

**CITY OF MADISON
INTRA-DEPARTMENTAL
CORRESPONDENCE**

DATE: September 29, 2009

TO: Noble Wray, Chief of Police

FROM: Joe Balles, Captain of Police

SUBJECT: Chronic Nuisance Premise Report

Assistant Chief Gaber requested I prepare a report for you summarizing our efforts as it relates to the city's *Chronic Nuisance Premise* (CNP) ordinance (M.G.O. 25.09) adopted by the Common Council in November 2007. Per the sunset provision in this ordinance, specific information was requested of the Chief of Police:

- 12) Sunset This ordinance shall automatically repeal on November 1, 2009.
 - (a) The Chief of Police shall submit an interim report to the Common Council by September 1, 2008, and a final report to the Common Council by September 1, 2009, indicating the following:
 1. How many Premises were declared Chronic Nuisance Premises
 2. How many Premises that were declared Chronic Nuisance Premises were abated and the length of time it took for abatement to occur.
 3. How many evictions were directly associated with a Premises being declared a Chronic Nuisance Premises
 4. How often the Cost Recovery provision was used and the dollar amount collected under this provision.
 - (b) The Department of Civil Rights shall submit an interim report to the Common Council by September 1, 2008, and a final report to the Common Council by September 1, 2009, indicating whether that Department had referrals for violation of Fair Housing Laws contained in Chapter 39 or any other elements of the Equal Opportunity Ordinance that were directly related to the application of this ordinance to a Premises.

Attached is a summary report prepared by Assistant City Attorney Jennifer Zilavy describing the eight occasions, under the CNP ordinance, where a property has officially been declared a Chronic Nuisance Premise. Six of these premises were abated, while two premises resulted in formal legal proceedings in both Municipal Court and Circuit Court.

In addition to the CNP summary prepared by Asst. City Attorney Zilavy, I have also prepared a summary of over 100 drug nuisance and public nuisance letters sent out by MPD district command staff since January 2007. While only 8 properties were formally declared a CNP per the new ordinance, I believe it is important to highlight the letters sent out by district command staff to predominantly rental property owners making them aware of drug nuisance and public nuisance activities at their properties. Many of these letters resulted in face to face meetings between the property owners and MPD staff to discuss how to abate or remedy the drug or public nuisance activity. These proactive and pre-emptive efforts by district command staff are largely responsible for the limited number of times we have had to formally declare a Chronic Nuisance Premise per the ordinance.

I hope this information meets your needs. Please advise if there is additional information or analysis you may desire to be completed on this matter

CHRONIC NUISANCE PREMISES ORDINANCE

Implementation Summary

Prepared by Assistant City Attorney Jennifer Zilavy

A. Number of properties that have been declared Chronic Nuisance Premises ("CNP"):

Eight. The "declaration" occurs when a letter is sent by the Madison Police Department ("MPD"), in accordance with the criteria set forth in the CNP ordinance, informing the premise owner that their property has been declared a Chronic Nuisance Premises

1. 17 N. Wickham Court, (multi-unit apartment bldg) declared December 2008
2. 902 West Badger Road, (multi-unit apartment bldg.) declared January 2008
3. 4353 W. Beltline Highway (motel – Highlander) declared July 2008
4. 2110/2114 Allied Drive, (multi-unit apartment bldg.) declared July 2008
5. 910 West Badger Road (multi-unit apartment bldg.) declared July 2008
6. 2638 East Lawn Court, (single family residence) declared September 2008
7. 2902 Hauk Street, (multi-unit apartment bldg.) declared September 2008
8. 1118 Petra Place (multi-unit apartment bldg.) declared October 2008

B. Number of premises that have met with the Madison Police Department and Office of the City Attorney ("OCA") in response to CNP declaration: Eight

C. Number of premises that entered into abatement plans with MPD/OCA: Eight

D. Number of premises that made a good-faith effort to implement abatement plan: Five. 902 West Badger Road, 910 West Badger Road and 1118 Petra Place did not make good-faith efforts to implement abatement plans and were less than cooperative with MPD/OCA throughout the CNP procedure. All three of these properties are currently vacant. 910 West Badger Road and 1118 Petra Place were properties that, in addition to the CNP declaration, were subject to Drug Nuisance Actions in Dane County Circuit Court and have been ordered to remain vacant until "further order of the court"

E. Number of premises where nuisance has completely abated: Six. 2110/2114 Allied Drive has recently begun to experience increased nuisance activity and is currently under evaluation for further enforcement action. 4353 W. Beltline Highway has improved, but has not completely abated. The owner of 4353 continues to cooperate with MPD and OCA.

