



## Madison Police Department

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To: Members of Common Council and the Alcohol License Review Committee

Subject: Support of MPD for Ordinance 25.10 Nuisance Party Prohibited

The Madison Police Department supports this ordinance as providing a valuable tool to address nuisance parties that are disruptive to the safety and order of neighborhoods. The ordinance provides direction for potential party hosts, property owners, as well as officers on what constitutes a neighborhood nuisance party, along with strategies to prevent future nuisance parties.

The intent of this ordinance is written is contained in the body of the ordinance under section 25.10(1) Findings, which states:

Findings. The Madison Common Council finds that there are parties occurring on premises located throughout the city, which are unsafe and are public nuisances to our community. These parties involve large amounts of alcohol beverages that are illegally sold and/or provided to individuals in attendance, including underage individuals. These parties often result in excessive noise levels, dangerous overcrowding of the premise and excessive consumption of alcohol, as well as other law violations. Nuisance parties create a substantial risk to the health and safety of the community and disrupt the peace and tranquility of the neighborhood. This ordinance provides a method for Police to quickly and efficiently abate a nuisance party and provides penalties to those responsible for hosting the parties.

Social gatherings with alcohol consumption that become a nuisance are currently addressed by police with an arsenal of ordinances. These gatherings are often identified by the overwhelming number of ordinance or statute violations that are occurring; although some violations are so egregious as to create a substantial risk to the neighborhood to be deemed a nuisance as a standalone violation, for example weapons offenses. From an enforcement perspective multiple citations are often written to the cover the extent of disorder. There is no specific ordinance that is directed at the behavior of the host(s) that contributed for the crime and disorder to occur. This ordinance addresses the specific issue of the host(s) responsibility.

This ordinance also addresses the responsibility of a property owner to work toward providing safe neighborhoods. The process of notification of a problem residence, along with the provisions that provide for expected follow-up by a property owner shift responsibility to a shared platform, with police working with property owners, and tenants to provide for safe livable neighborhoods. The ordinance requires follow-up by a property owner to address problematic behavior, and prevent future problems. There are no other tools that currently hold property owners responsible to prevent recurrent nuisance behavior from tenants.

A third area of coverage provided with this ordinance is directed at attendees of a party who do not disperse upon direction of police. The safe and orderly disbanding of the nuisance activity is a law enforcement function. This ordinance provides a tool to cite persons who fail to end the nuisance behavior.

This ordinance is similar to ordinances in numerous other communities, generally with less restrictive language to pursue enforcement. These types of ordinances have been in place for several years.

Dear Common Council Alders, ALRC members, and others receiving this letter,

The ASM Legislative Affairs Committee has given serious consideration to the proposed Nuisance Party Ordinance. After much discussion and having many questions answered by Mark Woulf, we are in opposition to the proposed Nuisance Party Ordinance.

We commend the creativity of this ordinance and believe that the general concept of making landlords more accountable and present with the tenants is great. We also agree that the actual qualifications for identifying a nuisance party are reasonable and provide a clear definition of such an event.

However, we believe that in general, the legislation is too ambiguous. We are particularly concerned that there are too many potential loopholes for landlords. Despite the clause in 6(b)iii that states "A premise owner shall be prohibited from delegating or otherwise assigning any forfeiture assessed against the premise owner under this section to any occupant/tenant of the premises where the violation occurred," we are worried that landlords will find loopholes, or other ways to write clauses into their leases that would allow for the fines to be indirectly passed on to tenants or occupants.

This particularly worries us in light of the passage of SB107. This legislation only adds to the loss of many tenant rights and creates more barriers to students understanding their rights, which is problematic given the fact that most students do not currently comprehend their rights now.

We understand the intent of this legislation is to target absent landlords. However, the absent landlords are generally the landlords that own huge property companies and can most likely afford to pay a Nuisance Party fine, or in the worst case scenario afford to lose a few tenants. We worry that this legislation will not accomplish its intent of making absent landlords more involved.

However, if it were to make absent landlords more involved, we believe that involving the landlord in this type of situation, particularly landlords that are absent, will only contribute to a negative power dynamic between landlords and student renters. Many students in Madison are new at renting and do not have relationships with their landlords at all, especially the ones uninformed. The Nuisance Party Legislation could make fines and threats of eviction the only interaction between often absent landlords and student renters, worsening already negative relationships.

In addition, there are no clear guidelines in the legislation that specifically outline the steps a landlord needs to take with a tenant to demonstrate he/she is in fact working with the occupant. Nor are there any clear guidelines demonstrating how the police force should execute this ordinance.