang

Jeanette Bolton 348 2nd St N ST PT

Tom Williams 333 2nd St N ST PT

Jill Jackson 332 2nd St N ST PT

Jennifer Cyle 333 1st St N





(e) Parking Setback. No parking in residentially-zoned lands shall be allowed less than 10 feet from adjoining property lines unless that parking is legally located

(14) No owner, operator, or occupant of a building, building unit, or premise shall without written approval from the City of Stevens Point suffer, permit, or allow any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or the health, safety, life or limb of some person. No such person shall suffer permit, or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, or other mechanical or electrical device, instrument or machine, which loud or excessive or unusual noise shall disturb the comfort, quiet, or repose of persons therein or in the vicinity.

(15) No owner, operator, or occupant of a building, building unit, or premise shall suffer, permit or allow any condition which may be dangerous to young children because of their inability to appreciate peril and may reasonably be expected to attract them to premises.

(16) Keeping Animals.

(a) Prohibition. No person shall keep, maintain, or have in his possession or under his control or sell or convey within the city, except as provided below, any farm or dangerous or wild animal. Farm or dangerous or wild animal means and includes any animal which is not naturally tame or which, because of its size, vicious nature, or other characteristic could constitute a danger to human life or property if the animal is not contained on its premises, or any animal associated with a farming operation.

(b) Special Permit.

1. Criteria for a Special Permit. The Public Protection Committee may issue a special permit for the keeping or maintenance of a farm or dangerous or wild animal if it finds: (Amended 5/20/13)

a. That the animal is at all times kept in a safe manner and that it at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.

b. That adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

c. That the health or well being of the animal is not in any way endangered by the manner of keeping or confinement.

d. That the keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.

e. That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

f. That the quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

g. That the applicant for such special permit prove his ability to respond in damages to and including the amount of One Hundred Thousand Dollars for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing a Certificate of Insurance stating that applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages during the period of such special permit. Such Certificate of Insurance shall provide written notice is first given to the City.

h. That such applicant shall comply with all provisions of Section 14 of the Revised Municipal Code.

2. Inspection. The City or its designated representative may from time to time inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this article. If, during any inspection, the City or its representative finds any of the conditions specified under sections (b)(1)(a-h) are being violated, the special permit shall be revoked. (Amended 5/20/13)

3. Limit. Repealed on November 6, 2007.

4. Exceptions. The provisions of this section shall not apply to the keeping of animals in the following cases:

a. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.

b. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.

c. The keeping of such animals in a bona fide licensed veterinary hospital for treatment.

d. The dangerous or poisonous reptiles may be maintained in a bona fide educational or medical institution for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the animal control officers.

5. Term. A Special Permit issued under this section shall be valid indefinitely, but may be revoked at any time at the sole discretion of the Common Council. (Created 5/20/13)

(17) No owner, operator or occupant of any premises shall suffer, permit or allow noxious weeds as defined in Section 66.96 Wisconsin Statutes (being Canadian Thistle, Leafy Sprunge and Field Bindweed) and poison ivy, and in addition thereto, sow thistle, burdock, ragweed, sandbur, lambsquarter, green foxtail, yellow foxtail, pigweed, and bull thistle are noxious weeds in the event such weeds grow in profusion on a premises.

ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF STEVENS POINT, WISCONSIN

The Common Council of the City of Stevens Point do ordain as follows:

SECTION I: That Subsection 14.14 of the Revised Municipal Code of the City of Stevens Point is hereby amended to read as follows:

14.14-14.14 LICENSES.

(1) Every owner of a dog or cat more than five (5) months of age shall annually or within thirty (30) days from such date, pay the dog or cat license tax and obtain a license. Rabies certificates are required to be shown prior to issuance of licenses. The license fees are as follows:

- (a) Neutered or spayed dog.....\$ 8.00
- (b) Un-neutered or unspayed dog\$18.00
- (c) Neutered or spayed cat.....\$ 2.50
- (d) U-n-neutered or unspayed cat\$ 4.00

(2) Any person who keeps more than one dog may, instead of the individual license for each dog, request a multiple dog license. Such person shall pay for the license a fee of \$52 for the first dog plus \$5 for each additional dog up to a maximum of 12 dogs. Each dog license over the maximum of 12 will be charged at the rates (a) & (b) listed above.

