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LICENSES REVOCATION HEARING FOR JK FUN HOLDINGS, L.L.C.

Milwaukee Common Council Licenses Committee

Friday, June 23, 2006
Room 301-B
Milwaukee City Hall
200 East Wells Street
Milwaukee, WI 53202

Licensee: Jodie Kornfehl
Tavern/Bar: Da Jungle
618 N. Broadway
Milwaukee, WI 53202

Complainant: Donald Arenson, appearing in person and with Counsel
Complainant's Counsel: Attorney Aaron J. Bernstein

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COMPLAINT

CITY OF MILWAUKEE
06 JUN 16 AM 10:48
RONALD D. LEONHARDT
CITY CLERK

TO: City Clerk of the City of Milwaukee

This is a Complaint within the purview of Ordinance, § 90-12(1)(f)(i), and 90-12(5) of the Ordinances of the City of Milwaukee.

Donald S. Arenson, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is a resident of the City of Milwaukee, residing at 608 North Broadway. This complaint is against the tavern known as Da Jungle located at 618-24 North Broadway. It is affiant's and complainant's position that Da Jungle is being operated in the manner that constitutes a public nuisance which is having a substantial adverse affect upon the health, safety, and convenience of the immediate neighborhood, where your affiant resides.

2. Your affiant can document that since September of 2004, there has been constant disturbances during the night-time hours emanating from the Da Jungle, the more serious of which occurs every week on Thursday and Saturday nights, which are special event nights at the Da Jungle. Since September of 2004, your affiant has complained to the City of Milwaukee police, to the Alderman, and whoever will listen regarding the nuisances created by the owners of the Da Jungle.

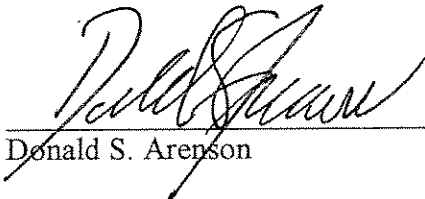
3. Despite these complaints, the frequency, and seriousness of the activities that go on in connection with the Da Jungle and its operators has increased. The culmination of these activities occurred on the early morning hours of June 10, 2006, where there was open fighting between two groups. The fighting included fisticuffs, shootings with bullets and weapons, wild driving, intentional collisions with parked vehicles, and a general melee for a period of 20 minutes. All of this is recorded on video.

COPY

4. Despite complaints to both the owner of the premises and the licensee, no actions have been taken to mitigate the activities at the Da Jungle. Since June 10, 2006, the nuisance activities have continued.

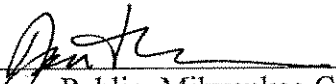
5. There has not been a night since the beginning of the warm weather when nuisance activities have not emanated from the Da Jungle.

6. I have documentation both in written and video form that will prove the violations of the foregoing ordinances.



Donald S. Arenson

Subscribed and sworn to before me
this 16 day of June, 2006.



Notary Public, Milwaukee Co., Wis.
My commission IS PERMANENT



MILWAUKEE POLICE DEPARTMENT

LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 06-19-06
LICENSE TYPE: BTAVN
NEW:
RENEWAL: X

No. 11204
Application Date: 08-01-05
Expiration Date:

License Location: 618-24 N. Broadway Ave.
Business Name: Da Jungle

Aldermanic District: 04

Licensee/Applicant: Kornfohl, Jodie R.
(Last Name, First Name, MI)
Date of Birth: 06-04-74

Male:

