



File Number: O-2017-0039

Final Action: 11/7/2017

Sponsor(s): Safety & Development Committee

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

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.

(b) "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.

(c) "Occupant" means one who has possessory rights in, or control over, certain property or premises.

(d) "Owner" means each person or legal entity who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to use and enjoyment of the premises. The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life estate holder, a condominium association, a land-contract buyer, a general partnership, a limited partnership, a limited liability company, a cooperative, and a corporation or other property ownership type.

(e) "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.

(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, the Police Chief, designee, or the City Attorney may issue the premises owner or occupant a 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 to install a security camera system in compliance with Subsection (4) of this ordinance. 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).

(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 or occupant to comply with the Order for a security system as outlined in this section may 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 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.

(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 require additional action by the premises owner or occupant to bring the surveillance video system up to sufficient quality and/or the non-compliance may result in a violation and penalties for violating the ordinance.

(d) If a time lapse 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 sufficiently reliable surveillance. Once approved, the interval of recording shall not be changed without approval of the Chief of Police or his/her designee.

(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.

(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.

(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 recordings 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. The order to install and maintain a surveillance system for a nuisance commercial property shall remain with either the owner or the occupant for the duration of the time proscribed in Subsection (3)

unless the owner or occupant is granted relief under Subsection (7) applies.

(a) If the order to install and maintain a surveillance system for a nuisance commercial property has been made to an occupant of a nuisance commercial property, said order will remain with that occupant for the time prescribed in Subsection (3) so long as that entity remains in the City of West Allis. An occupant or entity subject to said order cannot circumvent the order by moving to a new location within the city of West Allis.

(b) If the order to install and maintain a surveillance system for a nuisance commercial property has been made to an owner of a nuisance commercial property, said order will remain on the nuisance commercial property location for the time prescribed in Subsection (3).

(6) Relief from Order. 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 to the Administrative Appeals Review Board pursuant to Section 2.48 of the Revised Municipal Code.

(7) Procedure for Petition for Relief from Order. Any person affected by an Order issued under this section shall, 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, or be forever barred. The Board shall determine the reasonableness of the Order. 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.

(8) Penalties. Any Commercial Property Owner or Occupant, 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.

O-2017-0039-VERS 2-ATTO-Create S 18.12 SurveillanceNuisanceProp (11-7-17)

PASSED AS AMENDED

11/7/2017

APPROVED AS AMENDED

11/9/17



Monica Schultz, City Clerk



Dan Devine, Mayor