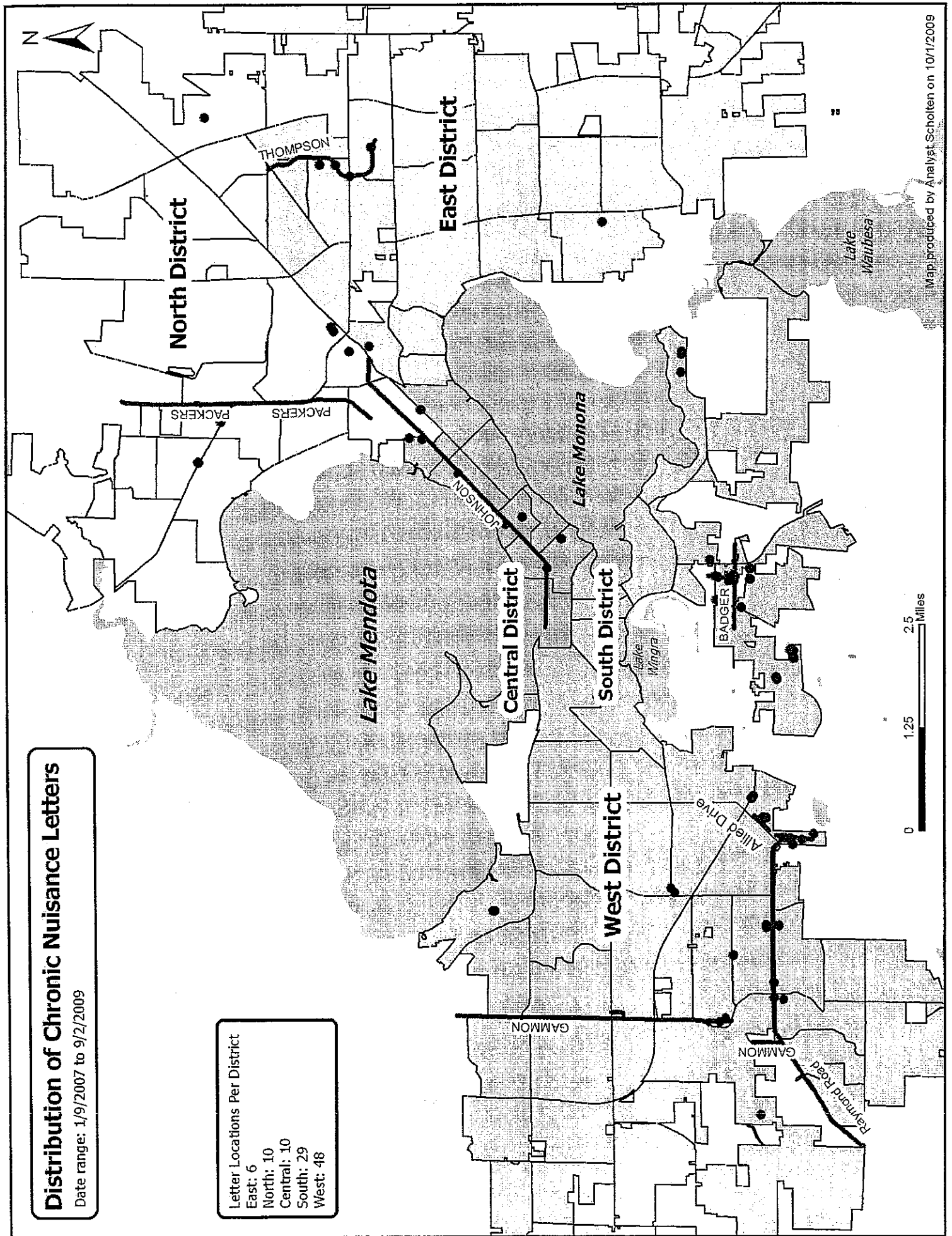
Number of premises where cost recovery provision of ordinance was implemented: One. 902 West Badger Road for a shooting incident that resulted in deployment of the swat team. Cost Recovery bill was \$13,000+. This premise was also prosecuted in municipal court for failure to timely submit abatement plan and for allowing additional nuisance activities on premise (forfeiture of \$1200).