Female: X

Home Address: 2124 W. Walnut St.
City: Milwaukee
Home Phone: (414) 224-7722

State: WI **Zip Code: 53205**

This report is written by Police Officer Kristyn Kukowski, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 8-15-2004 at 2:10am a Milwaukee police officer was flagged down regarding trouble with a person at 618 N Broadway. An altercation occurred between the bartender Bradley L DesArmo and a patron. The bartender claimed that the patron threw a glass and a candle at him and then stood on the bar. The patron was issued a citation for Disorderly Conduct.
2. On 12/18/2004 at about 1:10 AM officers responded to the area of 500 N Broadway regarding a shooting. Investigation revealed that two groups for youths, who had been in Da Jungle, 618 N Broadway for an "underage Event". Both groups were removed from the premises because they were flashing gang signs at each other. One group went to a parking lot in the 500 block of N Broadway when the second group appeared. Shots were fired and one person was struck in the shoulder. Incident Report Filed.
3. On 2-11-2005 at 1:54am Milwaukee police were sent to a fight at 618 N Broadway, The Jungle. A fight had occurred according to witnesses, but they stated it occurred outside and around the corner. The officers observed no fight occurring.
4. On 07-08-05 at 1:47 am, Milwaukee Police were at 618 N. Broadway for traffic and crowd control due to a large crowd at The Jungle Night Club. There were no reported incidents.
5. On 08-05-05 at 1:37am, due to large crowds, Milwaukee Police conducted traffic and crowd control for patrons who were exiting The Jungle Night Club. There were no reported incidents.

6. On 08-12-05 at 1:47 am, Milwaukee Police were at 618 N. Broadway for traffic and crowd control due to large crowds from The Jungle Bar. There were no reported incidents.
7. On 08-19-05 at 1:39 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
8. On 09-02-05 at 1:36 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
9. On 09-09-05 at 1:35 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
10. On 09-23-05 at 1:27 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
11. On 09-30-05 at 1:29 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
12. On 10-14-05 at 1:28 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
13. On 10-28-05 at 1:44 am, Milwaukee Police were at 618 N Broadway for traffic and crowd control due to large crowds from the The Jungle Bar. There were no reported incidents.
14. On 11-25-05 at 1:43 am, Milwaukee Police were at 618 N Broadway to monitor crowd and traffic at closing time for The Jungle Bar. Officers observed a pedestrian in traffic who was refusing to get out of the road and causing a disturbance. Officers arrested and identified him as Steven D. Bradford, (b/m 08-14-76 9705 W. Hampton Ave) Subject then began yelling profanities and resisting arrest when another patron began to interfere with the investigation. This subject was identified as Allen J. Brooks, (b/m 04-24-78 9619 W. Allyn St. #8), he also resisted arrest and because of this, caused a crowd of about 100 people to gather, posing a threat to officer safety. More units were called and order was eventually restored. Both Bradford and Brooks were charged with Disorderly Conduct and Resisting Arrest. Another patron was arrested for Disorderly Conduct for his actions of yelling at the police and waving the middle finger, causing a disturbance. He was identified as Christopher M Vold, (b/m 06-19-78 1709 E. Park Pl.#22) One officer suffered minor injuries while decentralizing Brooks. He was treated and released.
15. On 12-04-05 at 12:14 am, Milwaukee Police were flagged down at 618 N. Broadway for a trouble with subject. An officer observed two subjects in front of the location yelling at each other. Field interviews were conducted and subjects were identified as Nichole and Julio Mejia. The female claimed she was attacked by another patron inside the club. Investigation revealed that Nichole Mejia and Aideliz Guadalupe were both fighting and both were issued Disorderly Conduct tickets. While officers were conducting this investigation, they observed a female hitting a security employee (for the bar) and arrested her for Disorderly Conduct. She was identified as Sheila Nunez (w/f 04-19-84) and received a citation. The earlier incident was witnessed by security personnel for the The Jungle Bar.

