

ORDINANCE NO. _____

Ordinance to Create Section 18.12 of the West Allis Revised Municipal Code Relating to Surveillance Systems Required on Nuisance Commercial Properties

By Safety and Development Committee

The Common Council of the City of West Allis do ordain as follows:

Part I. Section 18.12 of the Revised Municipal Code of the City of West Allis is hereby created to read as follows:

18.12 Surveillance Systems Required on Nuisance Commercial Properties.

(1) Findings. In order to promote safe and orderly public places and commercial properties, the common council finds that any commercial property that has facilitated or been the location of three (3) or more nuisance activities in a one hundred eighty (180) day period, may be required to install a security camera system to help ensure the safety and welfare of the people of the City of West Allis.

(2) Definitions.

(a) "Commercial property" means use of property that is not classified by the City Assessor as residential and includes classifications of mixed use, multifamily, commercial, manufacturing, industrial and institutional property classifications.

[Moved definition of "Incident"]

[Added definition for "Occupant"]

[Added definition for "Owner"]

(b) "Nuisance activities" includes those activities or acts as described in Subsection 18.03(2). "Nuisance Activities" also includes:

i. Acts against life or bodily security as enumerated in Sections 940.01 through 940.32, Wis. Stat.

ii. Acts against property as enumerated in Sections 943.01 through 943.50, Wis. Stat.

iii. Acts involving illegal possession or use of firearms as enumerated in Ch. 941 and Section 948.60, Wis. Stat.

iv. Keeping a place of prostitution as defined in Section 944.34, Wis. Stat., or leasing a building that is being used to violate Section 944.34, Wis. Stat.

~~(c) —“Incident” means separate acts of Nuisance Activity. A single incident that incorporates multiple nuisance activities at the same time will only be counted as one incident. Multiple separate incidents in one day will constitute separate incidents for counting purpose. [Definition moved, per above note.]~~

(3) **Procedure**: Whenever the Police Chief or one of his/her designees identifies that three (3) or more nuisance activities have occurred at a commercial property in separate incidents during a one hundred eighty (180) day period, ~~that individual~~ *the Chief of Police, designee, or the City Attorney* may ~~notify~~ *issue* the premises owner or occupant ~~in a writing~~ *written* “Order to Install and Maintain a Surveillance System for a Nuisance Commercial Property” (hereafter “Order”), ~~to notify the owner or occupant of their requirement that the premises is required to install a security camera system and comply with all requirements set forth in compliance with in~~ *to notify the owner or occupant of their requirement* ~~that the premises is required to install a security camera system and comply with all requirements set forth in compliance with in~~ *that the premises is required to install a security camera system and comply with all requirements set forth in compliance with in* Subsection (4). The premises owner or occupant shall have sixty (60) days from the date of the notification to install and maintain for two (2) years, a security camera pursuant to Subsection 4. *[Changed wording to clarify notification requirement.]*

(a) This notice shall be deemed properly delivered if sent by either first class mail to the premises owner or occupant’s last known address or if delivered in person to the premises owner or occupant. If the premises owner or occupant cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the premises owner or occupant's usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first-class mail to the last known address of the owner as identified by records kept by the West Allis Assessor’s Office.

(b) Notice shall contain: the legal description or street address of the premises; a description of the nuisance activities that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises via Section 18.04 for ongoing nuisance activity; a statement that the premises owner or occupant shall within sixty (60) days from the date of notification, comply with the requirements of Subsection (4).; and a notice of the premises owner or occupant’s right to appeal pursuant to Subsection (5).

(c) Failure of the commercial property owner to comply with the order for a security system as outlined in this section shall constitute grounds for non-renewal, suspension, or revocation of a license or permit for the premises and/or declaration that the property is a chronic public nuisance under West Allis RMC Section 18.04 of this code.

(4) Security Camera Requirements: Any premises owner or occupant subject to Subsection (3) shall comply with the following regulations:

(a) Security cameras shall be installed and maintained in proper working order and operate during all hours that the commercial property is open to customers or employees. Each security camera shall display an accurate date and time stamp on each image and produce retrievable images suitable for permanent police records.

(b) Security cameras shall be installed so as to provide clear images of the entire premises including areas as specified on a license or permit as well as the public right-of-way abutting the premises and any off-street parking lot used ~~expressly for~~ *by patrons and/or employees*. In addition, at least one security camera shall provide an overall view of each counter and register area, and at least one security camera shall be positioned to provide a clear, identifiable, full-frame image of the face of each person entering and leaving commercial properties *at each entrance and exit*. Security camera view shall not be obstructed by premises fixtures or displays. The police may encourage the commercial property to position and use additional security cameras to bolster overall crime-prevention efforts.