- (ae) Multiple Dog License\$52.00/first dog
- Each additional dog up to 12\$-5.00/each additional dog

(3) Readily distinguishable multiple dog license tags will be issued for the total number of dogs authorized to be kept by the person at time of licensing. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog that is owned or kept as long as it is currently immunized against rabies.

(4) The city treasurer shall assess and collect a late fee of \$5.00 from every owner of a dog or cat five (5) months of age or over, if the owner fails to obtain a license prior to April 1st of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the city treasury as revenue of the city.

(5) Persons prohibited from possessing a dog within the City of Stevens Point:

(a) No person shall possess a dog if any of the following apply:

- i. A court has ordered one or more of the person's dogs killed pursuant to s. 174.02(3), Wis. Stats.
- ii. The person has had one or more of its dogs seized pursuant to s. 173.12, Wis. Stats. or ss. 173.13(1)(a)5 through 173.13(1)(a)8, Wis. Stats.

(b) Any person violating sub. (5)a shall suffer a forfeiture of \$100 per dog.

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(c) Any person who violates sub. 5(a) of this section shall surrender all dogs in his or her possession to the Portage County Humane Society within three (3) days of the date of the violation or suffer a forfeiture of \$100 per dog, per day for each subsequent day until the dogs are surrendered.

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**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF
STEVENS POINT, WISCONSIN**

The Common Council of the City of Stevens Point do ordain as follows:

SECTION I: That Subsection 24.51 of the Revised Municipal Code of the City of Stevens Point is hereby created as follows:

24.51: CHRONIC NUISANCE PREMISES.

(1) **FINDINGS.** The Common Council finds that any premises, including a manufactured home community, that has generated 3 or more responses from the City of Stevens Point Police Department for nuisance activities has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the City. The Common Council further finds that premises owners and other parties conducting business activities upon the premises who chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health, and safety of the community. The Common Council therefore directs the Chief of Police, the Comptroller/Treasurer, and the City Attorney, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at such premises where nuisance activities chronically occur.

(2) **DEFINITIONS.** For the purposes of this Subsection:

- a) “Chief of Police” means the chief of the police department or the Chief’s designee. The Chief’s designee includes, but is not limited to, a commanding officer signing a notice under RMC ss. 24.51(3)(a)i or 24.51(3)(a)ii or any other specifically named designee in any notice under this section.
- b) “Manufactured home community” means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located.
- c) “Nuisance activity” means any of the following activities, behaviors or conduct whenever engaged in by persons associated with a premises:
 - i. An act of harassment as defined in s. 947.013, Wis. Stats.
 - ii. Disorderly conduct as defined in RMC s. 24.01 or s. 947.01, Wis. Stats.
 - iii. Mistreatment of animals as defined in RMC s. 14.03, or any other violation of RMC ch. 14 or ch. 951, Wis. Stats.
 - iv. Indecent exposure as defined in s. 944.20(1)(b), Wis. Stats.
 - v. Keeping a place of prostitution as defined in s. 944.34, Wis. Stats., or leasing a building for the purposes of prostitution as defined in s. 944.34, Wis. Stats.
 - vi. Littering of premises as defined in RMC s. 24.06.
 - vii. Theft as defined in RMC s. 24.18 or s. 943.20, Wis. Stats.
 - viii. Arson as defined in s. 943.02, Wis. Stats.