16. On 12-31-05 at 1:34 am, Milwaukee Police were flagged down for a fight that was occurring inside 618 N Broadway St. Officers observed several people pushing and shoving and arguing as they exited the club. Additional units were called in and subjects were all directed to their cars and told to leave. One citation was issued to Marcus Buckner, (b/m 04-19-82 4321 N 25th St.) for Resisting/Obstructing, subject was refusing to leave after several warnings were given to leave the premise. A tavern check was conducted and no violations were found.
17. On 02-03-06 at 1:40 am, Milwaukee Police were dispatched to 600 N. Broadway St. for a Trouble with Subject. Officers were advised by security of Da Jungle, that a b/m wearing a brown furry coat was standing in the middle of the road and that he was armed with a gun. Officers began approaching this subject when he saw officers and fled on foot. There was a brief foot pursuit and subject was apprehended and a loaded glock .22 was recovered. Subject's identity was not included in this report. Officers spoke with George Willis, b/m 09-14-65, who is security at the Da Jungle and he stated there was no problems with this individual in the bar, it was only when this subject left the bar that an argument began between him and another individual. That is when George noticed a gun in the subject's waistband and called Police.
18. On 03-10-06 at 1:14 am, Milwaukee Police were dispatched to N. Broadway and E. Wells for a fight complaint at the Da Jungle Bar. Upon officers arrival, all parties in this fight were no longer on scene. However, due to this fight, there was a large crowd at the front of the tavern and officers began dispersing the crowd. The club also decided to close the business early. More units were called in for traffic and crowd control. There were no further incidents.
19. On 03-24-06 at 1:09 am, Milwaukee Police were dispatched to 618 N Broadway for a Battery complaint. Officers spoke to a Shanthé Curry, b/f 09-09-80, who stated she was punched in the eye by a guy she has known for a couple of months. This subject was identified as Dontrae Henning b/m 05-11-76 of 5974 N 74th St. Security witnessed the incident and kicked Dontrae out of the bar. Officers were unable to locate Dontrae and mailed him a Battery citation regarding this incident. Officers then remained on scene with other additional units for crowd and traffic control at closing time.
20. On 03-31-06 at 1:46 am, Milwaukee Police conducted crowd and traffic control regarding The Jungle Bar. No incidents were reported.
21. On 04-21-06, Milwaukee Police were sent to monitor closing at Da Jungle. Officers conducted a licensed premise check and found no violations. At closing, the crowd began to disperse from the bar and congregate in the parking lot playing loud music and shouting. Cruising also began in the area along with squealing tires, drag racing, passengers hanging out of moving autos and other traffic violations. Some patrons were observed with drinks in their hand as they left the bar. One patron vomited on the sidewalk and walked back into bar where he remained, well after closing time. Due to limited police resources, no enforcement was taken regarding these incidents.

22. On 04-28-06 at 1:35 pm, Milwaukee Police were assigned to monitor closing time at Da Jungle. While monitoring patrons exiting the bar, officers observed a fight break out between several men near the door. Security separated the men and one actor was identified (David V. Montgomery) and issued a citation for Disorderly Conduct. Due to extra officers assigned to monitor closing, Milwaukee Police were able to enforce traffic laws and attribute the arrests of 3 subjects on state warrants, 5 municipal citations issued, 37 traffic citations issued, 1 pedestrian citation and 26 parking citations that were issued. A pistol was found abandoned in the gutter after the crowd was cleared and placed on inventory.
23. On 05-05-06, Milwaukee Police were monitoring closing time at Da Jungle, 618 N Broadway from a rooftop directly across the street. It was also recorded on videotape. At 11:45pm, officers conducted a tavern check and found the tavern under capacity, the licensee was not on scene and officers found no tavern violations. At closing, due to complaints of cruising in the area after bar closing, traffic enforcement was strictly enforced with the issuance of 15 traffic citations and 22 parking citations. The area was cleared by 2am.
24. On 05-12-06, officers were assigned to monitor closing at the Da Jungle and were in an unmarked squad car. At 12:03am, officers conduct an FI of a subject who was parked across from Da Jungle and had been sitting in the car for more than ½ hour. Officers found the subject to be drinking cans of Milwaukee's Best Beer. A consent search of his auto revealed three beer cans unopened and two empty cans on the floor. A third empty can was found in the gutter. Subject was identified as Daniel Sklander (w/m 05-04-82). Sklander was issued a citation for Possession of Intoxicant by Driver. At 1:50am, officers conducted a FI of a subject who pulled up in front of the tavern turning up the volume of his car radio to an unacceptable level. Officers could hear this music from a block away. This subject was identified as Corey Bernard (w/m 02-08-81) and he was issued a citation for Noise Pollution. No other incidents were reported.
25. On 05-26-06, Milwaukee Police were dispatched to 618 N Broadway, Da Jungle, for crowd and traffic control. It took almost 5 hours and four district police cars to remove subjects and cars that were refusing to leave the area after exiting the Da Jungle. Two patrons were issued citations for several violations. These patrons were identified as Jamaal Evans, (b/m 03-04-81), cited for Loitering Tavern (5887523-5) and Raneshia Jemison, (b/f 05-25-81), cited for Park/Standing Prohibit Area (H032167-2), Unsafe Lane Deviation (H032168-3) and Operating After Suspension (H032166-1).



