



Legislation Details (With Text)

**File #:** 28421      **Version:** 2      **Name:** Chronic Nuisance Premises  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/19/2012      **In control:** PUBLIC SAFETY REVIEW COMMITTEE  
**On agenda:** 1/8/2013      **Final action:** 1/8/2013  
**Enactment date:** 1/16/2013      **Enactment #:** ORD-13-00008

**Title:** AMENDED ORDINANCE Amending Section 25.09(2)(a)1. and creating Section 25.09(2)(d)29. of the Madison General Ordinances to add violations of the Fire Prevention code to the list of prohibited nuisance activities and to amend the Building Inspection referral process.

**Sponsors:** Bridget R. Maniaci, Michael E. Verveer, Scott J. Resnick, Tim Bruer, Shiva Bidar, Joseph R. Clausius, Mark Clear, Lauren Cnare, Sue Ellingson, Jill Johnson, Steve King, Larry Palm, Matthew J. Phair, Satya V. Rhodes-Conway, Marsha A. Rummel, Chris Schmidt, Paul E. Skidmore, Paul R. Soglin, Brian L. Solomon, Lisa Subeck, Anita Weier

**Indexes:**

**Code sections:**

**Attachments:** 1. Version 1, 2. Maniaci Amendment

Date	Ver.	Action By	Action	Result
1/8/2013	1	COMMON COUNCIL	Adopt the Following Amendment(s)	Pass
1/8/2013	1	COMMON COUNCIL	Adopt As Amended	Pass
12/4/2012	1	PUBLIC SAFETY REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/27/2012	1	COMMON COUNCIL	Referred	Pass
11/19/2012	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No expenditure is required.

**Title**

**AMENDED ORDINANCE** Amending Section 25.09(2)(a)1. and creating Section 25.09(2)(d)29. of the Madison General Ordinances to add violations of the Fire Prevention code to the list of prohibited nuisance activities and to amend the Building Inspection referral process.

**Body**

DRAFTER'S ANALYSIS: This ordinance adds violations of the Fire Prevention code to the list of prohibited nuisance activities and amends the Building Inspection component so that the trigger for a building code violation only nuisance is triggered in a more timely manner.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Paragraph 1. of Subdivision (a) of Subsection (2) entitled "Definitions" of Section 25.09 entitled "Chronic Nuisance Premises" of the Madison General Ordinances is amended to read as follows:

"1. Is a Premises which has generated three (3) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three (3) separate days within a ninety (90) day period, **Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred (200) feet of the Premises for a Nuisance Activity;** and/or has generated five (5) or more cases from the Building Inspection Department for Nuisance Activities from at least five (5) building inspections **a number of cases from the Building Inspection Department**

**for Nuisance Activities from separate inspections** occurring within a one (1) year period, with such calls resulting in Enforcement Action, **based on the following:** ~~Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred feet (200) of the Premises for a Nuisance Activity; or~~

**a. Five (5) cases with one resulting in Enforcement Action, or**

**b. Four (4) cases with two resulting in Enforcement Acton, or**

**c. Three (3) cases all resulting in Enforcement Action; or”**

2. Paragraph 29. of Subdivision (d) of Subsection (2) entitled “Definitions” of Section 25.09 entitled

“Chronic Nuisance Premises” of the Madison General Ordinances is created to read as follows:

“29. Violations of the Fire Prevention Code as prohibited by Ch. 34, MGO.”

**EDITOR’S NOTE:** The “clean” version of Sec. 25.09(2)(a)1. will read as follows:

“1. Is a Premises which has generated three (3) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three (3) separate days within a ninety (90) day period. Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred (200) feet of the Premises for a Nuisance Activity; and/or has generated a number of cases from the Building Inspection Department for Nuisance Activities from separate inspections occurring within a one (1) year period, with such calls resulting in Enforcement Action based on the following:

a. Five (5) cases with one resulting in Enforcement Action, or

b. Four (4) cases with two resulting in Enforcement Acton, or

c. Three (3) cases all resulting in Enforcement Action; or”