- ix. Possession, manufacture or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.
- x. Gambling as defined in RMC s. 24.23 or s. 945.02, Wis. Stats.
- xi. Crimes against life and bodily security as enumerated in ss. 940.01 to 940.32, Wis. Stats.
- xii. Crimes involving illegal possession or use of firearms as defined in ss. 941.20 to 941.299, Wis. Stats. and s. 948.60, Wis. Stats.
- xiii. Trespass to land as defined in s. 943.13, Wis. Stats. or criminal trespass to a dwelling as defined in s. 943.14, Wis. Stats.
- xiv. Any act of aiding and abetting, as defined in s. 939.05, Wis. Stats., of any of the activities, behaviors or conduct enumerated in subpars. (c)i to (c)xii of this subsection.
- xv. Any conspiracy to commit, as defined in s. 939.31, Wis. Stats., or attempt to commit, as defined in s. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in subpars. (c)i to (c)xiii of this subsection.
- xvi. Discharge of a firearm, gun, or archery arrow as defined in RMC s. 24.14.
- xvii. The production or creation of excessive noise as defined in RMC s. 21.03(14).
- xviii. Loitering as defined in RMC s. 24.40.
- xix. Open intoxicant violations as defined in RMC s. 24.03.
- xx. The sale, offering for sale, bartering or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in RMC s. 12.14 or s. 125.04(1), Wis. Stats.
- xxi. The possession of counterfeit items as defined by s. 132.02, Wis. Stats.
- xxii. Selling or giving away tobacco products to persons under the age of 18 as defined in RMC s. 24.41 and s. 134.66(2), Wis. Stats.
- xxiii. The possession, possession with intent to sell or deliver, or delivery of drug paraphernalia as defined in RMC s. 24.43.
- xxiv. Illegal sale, discharge, and use of fireworks as defined in RMC s. 24.15 and s. 167.10, Wis. Stats.
- xxv. Truancy and contributing to truancy as defined in RMC s. 24.36.
- xxvi. Underage alcohol activities, as defined in RMC s. 12.14(12) and s. 125.07, Wis. Stats.
- xxvii. Robbery as enumerated in s. 943.32, Wis. Stats.
- xxviii. Receiving or concealing stolen property as enumerated in s. 943.34, Wis. Stats.
- xxix. “Nuisance activity” does not include activities, behaviors, or conduct that results in a call for assistance made by the owner or occupant requesting law enforcement services related to any of the following:
 - (1) “Domestic abuse,” as defined in s. 813.12(1)(am), Wis. Stats.
 - (2) “Sexual assault,” as described in ss. 940.225, 948.02, and 948.025, Wis. Stats.
 - (3) “Stalking,” as described in s. 940.32, Wis. Stats.

- d) “Other responsible party” means any individual or entity other than the owner of the premises that is licensed or subject to license in the operation of a business upon the premises.
- e) “Person associated with a premises” means the premises owner, any operator, manager, resident, occupant, renter, tenant, guest, visitor, patron, or customer of the premises, or any employee or agent of any of these persons.
- f) “RMC” means the Revised Municipal Code of the City of Stevens Point.

(3) PROCEDURE.

a) Notices.

i. Whenever the Chief of Police determines that the police department has responded to 3 or more nuisance activities that have occurred at a premises on separate days during a 60-day period or that the police department has responded to 2 or more nuisances of the types defined in subpar. (2)(c)v or subpars. (2)(c)ix – (2)(c)xii that have occurred at a premises within one year, the Chief of Police may notify the premises owner or other responsible party in writing that the premises is a nuisance. This notice shall contain:

- (1) The street address or legal description sufficient for identification of the premises.
- (2) A description of the nuisance activities that have occurred at the premises.
- (3) A statement indicating that the cost of future enforcement may be assessed as a special charge against the premise, or referred for collection, and that the owner or other responsible party may be cited under subsection 6 of this section.
- (4) A statement that the premises owner or other responsible party shall within 10 days either respond to the chief of police with an acceptable, written course of action to abate the nuisance activities at the premises or file an appeal pursuant to subpar. 5(a) of this section.
- (5) Examples of acceptable nuisance abatement measures.

ii. Whenever the Chief of Police determines that modification of an accepted written course of action is necessary to abate nuisance activities at the premises, the Chief of Police shall notify the premises owner or other responsible party in writing that the written course of action must be modified. This notice shall contain:

- (1) The street address or legal description sufficient for identification of the premises.
- (2) A description of the nuisance activities that have occurred at the premises which require modification of the accepted written course of action.
- (3) A copy of the previously-accepted written course of action.