Detailed History for Police Call #061700176 As of 6/21/2006 10:14:40

Priority:3 Type:I - INVESTIGATION

Location:618 N BROADWAY,MKE

LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	06/19/2006 01:38:14	PD01	015088
Entered:	06/19/2006 01:38:14	PD01	015088
Dispatch:	06/19/2006 01:38:14	PD01	015088
Enroute:	06/19/2006 01:38:14	PD01	015088
Onscene:	06/19/2006 01:38:14	PD01	015088
Transprt:	06/19/2006 02:01:14	PD01	015088
Complete:	06/19/2006 02:07:16	PD01	015088
Closed:	06/19/2006 06:52:33	PD01	015088

PrimeUnit:14L Dispo:C1 Type:I - INVESTIGATION

Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571

Case #:IR061700043 Detail

01:38:14 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 01:38:14 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
 Priority:None-->3 Agency:None-->MWPD Comment:CROWD CONTROL
 01:38:14 DISPOS 14L Location:618 N BROADWAY,MKE Operator:010729 OperNames:CALDWELL, JOHN
 01:38:14 -PRIU 14L
 01:38:14 -PREMIS Comment:PPR
 01:38:47 BACKOS 91L UnitID:14L Operator:014106 OperNames:LEES, MICHAEL A
 01:38:47 BACKOS 10L UnitID:14L Operator:11111 OperNames:DUMMY ID FOR COMMUNICATI
 01:38:47 BACKOS 1RL UnitID:14L
 01:40:42 BACKOS 281L UnitID:14L Operator:017101 OperNames:LIMBERG, JEREMY J
 01:41:13 BACKOS 13L UnitID:14L Operator:017104 OperNames:MERRILL, JOSEPH W
 01:41:23 CLOS 13L Location:N BROADWAY / E MICHIGAN ST,MKE Comment:FI REGARDING
 01:50:41 CLEAR 10L
 01:52:06 CLEAR 91L
 02:01:14 TRANSP 13L Location:PPS,MKE Comment:W/C1
 02:07:16 CMPLT 13L
 02:08:31 *CLEAR 281L Dispo:C18
 02:21:12 CLEAR 14L Dispo:C12 Comment:X2
 02:45:22 CLEAR 1RL
 06:52:29 CASE 13L Incident#:IR061700043 Comment:REQUESTED BY 13L - PS #04
 06:52:33 CLEAR 13L Dispo:C1
 06:52:33 -CLEAR
 06:52:33 CLOSE

Detailed History for Police Call #061670188 As of 6/21/2006 10:14:28

Priority:4 Type:1625 - NOISE NUISANCE
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	06/16/2006 02:24:38	PT12	011691
Entered:	06/16/2006 02:26:53	PT12	011691
Dispatch:	06/16/2006 02:58:16	PD03	009580
Enroute:	06/16/2006 02:58:16	PD03	009580
Onscene:	06/16/2006 03:01:28	M183	017111
Closed:	06/16/2006 03:03:31	PD03	009580

PrimeUnit:10L Dispo:C15 Type:1625 - NOISE NUISANCE
 Name:1 LT Phone: RPaddr:

Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

-
- 02:24:38 CREATE Location:618 N BROADWAY,MKE Type:1625 Name:1 LT DAREA:D1 RptDist:4571
 TypeDesc:NOISE NUISANCE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 Priority:4 Response:1PO Agency:MWPD LocType:S
 - 02:26:53 ENTRY Comment:ANON MALE STS DISTURBANCE FROM PEOPLE COMING OUT OF THE
 JUNGLE, EXCESSIVE NOISE, NFI
 - 02:26:54 NOMORE
 - 02:26:53 -PREMIS Comment:PPR
 - 02:27:18 -SELECT
 - 02:27:20 HOLD
 - 02:57:29 SELECT
 - 02:58:16 DISPER 10L Operator:017111 OperNames:ROBINSON, ARTHUR C
 - 02:58:16 -PRIU 10L
 - 02:58:16 -HOLD
 - 02:58:40 MISC 10L Comment:WILL KEEP ADVISED
 - 03:01:28 *ONSCN 10L
 - 03:03:31 CLEAR 10L Dispo:C15 Comment:THE ESTABLISHMENT IS CLOSED
 - 03:03:31 -CLEAR
 - 03:03:31 CLOSE