Distribution of Chronic Nuisance Letters

Date range: 1/9/2007 to 9/2/2009

Letter Locations Per District

East: 6
North: 10
Central: 10
South: 29
West: 48



Madison Police Department
Public Nuisance and Drug Nuisance Letters
Jan 2007 through August 2009

DATE OF LETTER	ADDRESS OF ACTIVITY	DISTRICT	COMMANDER	REASON FOR LETTER
1/9/2007	2002 Scott Lane #2	North	Bach	Cocaine - Drug Dwelling
1/16/2007	1518 Troy Drive #2	North	Bach	Cocaine - Drug Dwelling
2/1/2007	2127 Luanne Lane	South	Wheeler	Delivery of Cont Substance
2/1/2007	1130 Catalpa Circle #B	South	Wheeler	Delivery of Cont Substance
2/9/2007	1301 Pflaum Road	East	Klubertanz	Delivery of Cont Substance
2/9/2007	3702 Packers Ave #206	North	Bach	Delivery of Cont Substance
2/13/2007	1717 Lake Point Drive #105	South	Wheeler	Delivery of Cont Substance
2/15/2007	2461 Old Camden Square #103	North	Bach	Possession of Cocaine
3/29/2007	1001 Rockfeller Lane #6	East	Klubertanz	Delivery of Cont Substance
3/29/2007	701 N. Thompson Road #3	East	Klubertanz	Delivery of Cont Substance
5/11/2007	3014 Churchhill Drive	South	Wheeler	Delivery of Cont Substance
5/29/2007	2905 Commercial Avenue #1	North	Bach	Delivery of Cont Substance
5/29/2007	2101 Taft Street #22	South	Wheeler	Delivery of Cont Substance
6/14/2007	3702 Packers Ave #208	North	Bach	Delivery of Cont Substance
7/12/2007	74 Sunfish Court	South	Wheeler	Public Nuisance Activity
7/12/2007	66 Sunfish Court	South	Wheeler	Public Nuisance Activity
7/12/2007	834 W. Badger Road	South	Wheeler	Public Nuisance Activity
7/12/2007	918 Magnolia Lane	South	Wheeler	Public Nuisance Activity
7/22/2007	838 W Badger Road	South	Wheeler	Public Nuisance Activity
8/30/2007	914 Magnolia Lane #1	South	Wheeler	Delivery of Cont Substance
8/30/2007	918 Magnolia Lane #1	South	Wheeler	Delivery of Cont Substance
9/11/2007	2226 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2230 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2234 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2238 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2242 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2302 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2306 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2310 Allied Drive	West	Wahl	Public Nuisance Activity
9/11/2007	2218 Allied Drive	West	Wahl	Delivery of Cont Substance
10/1/2007	2218 Allied Drive	West	Wahl	Delivery of Cont Substance
10/5/2007	3201 Ridgeway Avenue #6	North	Bach	Delivery of Cont Substance
10/8/2007	5834 Russett Road	West	Wahl	Delivery of Cont Substance
10/18/2007	2301 Cypress Way #6	South	Wheeler	Delivery of Cont Substance
10/22/2007	5810 Russeett Road	West	Wahl	Public Nuisance Activity
10/22/2007	4613 Atticus Way	West	Wahl	Public Nuisance Activity
10/22/2007	4637 Atticus Way	West	Wahl	Public Nuisance Activity
10/22/2007	4661 Atticus Way	West	Wahl	Public Nuisance Activity
10/22/2007	2218 Allied Drive	West	Wahl	Public Nuisance Activity
10/22/2007	2222 Allied Drive	West	Wahl	Public Nuisance Activity
10/22/2007	2226 Allied Drive	West	Wahl	Public Nuisance Activity
10/23/2007	2943 Coho Street	South	Wheeler	Delivery of Cont Substance
10/26/2007	1622 Fordem Avenue # 507	Central	Schauf	Delivery of Cont Substance
11/1/2007	902 W. Badger Road #6	South	Wheeler	Delivery of Cont Substance
11/20/2007	2402 Allied Drive	West	Wahl	Delivery of Cont Substance
11/28/2007	4733 Crescent Road	West	Wahl	Delivery of Cont Substance
12/6/2007	535 W. Johnson Street #1201	Central	Schauf	Delivery of Cont Substance
12/19/2007	4613 Atticus Way	West	Wahl	Delivery of Cont Substance
12/19/2007	17 N Wickham	West	Wahl	Delivery of Cont Substance
12/19/2007	1309 Temkin Ave	West	Wahl	Public Nuisance Activity
12/19/2007	1329 Temkin Ave	West	Wahl	Public Nuisance Activity
12/19/2007	2210 Allied Drive	West	Wahl	Public Nuisance Activity

Madison Police Department
Public Nuisance and Drug Nuisance Letters
Jan 2007 through August 2009