- (4) A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises or referred for collection, and that the owner or other responsible party may be cited under subsection 6 of this section.
 - (5) A statement that the premises owner or other responsible party shall within 10 days respond to the Chief of Police with an acceptable modified written course of action to abate the nuisance activities at the premises.
- b) A notice under par. a shall be deemed to be properly delivered if sent either by first class mail to the premises owner's or other responsible party's last known address or if delivered in person to the premises owner or other responsible party. If the premises owner or other responsible party cannot be located, the notice shall be deemed to be properly delivered if a copy of the notice is left at the premises owner's or other responsible party's usual place of abode or regular business in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing or conducting business 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 first class mail to the last known address of the owner or other responsible party as identified by the records of the Stevens Point Assessor's Department or, if no records of such address exist, to the City Attorney.
- c) Upon receipt of the nuisance premises notice under subpar. 3(a)i or a demand for modification notice under subpar. 3(a)ii, the premises owner or other responsible party shall respond within 10 days to the Chief of Police with a written course of action or modified written course of action outlining the abatement actions which the premises owner or other responsible party will take in response to the notice. Upon review of the written course of action or modified written course of action, the Chief shall accept or reject the proposed course of action.
 - i. If the proposed course of action is accepted, the Chief shall inform the owner or other responsible party of the same and permit the owner or other responsible party 45 days to implement the accepted course of action. If the premises owner or other responsible party has implemented the accepted written course of action within 45 days, no further action by the department may be taken except that if nuisance activity continues, the Chief may request the premises owner or other responsible party to modify the accepted written course of action.
 - ii. If the premises owner or other responsible party fails to respond, proposes a course of action that is rejected by the Chief of Police, or fails to implement an accepted written course of action within 45 days, the Chief shall notify the premises owner or other responsible party that the cost of future enforcement may be assessed as a special charge against the premises or referred for collection, and that the owner or other responsible party may be cited under subsection 6 of this section.
- d) The Chief of Police may calculate the cost of police services and refer the cost to the Comptroller/Treasurer for subsequent nuisance activities occurring at the

premises within one year of the date of a notice under par. a of this subsection provided such nuisance activity occurs under one of the following circumstances:

- i. 13 days after notice was given pursuant to subpar. 3(a) if the premises owner or other responsible party fails to respond, or proposes a course of action that is rejected by the Chief of Police.
 - ii. 45 days after a proposed course of action was accepted by the Chief of Police and the premises owner or other responsible party failed to properly implement the accepted course of action.
 - iii. After the Common Council affirms the nuisance premises determination at a hearing under subpar. 5(c) if an appeal is timely filed pursuant to subpar. 5(a).
- e) The Chief of Police shall notify the premises owner or other responsible party of the decision to refer the cost of police services by copy of the Chief's cost referral letter to the Comptroller/Treasurer. Delivery of this notice shall be made as set forth in subpar. 3(b). The cost referral letter shall contain:
- i. The street address or legal description sufficient for identification of the premises.
 - ii. A statement that the Chief of Police has referred the cost of enforcement to the Comptroller/Treasurer, together with a concise description of the nuisance activities and the relevant sections of the code.
 - iii. A notice of the premises owner's or other responsible party's right to appeal pursuant to subpar. 5(b).
 - iv. A statement that each subsequent incident of nuisance activity may be deemed a separate violation.
 - v. A statement that whenever a premises owner or other responsible party has been billed on 3 or more separate dates for the costs of enforcement within one year, he or she may be issued a citation of not less than \$1,000 nor more than \$5,000 after notification by the Chief of Police that the premises is a chronic nuisance due to the premises owner's or other responsible party's failure to abate the nuisance activities.

(4) COST RECOVERY.

- a) Upon receipt of a cost referral letter from the Chief of Police pursuant to subpars. 3(d) and 3(e), the Comptroller/Treasurer shall charge to any premises owner found to be in violation of this section the costs of enforcement, including administrative costs, in full or in part. All costs so charged are a lien upon such premises and may be assessed and collected as a special charge. The Comptroller/Treasurer shall establish a reasonable charge for the costs of administration and enforcement of this section.

(5) APPEAL.

- a) Appeal of a determination that a premises is a nuisance under subpar. 3(a) shall be submitted to the City Clerk for referral to the Common Council within 10 days from the date of the notice of such determination.
- b) Appeal of a cost referral pursuant to subpar. 3(d) shall be submitted to the City Clerk for referral to the Common Council within 30 days from the date of the cost referral letter.
- c) Appeals under subpars. 5(a) and 5(b) shall be adjudicated by the Common Council at a public hearing at its regular monthly meeting occurring in the month following the month in which the appeal is submitted to the City Clerk. At the hearing, the appellant and the City may be represented by an attorney and may present evidence, call and examine witnesses, and cross-examine witnesses of the other party. Such witnesses shall be sworn by the City Clerk. The Common Council shall, following the presentation of evidence and testimony by the appellant and the City, render a decision on the merits by majority vote of its members present. Attorneys for the appellant and the City may issue subpoenas to compel the attendance of a witness or the production of evidence. Such subpoenas must be in substantially the same form as provided in s. 805.07(4), Wis. Stats. and must be served in the manner provided in s. 805.07(5), Wis. Stats. The attorney shall, at the time of issuance, send a copy of the subpoena to the Council President.