Detailed History for Police Call #061620191 As of 6/21/2006 10:14:02

Priority:1 Type:1357 - SHOTS FIRED
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 Info:DA JUNGLE BAR

Created:	06/11/2006 02:02:43	PT14	017316
Entered:	06/11/2006 02:03:43	PT14	017316
Dispatch:	06/11/2006 02:12:14	PD01	016182
Enroute:	06/11/2006 02:12:14	PD01	016182
Onscene:	06/11/2006 02:12:14	PD01	016182
Closed:	06/11/2006 02:05:35	PD01	016182

PrimeUnit:11L Dispo:C9 Type:1357 - SHOTS FIRED
 Name:LT TEILY FROM D1 Phone: RPaddr:
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

02:02:43 CREATE Location:618 N BROADWAY,MKE Type:1357 Info:DA JUNGLE BAR Name:LT TEILY FROM D1 DAREA:D1 RptDist:4571 TypeDesc:SHOTS FIRED LocCross:btwn E MICHIGAN ST and E WISCONSIN AV Priority:1 Response:IPO Agency:MWPD LocType:S

02:03:43 ENTRY Comment:SHOTS FIRED AT LOC//A COUPLE SHOTS WERE FIRED

02:03:43 -PREMIS Comment:PPR

02:03:44 NOMORE

02:03:45 -SELECT

02:03:54 SELECT

02:05:35 COMBIN Service:P Call:#061620190 Type:1357 Agency:MWPD Comment:NO GUN SHOTS HEARD PER SQD 11L

02:05:35 -CLOSE

02:12:09 RO

02:12:10 SELECT

02:12:14 DISPOS 11L Operator:014106 OperNames:LEES, MICHAEL A

02:12:14 DISPOS 14L Operator:015101 OperNames:TRONCHET, RYAN N

02:12:14 -PRIU 11L

02:12:14 -HOLD

02:14:11 MISC Comment:PER 1LT, SHOTS WERE HEARD OVER THE PHONE WHILE TAKING INFO FROM THE CLLR.

02:23:39 CLEAR 14L

02:24:48 CLEAR 11L Dispo:C9

02:24:48 -CLEAR

02:24:48 CLOSE

Detailed History for Police Call #061620190 As of 6/21/2006 10:14:15

Priority:1 Type:1357 - SHOTS FIRED

Location:E KILBOURN AV / N MILWAUKEE ST,MKE < 300/ 900>

Created:	06/11/2006 02:02:32	PT10	002435
Entered:	06/11/2006 02:03:25	PT10	002435
Dispatch:	06/11/2006 02:03:45	PD01	016182
Enroute:	06/11/2006 02:03:45	PD01	016182
Onscene:	06/11/2006 02:06:56	PD01	016182
Closed:	06/11/2006 02:28:16	PD01	016182

PrimeUnit:13L Dispo:C8 Type:1357 - SHOTS FIRED

Name:KATHY KOSHGARIAN Phone:(414) 702-0032 RPaddr:

Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4388 Detail

- 02:02:32 CREATE Location:E KILBOURN AV / N MILWAUKEE ST,MKE Type:1357 Name:KATHY KOSHGARIAN Phone:(414) 702-0032 DAREA:D1 RptDist:4388 TypeDesc:SHOTS FIRED LocDesc: < 300/ 900> Priority:1 Response:1PO Agency:MWPD LocType:H
- 02:02:32 ALI E911Phne:414/511-4848 E911Pilot:414/511-4848 E911Add:413 N 2ND ST - NE #CALLBK=(414)702-0032,MKE E911Subs:HINGULAR ORANGE E911Src:WPH2 AliLong:-87.900710 AliLatitude:43.034241
- 02:02:32 ALIGEO GeoLong:-87.900710 GeoLat:43.034241
- 02:02:32 ALIGEO GeoLong:-87.900710 GeoLat:43.034241 ClosestAdd:UNNAMED ClosestInt:Unable to locate corresponding street segment.
- 02:03:25 ENTRY Comment:6 SHOTS FIRED IN THIS AREA, NFI
- 02:03:26 -PREMIS Comment:PPR
- 02:03:27 NOMORE
- 02:03:29 SELECT
- 02:03:45 DISPER 13L Operator:016278 017104 OperNames:STOFFLET, TROY A MERRILL, JOSEPH W
- 02:03:45 -PRIU 13L
- 02:03:45 -HOLD
- 02:05:35 COMBIN Service:P Call:#061620191 Type:1357 Agency:MWPD Comment:NO GUN SHOTS HEARD PER SQD 11L
- 02:06:56 ONSCN 13L
- 02:28:16 CLEAR 13L Dispo:C8
- 02:28:16 -CLEAR
- 02:28:16 CLOSE

