

ORDINANCE NO. 2496

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 26-8(b)2 OF
THE CITY OF CUDAHY CITY CODE CONCERNING SUMMARY OR
EMERGENCY ABATEMENT OF PUBLIC NUISANCES**

WHEREAS, the City of Cudahy Rules, Laws and Licensing Committee, at the recommendation of the City of Cudahy Board of Public Works, has recommended that the summary or emergency abatement of public nuisances procedures within the City of Cudahy include a method for providing property owner notice that is more likely to advise property owners of the need for abatement than tagging the item to be removed; and

WHEREAS, by creating this new requirement, the City is not requiring that the property owner be personally served or otherwise actually know of the need for abatement before the abatement can be conducted, because the health safety and welfare of the City and the traveling public requires such issues to be promptly resolved even if the property owner is not personally aware; by these changes, however, the City intends for it to be more likely that the property owner/occupant is given actual notice than is the case under current standards of the ordinance; and

WHEREAS, the City continues to require summary or emergency abatement of public nuisances that exist on public property or within the public right-of-way, because failure to address such issues can give rise to City liability if not promptly resolved; and

WHEREAS, the City of Cudahy Common Council finds that it is in the best interests of the health, safety and welfare of the City to revise the City procedures for summary and emergency abatement of public nuisances as recommended by the Rules, Laws & Licensing Committee.

NOW, THEREFORE, the Common Council of the City of Cudahy, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 26 of the City of Cudahy Code of Ordinances entitled, “Nuisances,” Section 26-8 entitled, “Abatement of Public Nuisances,” Subsection (b) entitled, “Summary or Emergency Abatement,” Subsection (2) is hereby repealed and re-created follows:

- (2) Where the public nuisance exists on public property or right-of-way, to include but not limited to parkways, streets, alleys, or sidewalk areas, the enforcement officer shall provide notice to the owner, occupant or person causing, permitting or maintaining the nuisance to remove the same within 24 hours. Such notice may take the form of a tag on the item(s) to be removed, a door knob hanger, and/or other means. The notice shall further state that unless the public nuisance is timely abated, the enforcement officer will abate the public nuisance and shall charge the cost of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance, and such cost may be

assessed against the real estate as a special charge. Because of the public health, safety and welfare risks, and possible City liability for the public nuisance on public property or right of way, nothing herein requires actual prior notice, attempted notice is sufficient.

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Cudahy on this_____day of _____, 2020.

Thomas Pavlic, Mayor

Attest:

Dennis Broderick, City Clerk

ADOPTED_____

APPROVED_____

PUBLISHED_____

Approved as to form: Eric Larson, City Attorney
WI. State Bar No. 1023297