(6) CHRONIC NUISANCE PREMISES.

- a) Whenever a premises owner or other responsible party has been notified that a nuisance exists at his or her premises and has been billed on 3 or more separate dates within a one-year time period for the costs of enforcement under subsection 4, the Chief of Police may designate the premises a chronic nuisance premises. Delivery of this notice shall be made as set forth in sub. 3(b). The chronic nuisance premises letter shall contain:
 - i. The street address or legal description sufficient for identification of the premises.
 - ii. A statement that the premises owner or other responsible party has been billed, on 3 or more separate dates, for the costs of enforcement within a one-year time period, along with a concise description of the nuisance activities, bills and relevant sections of the code.
 - iii. A statement that any subsequent incident of nuisance activity shall subject the premises owner or other responsible party to a forfeiture of not less than \$1,000 nor more than \$5,000 for failure to abate the nuisance activity.
 - iv. A statement that each subsequent incident of nuisance activity may be deemed a separate violation.
- b) Any person failing to abate nuisance activities after receiving notice under subpar. a shall be subject to a forfeiture of not less than \$1,000 nor more than

\$5,000 for failure to abate the nuisance activity. Upon default of payment, the premises owner shall be imprisoned in the county jail or house of correction for a period of not less than 40 days nor more than 90 days.

(7) EVICTION OR RETALIATION PROHIBITED.

- a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant contacted a law enforcement agency regarding nuisance activities on the landlord's premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the chief of police constitutes unlawful retaliation under this subsection. This presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity as defined in subpars. 2(c)i to 2(c)xxviii; for the commission of waste upon the premises; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in ch. 709, Wis. Stats., and ch. ATCP 134, Wis. Adm. Code. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.
- b) Any person violating par. a shall be subject to a forfeiture of not less than \$100 nor more than \$2000 for each violation and in default of payment thereof, be imprisoned in the county jail or house of correction for a period of not less than 4 days nor more than 80 days.

(8) SUBSEQUENT NOTICE OF NUISANCE ACTIVITY. Nothing in this subsection shall prevent or prohibit the chief of police from issuing or reissuing a notice under sub. 3(a)i regarding subsequent nuisance activity at a premises.

Community Development Report – September 2013

Construction Report

New Construction	Owner/Location	Declared Valuation	Fees
Residential	Jim Warzinik Custom Homes LLC 4816 Hummingbird Lane	\$195,000.00	\$1,000.00
Residential	Edward & Carol Sanders 2401 Falcons Cove	\$433,000.00	\$1,000.00
Commercial			

Remodeling/ Additions	# of Permits	Declared Valuation	Fees
Residential	62	\$301,516.00	\$3,044.75
Commercial	18	\$791,274.66	\$8,046.79

Monthly Permits	Monthly Valuation	Monthly Fees	YTD Valuation	YTD Fees
82	\$1,720,790.66	\$13,091.54	\$18,314,788.56	\$148,294.27

2012:	\$29,734,209.86	\$118,940.53
2011:	\$17,318,432.65	\$57,556.66
2010:	\$15,624,642.00	\$76,817.00

Violation Report

Exterior Property Area Complaints

*Multiple Exterior Property Violations	7
*Other Exterior Property Violations	7
Accumulation of Rubbish or Garbage	7
Grass or Weeds	12
Improper Parking of Vehicles	7
Improper Storage of Refuse or Refuse Carts	0
Refuse or Refuse Carts on Curb	17
Snow and Ice	0
Storage of Household Items Outside	4
Unlicensed or Inoperable Vehicles	2
Unsanitary Conditions	0

Exterior Structure Complaints

*Multiple Exterior Structure Violations	0
*Other Exterior Structure Violations	2
Broken or Missing Windows	0
Defective Protective Treatment	1
Missing or Defective Handrails/Guards	0

Interior Structure Complaints

*Multiple Interior Structure Violations	1
*Other Interior Structure Violations	1

Multiple Violations

*Multiple Property Violations	4
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Other Violations

*Other Property Violations	3
Expired Multiple-Family License	0
Improper Occupancy: Multi-Family Dwelling	0
Improper Occupancy: Residential Dwelling	3
Noise	22
Unlicensed Well	0
Work Without Permit	6
Work Without Historic Preservation Review	2

Total Violations / Total Service Fees Billed	108/\$2,950.00
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