

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE AGENDA
Monday, November 10, 2014 – 6:10 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.
 - B. Class "B" Fermented Malt Beverage and "Class C" Wine License – Lemon Grass Noodle House LLC, 601 Bliss Avenue, Stevens Point, WI for Lemon Grass Noodle House, 1137 Main Street, Stevens Point, Kou Xiong, agent for license period beginning November 18, 2014.
 - C. "Class A" Liquor and Class "A" Fermented Malt Beverage License – AB Liquor Inc., for J. R. Liquor, 484 Division Street, Stevens Point; Bhagirath Bhai V. Nayi, agent for license period beginning November 18, 2014.
2. Request to Hold Event /Street Closings – Association of Downtown Businesses – Annual Christmas Parade on November 21, 2014 – Request to close the streets around the Square and a section of Main Street.
3. Ordinance Amendment – Peace and Offenses – Creation of a Chronic Nuisance Ordinance (Section 24.51 of the RMC).
4. Monthly Inspection Report.
5. Adjournment.

RMC – Revised Municipal Code

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 or by mail at 1515 Strong's 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
November 10, 2014**

NEW OPERATORS (PROVISIONAL LICENSES ISSUED): 1YEAR**

- 1) Priem, Ryan J. 2701 Fourth Avenue, Stevens Point, WI 54481
- 2) Szymanski, Jodi C. 1809 Division Street, Stevens Point, WI 54481
- 3) Guse, Makena L. N6631 Thompson Rd, Beaver Dam, WI 53916
- 4) Dombrowski, Nikki L. 541 Washington Avenue, Stevens Point, WI 54481
- 5) Fielder, Suen O. 1552 Agnes, Stevens Point, WI 54482
- 6) Warnke, Allison L. 2625 Fourth Avenue, Stevens Point, WI 54481
- 7) Tock, James E. W12011 Angle Rd, Marion, WI 54950
- 8) Bartelt, Emma C. 824 Union Street, Stevens Point, WI 54481
- 9) Hodge, Adam C. 3108 Rice Street Apt G, Stevens Point, WI 54481
- 10) Burke, Sara M. 1708 Illinois Avenue, Stevens Point, WI 54481
- 11) Feltz, Allison L. P O Box 563, Stevens Point, WI 54481
- 12) Taft, Amy M. 357 Fourth Avenue, Stevens Point, WI 54481
- 13) Abrams, Alexandria N. 124 Devonshire Ct, Plover, WI 54467
- 14) Bolton, Caitlyn L. 6364 Everett Heights Ct, Plover, WI 54467
- 15) Higgins, Kayla M. 3311 Patti Drive Apt 1, Plover, WI 54467
- 16) Lepinski, Sandra J. 7939 Fifth Street, Stevens Point, WI 54481
- 17) Ayello, Kathleen M. 1824 College Avenue, Stevens Point, WI 54481

CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS C" WINE LICENSE:

Lemon Grass Noodle House LLC, 601 Bliss Avenue, Stevens Point, WI for Lemon Grass Noodle House, 1137 Main Street, Stevens Point, Kou Xiong, agent for license period beginning November 18, 2014.

"CLASS A" LIQUOR AND CLASS "A" FERMENTED MALT BEVERAGE LICENSE:

AB Liquor Inc., for J. R. Liquor, 484 Division Street, Stevens Point; Bhagirath Bhai V. Nayi, agent for license period beginning November 18, 2014.

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



Association of Downtown Businesses

A Main Street Community
PO Box 675, Stevens Point, WI 54481

John Moe
City Clerk
1515 Strongs Avenue
Stevens Point, WI 54481

October 23, 2014

Re: Christmas Parade, November 21, 2014.

Dear City Clerk,

The Association of Downtown Businesses will be hosting the annual Christmas Parade on Friday November 21, 2014. Please let this letter serve as our request to close Main Street from Centerpoint Drive to and including and the streets around the square for the parade route.

- Floats will line up at the East end of Main Street starting at 4:15 PM
- All streets intersecting Main Street will remain open except crossing Main Street.
- The parade will start at 6:15 PM and will take about 1 ½ hours.

Event organizers will have staff at the staging area and along the parade route to keep things moving.

The event organizers have contacted the Police Department to discuss the event. They have agreed to work with us to make the event a success.

Sincerely,

John Dolan
Association of Downtown Businesses

cc: Sgt. Babel

The Association of Downtown Businesses is dedicated to creating an inviting downtown that promotes quality business, cultural and community growth, while maintaining its historical integrity.