Detailed History for Police Call #061600119 As of 6/21/2006 10:13:51

Priority:3 Type:I - INVESTIGATION
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	06/09/2006 01:41:45	PD01	011680
Entered:	06/09/2006 01:41:45	PD01	011680
Dispatch:	06/09/2006 01:41:45	PD01	011680
Enroute:	06/09/2006 01:41:45	PD01	011680
Onscene:	06/09/2006 01:41:45	PD01	011680
Closed:	06/09/2006 03:15:41	M165	008229

PrimeUnit:1L Dispo:C18 Type:I - INVESTIGATION
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

01:41:45 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 01:41:45 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
 Priority:None-->3 Agency:None-->MWPD
 01:41:45 DISPOS 1L Location:618 N BROADWAY,MKE Operator:008229 OperNames:WAGNER JR, MARK D
 01:41:45 DISPOS 13L Location:618 N BROADWAY,MKE Operator:016278 014766 OperNames:STOFFLET,
 TROY A MANNEY, CHRISTOPHER E
 01:41:45 DISPOS 91L Location:618 N BROADWAY,MKE Operator:015290 OperNames:DEPETRO, GLENN D
 01:41:45 -PRIU 1L
 01:41:45 -PREMIS Comment:PPR
 01:45:21 BACKER 10L UnitID:1L Operator:015277 OperNames:ANDERER, DOUGLAS E
 01:54:22 CLEAR 91L
 01:56:17 CLEAR 10L
 02:01:48 PRMPT 13L Comment:Preempted and dispatched to call #061600147
 03:15:41 *CLEAR 1L Dispo:C18
 03:15:41 -CLEAR
 03:15:41 *CLOSE

Detailed History for Police Call #061470296 As of 6/21/2006 10:13:42

Priority:3 Type:I - INVESTIGATION
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/27/2006 02:27:08	PD13	015003
Entered:	05/27/2006 02:27:08	PD13	015003
Dispatch:	05/27/2006 02:27:08	PD13	015003
Enroute:	05/27/2006 02:27:08	PD13	015003
Onscene:	05/27/2006 02:27:08	PD13	015003
Closed:	05/27/2006 02:31:27	PD14	007857

PrimeUnit:91L Dispo:C18 Type:I - INVESTIGATION
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

02:27:08 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 02:27:08 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
 Priority:None-->3 Agency:None-->MWPD
 02:27:08 DISPOS 91L Location:618 N BROADWAY,MKE Operator:015290 OperNames:DEPETRO, GLENN D
 02:27:08 -PRIU 91L
 02:27:09 -PREMIS Comment:PPR
 02:30:01 MISC 91L Comment:CROWD CONTROL
 02:31:27 CLEAR 91L Dispo:C18
 02:31:27 -CLEAR
 02:31:27 CLOSE

Detailed History for Police Call #061470032 As of 6/21/2006 10:13:34

Priority:4 Type:1818 - TAVERN CHECK
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/27/2006 00:21:15	PD13	015003
Entered:	05/27/2006 00:21:15	PD13	015003
Dispatch:	05/27/2006 00:21:15	PD13	015003
Enroute:	05/27/2006 00:21:15	PD13	015003
Onscene:	05/27/2006 00:21:15	PD13	015003
Closed:	05/27/2006 00:40:23	PD13	015003

PrimeUnit:91L Dispo:C18 Type:1818 - TAVERN CHECK
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

00:21:15 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 00:21:15 ENTRY Type:None-->1818 DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->TAVERN CHECK Priority:None-->4 Response:None-->IPO Agency:None-->MWPD
 00:21:15 DISPOS 91L Location:618 N BROADWAY,MKE Operator:015290 OperNames:DEPETRO, GLENN D
 00:21:15 -PRIU 91L
 00:21:16 -PREMIS Comment:PPR
 00:40:23 CLEAR 91L Dispo:C18
 00:40:23 -CLEAR
 00:40:23 CLOSE

