**CITY OF MONTELLO**

**MONDAY, OCTOBER 3, 2022**

**FINANCE 6:30 PM**

**COMMON COUNCIL: 7:00 PM**

**20 UNDERWOOD AVE. MONTELLO, WI 53949**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVE AGENDA**
5. **APPROVE COUNCIL MINUTES FROM 9-6-22.**
6. **READ AND ACCEPT COMMITTEE MINUTES:**
   1. **FINANCE:** 
      * 1. **SEPTEMBER VOUCHERS**
        2. **SPECIAL FINANCE: 9-6-22 and 9-27-22**
   2. **LICENSE AND ORDINANCE**
   3. **PARK**
   4. **PUBLIC SAFETY**
   5. **PUBLIC WORKS**
7. **CONSENT LIBRARY MINUTES**
8. **NEW BUSINESS:**
   1. **SECOND READING OF ORDINANCE 232-11 CHRONIC NUISANCE**

The following terms shall be defined as follows in this subchapter.

1. Chief. The chief of police or his or her designee or contracted law enforcement agency.
2. Enforcement action. Arrest, the issuance of a citation, or the issuance of a written or verbal warning.
3. Nuisance activity. Any of the following activities, behaviors, or conduct occurring on a premise:
4. An act of harassment, as defined in§ 947.013, Wis. Stats.
5. Disorderly conduct, as defined in § 947.01, Wis. Stats.

c. Battery, substantial battery, or aggravated battery, as defined in 5 940.19, Wis. Stats.

1. Lewd and lascivious behavior, as defined in 5 944.20, Wis. Stats.
2. Prostitution, as defined in 944.30, Wis. Stats.
3. Theft, as defined in § 943.20, Wis. Stats.
4. Receiving stolen property, as defined in § 943.34, Wis. Stats.
5. Arson, as defined in § 943.02, Wis. Stats.

i. Possession, manufacture, or delivery of controlled substance or related offenses, as defined in ch. 961, Wis. Stats.

1. Gambling, as defined in 945.02, Wis. Stats.
2. Animal violations, as defined in ch. 117, City of Montello Municipal Code. I. Trespassing, as defined in 943.13 and§ 943.14, Wis. Stats.

**m.** Weapons violations, as defined in ch. 245, City of Montello Municipal Code.

1. Noise violations, as defined in ch. 245, City of Montello Municipal Code.
2. Any conspiracy to commit, as defined in § 939.31, Wis. Stats., or attempt to commit, as defined in 939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in subdivisions 3.a. through n. above.
3. The execution of arrest or search warrants at a particular location.
4. Alcohol violations, as defined under ch. 203-1, City of Montello Municipal Code/§ 125.07, Wis. Stats.
5. Alcohol license violations as defined under ch. 203-19, City of Montello Municipal Code.
6. Obstructing or resisting an officer, as defined in § 946.41, Wis. Stats.
7. City of Montello inspection-related calls where the police department responds.
8. Owner. The owner of the premises and his or her agents.
9. Premises. An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.

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 may notify the premises owner 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 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. Notice may be delivered in person or via postal mail.

**ABATEMENT PLAN**

Any owner receiving notice shall meet with the chief, or his/her designee, within five (5) days of receipt of such notice. 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, fire, or inspection contact.

**ADDITIONAL NUISANCE ACTIVITY**

Whenever the chief determines that additional nuisance activity has occurred at a premise for which notice has been issued and 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. The special charge may include the cost per hour for police, fire and inspection, mileage if required to leave the city, and preparation of video recordings and documentation review. An invoice shall be sent to the property owner and if not paid, the cost levied against subsequent property taxes for the upcoming year.

**APPEAL**

Appeal of the determination of the chief of police may be submitted to the City of Montello, Council. The Council shall hold a special session to hear the appeal. A request for an appeal is to be made in writing within ten (10) days after the owner receives the invoice for the special charge. If the owner fails to submit a request for an appeal to the City Council within ten (10) days, the right to do so is then forfeited. Chapter 68, Wisconsin Statutes, shall not apply to such an appeal.

**First Offense**

Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall forfeit not less than $1.00 nor more than $1,000.00.

**Subsequent Offenses**

Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder within 24 months after committing a previous violation of this chapter shall forfeit not less than $200.00 nor more than $2,000.00.

1. **MAYOR COMMENTS**
2. **CITIZEN COMMENTS**
3. **ADJOURNMENT.**

**DAWN CALNIN, CLERK/TREASURER**