**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., other than as prescribed in subpar. (xxix) of this paragraph.
- (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 paragraph.
- (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 paragraph.
- (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 result in a call for assistance made by an owner or other responsible party.
- (xxx) “Nuisance activity” does not include activities, behaviors, or conduct that results in a call for assistance made by any person 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.
- (4) Enforcement of a restraining order as defined under Ch. 813, Wis. Stats.
- (5) Any incident or behavior involving an individual at risk as defined in Wis. Stats. s. 813.123.
- (6) Any matters involving a child in need of protective services as defined under Wis. Stats. s. 48.235(4).

- (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) “Premises” means a physical location identified by a single mailing address. For apartment units, a particular unit constitutes its own premises separate from the apartment complex as a whole.
- (g) “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 30-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 15 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 with the City Clerk 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 15 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. (3)(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 15 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 or modified 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 by issuing a notice pursuant to subpar. 3(a)(ii).
 - (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 or accepted modified 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. (3)(a) of this section provided such nuisance activity occurs under one of the following circumstances:
- (i) 15 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 pars. (3)(d) and (3)(e), the Comptroller/Treasurer shall charge to any premises owner or other responsible party 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)(i) shall be submitted to the City Clerk for referral to the Common Council within 15 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) of this section, 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.

(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. 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.

(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, although such subsequent notice shall be in accordance with par. 9, if applicable.

(9) **GOOD FAITH COOPERATION.** If the Chief of Police has accepted a written course of action and two (2) subsequent modified written courses of action pursuant to subpar. 3(c)(i) and the premises owner or other responsible party has

implemented those courses of action within 45 days of their acceptance, no forfeiture under subpar. 6(b) may be issued and no cost recovery under par. 4(a) may be pursued for a period of 12 months following the acceptance of the second modified course of action. Following that 12 month period, the Chief of Police may address subsequent nuisance actions at the premises in question in accordance with the procedure described under par. 3, commencing with the initial notice required under subpar. 3(a)(i).

Community Development Report - October 2014

Construction Report

New Construction	Owner/Location	Declared Valuation	Fees
Single Family	Joseph Woytasik 3595 Vine Street	\$260,000.00	\$1,000.00
Two Family	Washington Construction Inc 309-11 Sommers St	\$304,000.00	\$1,500.00
Commercial New	SPASH Life Skills Center 1201 North Point Dr	\$706,650.00	\$1,200.00
Commercial New	St. Michael's Emergency Room (Electrical) 900 Illinois Ave	\$1,491,257.00	\$1,242.96
Commercial New	T.L. James LLC 5508 Clem's Way	\$174,000.00	\$1,950.00

Remodeling/ Additions	# of Permits	Declared Valuation	Fees
Residential	67	\$406,566.79	\$3,867.64
Commercial	29	\$641,612.00	\$7,461.10

Monthly Permits	Monthly Valuation	Monthly Fees	YTD Valuation	YTD Fees
101	\$3,984,085.79	\$16,271.70	\$21,153,587.25	\$122,095.11

2013:	\$23,615,315.94	\$168,520.55
2012:	\$31,855,741.86	\$139,931.36
2011:	\$21,045,561.91	\$72,203.61

Violation Report

Exterior Property Area Complaints

*Multiple Exterior Property Violations	5
*Other Exterior Property Violations	3
Accumulation of Rubbish or Garbage	6
Grass or Weeds	4
Improper Parking of Vehicles	16
Improper Storage of Refuse or Refuse Carts	0
Refuse or Refuse Carts on Curb	4
Snow and Ice	0
Storage of Household Items Outside	5
Unlicensed or Inoperable Vehicles	1
Unsanitary Conditions	0

Exterior Structure Complaints

*Multiple Exterior Structure Violations	1
*Other Exterior Structure Violations	6
Broken or Missing Windows	0
Defective Protective Treatment	2
Missing or Defective Handrails/Guards	0

Interior Structure Complaints

*Multiple Interior Structure Violations	1
*Other Interior Structure Violations	0

Multiple Violations

*Multiple Property Violations	5
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Other Violations

*Other Property Violations	8
Expired Multiple-Family License	0
Improper Occupancy: Multi-Family Dwelling	0
Improper Occupancy: Residential Dwelling	3
Noise	0
Unlicensed Well	0
Work Without Permit	10
Work Without Historic Preservation Review	1

Total Violations / Total Service Fees Billed	81/\$1,650.00
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