DATE OF LETTER	ADDRESS OF ACTIVITY	DISTRICT	COMMANDER	REASON FOR LETTER
12/19/2007	2214 Allied Drive	West	Wahl	Public Nuisance Activity
12/19/2007	2230 Allied Drive	West	Wahl	Public Nuisance Activity
12/19/2007	2234 Allied Drive	West	Wahl	Public Nuisance Activity
1/24/2008	1309 Temkin	West	Wahl	Public Nuisance Activity
1/24/2008	4613 Atticus	West	Wahl	Public Nuisance Activity
2/8/2008	918 Magnolia Lane	South	Wheeler	Delivery of Cont Substance
2/18/2008	4353 West Beltline	West	Wahl	Public Nuisance Activity
3/3/2008	1661 Lake Point Drive #102	South	Wheeler	Delivery of Cont Substance
3/4/2008	1802 Fordem Avenue #27	Central	Schauf	THC - Drug Dwelling
3/14/2008	1118 Petra Place #2	South	Wheeler	Delivery of Cont Substance
3/17/2008	1118 Petra Place #3	South	Wheeler	Delivery of Cont Substance
3/17/2008	2226 Allied Drive	West	Wahl	Public Nuisance Activity
4/7/2008	6739 Raymond Road	West	Wahl	Delivery of Cont Substance
4/9/2008	4661 Atticus	West	Wahl	Delivery of Cont Substance
4/21/2008	6525 Raymond Road	West	Wahl	Delivery of Cont Substance
6/3/2008	312 N Hamilton Street	Central	Schauf	Delivery of Cont Substance
6/24/2008	4343 W. Beltline Highway	West	Bitterman	Delivery of Cont Substance
6/27/2008	910 W Badger Road	South	Bradley Wilson	Delivery of Cont Substance
7/17/2008	4601 Atticus Way #106	West	Bitterman	Delivery of Cont Substance
7/24/2008	1132 E Johnson Street #2	Central	Schauf	Delivery of Cont Substance
7/24/2008	1622 Fordem Avenue #304	Central	Schauf	Delivery of Cont Substance
7/24/2008	442 W Doty Street	Central	Schauf	THC - Drug Dwelling
8/19/2008	2206 Allied Drive	West	Bitterman	Delivery of Cont Substance
8/20/2008	1312 Loreen Drive	West	Bitterman	Delivery of Cont Substance
9/24/2008	1120 Gammon Lane	West	Bitterman	Delivery of Cont Substance
10/6/2008	2019 E Washington Avenue #3	Central	Schauf	Delivery of Cont Substance
10/10/2008	915 W Beltline Highway	South	Wheeler	Delivery of Cont Substance
10/16/2008	2019 Lake Point Drive #4	South	Wheeler	Delivery of Cont Substance
10/17/2008	2413 Cypress Way #3	South	Wheeler	Delivery of Cont Substance
10/24/2008	915 W Beltline Highway	South	Wheeler	Delivery of Cont Substance
11/3/2008	2217 Cypress Way #23	South	Wheeler	Delivery of Cont Substance
11/13/2008	24 N Webster Street #6A	Central	Schauf	Delivery of Cont Substance
12/11/2008	6919 Park Edge Drive	West	Bitterman	Delivery of Cont Substance
1/1/2009	1724 Waldorf Blvd	West	Bitterman	Delivery of Cont Substance
1/22/2009	623 E Gorham Street #1	Central	Schauf	Delivery of Cont Substance
1/28/2009	1118 Petra Place	South	Balles	Delivery of Cont Substance
2/6/2009	702 Odana Lane	West	Bitterman	Delivery of Cont Substance
2/19/2009	910 Ann Street #258	South	Balles	Delivery of Cont Substance
2/25/2009	2313 Carling Drive	West	Bitterman	Delivery of Cont Substance
2/25/2009	285 N Thompson Drive #8	East	Snyder	Delivery of Cont Substance
5/29/2009	2409 Cypress Way #6	South	Balles	Delivery of Cont Substance
6/15/2009	756 Odana Lane	West	Bitterman	Delivery of Cont Substance
6/28/2009	2318 Allied Drive	West	Bitterman	Declaration of Chronic Nuisance
7/23/2009	5817 Balsam Road	West	Bitterman	Delivery of Cont Substance
8/12/2009	2921 Coho Street	South	Balles	Delivery of Cont Substance
8/17/2009	3003 Churchill Drive	South	Balles	Delivery of Cont Substance
8/19/2009	1546 Troy Drive #4	North	McLay	Delivery of Cont Substance
8/25/2009	813 N Thompson Road #203	East	Snyder	Delivery of Cont Substance
8/25/2009	2910 Hawk Street	East	Snyder	Delivery of Cont Substance
8/26/2009	1814 Northport Drive	North	McLay	Delivery of Cont Substance
9/1/2009	3158 Ridgeway Avenue #2	North	McLay	Delivery of Cont Substance
9/2/2009	5821 Balsam Road	West	Bitterman	Delivery of Cont Substance

