

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 25, SERIES OF 2011

AN ORDINANCE AMENDING SECTION 28-57, OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE, CHRONIC NUISANCE PREMISES; BY REPEALING SECTION (f) THROUGH (j) AND RECREATING SECTIONS (f) THROUGH (j).

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section 1. Adoption of Provisions.

Section 28-57, of the Village of Little Chute Municipal Code, Chronic nuisance premises, is amended by removing subsections (f) through (h), and creating subsections (f) through (j), to read as follows:

- (f) **Appeal.** Appeal of the determination of the Chief of Police pursuant to either the notice, abatement plan, or the levying of special charges may be made solely to the Village Board by requesting a hearing. Notice of Appeal must be in writing and submitted to the Village Board in care of the Village Administrator with a copy submitted to the Chief of Police. Chapter 68 of the Wisconsin Statutes does not apply to this ordinance.
- (g) **Domestic Abuse Considerations:** Section 968.075, Wis. Stats., broadly defines “domestic abuse.” Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are “domestic abuse” incidents pursuant to Sec. 968.075, Wis. Stats., shall not be included as nuisance activities unless the incidents have been reviewed by the Chief of Police and the Village Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be considered nuisance activities as defined herein. In determining whether to include such activities, the Chief of Police and the Village Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this Section shall not operate to discourage such reports.
- (h) **Eviction or Retaliation Prohibited:** It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant or members of the tenant’s household because the tenant complained or was complained about to the Police Department, Zoning Administrator, or Building Inspector about nuisance activities on the landlord’s premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord to intimidate or actively discourage a tenant and/or persons associated with a tenant, from calling the Police Department or other Village officials to report nuisance activity associated with a premises. It shall be presumed that any attempt to increase charges, reduce service, or to otherwise harass or retaliate against the tenant during the twelve (12) month period following receipt of the complaint by the Chief of Police, Zoning Administrator and/or Building Inspector constitutes unlawful retaliation under this subsection. Such presumption may be rebutted by the preponderance of evidence that the actions by the landlord were based upon good cause. Notwithstanding the foregoing, a tenant’s lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity; for the commission of waste upon the premises; violating the terms conditions of the lease agreement or periodic tenancy or as otherwise provided in Chapter 704, Wis. Stats., and AG 134, Wis. Adm. Code. “Good cause” as used in this subsection means that a landlord must show good cause for his/her actions, other than one related to or caused by the operation of this Section.
- (i) **When Chronic Nuisance is Deemed Abated:** The public nuisance created by a chronic nuisance premises shall be deemed abated when no enforcement action to address nuisance activities occurs for a period of one (1) year from the date stated on the Notice declaring the premise a chronic nuisance premise and/or there are no building inspection cases generated for a period of one (1) year from the date stated on the notice declaring the premise a chronic nuisance premise.
- (j) **Penalties.** Any person who shall violate any provision of this subchapter shall be penalized pursuant to Section 28-58, Village of Little Chute Code of Ordinances, in addition to imposition of a fee for services constituting a special charge against the real estate imposed under section (e) if not paid in 20 days from mailing notice of these charges by the Village. Additionally, the Village may pursue injunctive relief against the owner in the Circuit Court for Outagamie County. All legal costs and attorney fees incurred by the Village for enforcement action of this Ordinance, pursuant to any remedy available, shall be payable to the Village by the owner of the premises. Judgment for such obligations may be obtained by the Village in either the Small Claims Court or Circuit Court for Outagamie County.

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Section 2. Severability.

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3. Effective Date.

This Ordinance shall take effect upon passage and publication as provided by law.

Introduced: December 14, 2011

Approved and Adopted: December 21, 2011

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest: _____
Vicki Schneider, Village Clerk

Published and/or Posted: _____