[Based on input from other City Attorneys, added patron and employee lots and for video on each entrance and exit.]

(c) Surveillance video quality must be of a sufficient resolution for persons to be easily identified by law enforcement and to aid in the investigation of incidents at the premises. If the surveillance video system implemented by the premises owner or occupant is of insufficient video quality, the Police Department, License and Health Committee, or Safety and Development Committee may requiring additional action by the premises owner or occupant to bring the surveillance video system up to sufficient quality OR the non-compliance may result in a violation and penalties for violating the ordinance.

(d) ~~If a time-lapse digital video recorder is operated, recorded images shall not be recorded at a slower speed than twenty-four (24) hours.~~ If a time lapse video recorder surveillance system is used, said system and interval of image recording must be approved by the Chief of Police or his/her designee to ensure that the system is

sufficiently capable of providing accurate and reliable surveillance video. The interval of recording shall not be changed without approval of the Chief of police or his/her designee.

[Too ambiguous as it was written. Changed to the discretion of the Chief of Police or his/her designee to determine whether the time-lapse video is sufficient and the interval cannot be changed without the approval of the WAPD.]

(e) All security camera footage recordings shall be stored and maintained by the owner or occupant in good viewing order for at least thirty (30) days after the original recording.

[Added language clarifying who must store and maintain footage.]

(f) All camera footage shall be made available upon request, *within the requested time frame*, to the License and Health Committee, the Safety and Development Committee, and/or to law enforcement officers. *Employees at the commercial property* must be able to make duplicate copies of video recordings during hours that the property is open to customers or employees.

[Clarification that designated committees or law enforcement can request in a certain time frame.]

(g) Security camera systems shall be capable of copying all images in an accessible form while maintaining the native format. Digital video recordings made by security camera systems on a disk storage format, such as CDs or DVDs, shall be copied onto a disk storage format whenever the system's video recording media reaches capacity, but not less frequently than once every thirty (30) days. All security camera footage requested by the License and Health Committee, the Safety and Development Committee, or law enforcement officers shall be provided on a disk storage format, such as CD-Rs or DVD-Rs. Security camera system playback software needed to view recorded images shall be copied onto each disk storage format used to store recorded video images.

(h) On-duty commercial property employees or managers, whether employed by the premises owner or premises occupant, shall provide a copy of recorded digital images to law enforcement officers immediately upon request. If the request cannot be immediately complied with, no surveillance footage may be deleted or purged from the system until the officer's request for surveillance video has been fulfilled.

(i) The surveillance security cameras shall be maintained in proper working order for a period of at least two (2) years from the date of delivery of the notice in Subsection 3.

(5) *Order to Remain* [New Section added indicating that the Order will remain with EITHER the owner or occupant for the duration of the 2 years unless Relief from Order is granted pursuant to subsequent section of this ordinance.]

(a) [Language clarifying that an order to an occupant remains with the occupant so long as that occupant maintains a property in West Allis during the time frame of the Order. Effectively, you cannot circumvent the order by moving to a new location unless petition for relief.]

(b) [Language clarifying that an order to an owner stays with the owner for the time allotted unless relief is granted.]

~~(5)~~ Moved to section 6.

(6) ~~Appeal. Relief from Order. Appeal of the determination~~ An Owner or Occupant subject to an Order by the Police Chief or his/her designee pursuant to Subsection (3) may submit a *Petition for Relief from Order* ~~be submitted~~ to the Administrative Appeals Review Board pursuant to Section 2.48 of the Revised Municipal Code.

[Renamed section and cleaned up language.]

~~(6)~~ Moved to Section 7.

(7) ~~Relief from order~~ *Procedure for Petition for Relief from Order*. Any person affected by an Order ~~provided~~ issued under this section shall, ~~pursuant to Chapter 68 of the Wisconsin Statutes,~~ within thirty (30) days of the date of service or publication of the order, *or within thirty (30) days of a change in occupancy or ownership, or circumstances of the commercial property subject to the order,* apply to the Administrative Appeals Review Board for review of the order to abate or remove the nuisance, or be forever barred. The Board shall determine the reasonableness of the Order ~~for abatement of the nuisance~~. Any person aggrieved by the determination of the Administrative Appeals Review Board shall appeal to the Circuit Court as provided in Wisconsin Statutes Chapter 68.

~~(7)~~ Moved to Section 8.

(8) Penalties. Any Commercial Property Owner, who violates any of the provisions of this section, shall upon conviction, forfeit not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), and in default of payment thereof, be imprisoned as provided by law. *Each and every day of the violation constitutes a separate offense.*

Part II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended.

Part III. These ordinances shall take effect and be in force from and after its passage and publication.

PASSED: _____, 2017

City Clerk

APPROVED: _____, 2017

Mayor

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