Detailed History for Police Call #061451828 As of 5/30/2006 14:07:03

Priority:3 Type:I - INVESTIGATION
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/25/2006 22:51:53	PD01	016116
Entered:	05/25/2006 22:51:53	PD01	016116
Dispatch:	05/25/2006 22:51:53	PD01	016116
Enroute:	05/25/2006 22:51:53	PD01	016116
Onscene:	05/25/2006 22:51:53	PD01	016116
Closed:	05/25/2006 23:42:01	M1014	012430

PrimeUnit:14E Dispo:C12 Type:I - INVESTIGATION
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

-
- 22:51:53 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 - 22:51:53 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
Priority:None-->3 Agency:None-->MWPD
 - 22:51:53 DISPOS 14E Location:618 N BROADWAY,MKE Operator:012430 OperNames:SLAWNIKOWSKI,
DAVID R
 - 22:51:53 -PRIU 14E
 - 22:51:54 -PREMIS Comment:PPR
 - 22:51:55 LOGM 14E Message:010605260351000019 Received:05/25/2006 22:51:43
 - 23:42:01 *CLEAR 14E Dispo:C12
 - 23:42:01 -CLEAR
 - 23:42:01 *CLOSE

01:59:39 CLEAR 281L
02:05:34 MISC 12L Comment: SUPERVISOR TO LOC
02:05:41 CHGLOC 1L Location: E MICHIGAN ST / N BROADWAY, MKE
02:18:47 CLEAR 1L
02:20:55 CLEAR 11L
02:21:44 CLEAR 12L Dispo: C12
02:21:44 -CLEAR
02:21:44 CLOSE

Detailed History for Police Call #061340162 As of 6/21/2006 10:12:42

Priority:4 Type:1818 - TAVERN CHECK
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/14/2006 01:42:02	PD01	003946
Entered:	05/14/2006 01:42:02	PD01	003946
Dispatch:	05/14/2006 01:42:02	PD01	003946
Enroute:	05/14/2006 01:42:02	PD01	003946
Onscene:	05/14/2006 01:42:02	PD01	003946
Closed:	05/14/2006 01:49:44	PD01	003946

PrimeUnit:10L Dispo:C18 Type:1818 - TAVERN CHECK

Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

-
- 01:42:02 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 - 01:42:02 ENTRY Type:None-->1818 DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->TAVERN CHECK Priority:None-->4 Response:None-->1PO Agency:None-->MWPD Comment:TAV CH
 - 01:42:02 DISPOS 10L Location:618 N BROADWAY,MKE Operator:017111 OperNames:ROBINSON, ARTHUR C
 - 01:42:02 DISPOS 14L Location:618 N BROADWAY,MKE Operator:015101 OperNames:TRONCHET, RYAN N
 - 01:42:02 -PRIU 10L
 - 01:42:02 -PREMIS Comment:PPR
 - 01:49:44 CLEAR 10L 14L Dispo:C18
 - 01:49:44 -CLEAR
 - 01:49:44 CLOSE

Detailed History for Police Call #061320084 As of 5/30/2006 14:06:27

Priority:2 Type:SUB - SUBJ STOP
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/12/2006 01:47:57	PD13	014965
Entered:	05/12/2006 01:47:57	PD13	014965
Dispatch:	05/12/2006 01:47:57	PD13	014965
Enroute:	05/12/2006 01:47:57	PD13	014965
Onscene:	05/12/2006 01:47:57	PD13	014965
Closed:	05/12/2006 02:07:17	PD01	014977

PrimeUnit:241L Dispo:C12 Type:SUB - SUBJ STOP
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

-
- 01:47:57 CREATE Location:618 N BROADWAY,MKE Plate:951HWD LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 - 01:47:57 ENTRY Type:None-->SUB Plate:951HWD DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->SUBJ STOP Priority:None-->2 Agency:None-->MWPD Comment:SILV OLDS 1 OCC, BY THE JUNGLE
 - 01:47:57 DISPOS 241L Location:618 N BROADWAY,MKE Operator:011338 015477 OperNames:NIGBUR, JOHN C FERRELL, ROBERT L
 - 01:47:57 -PRIU 241L
 - 01:47:57 -PREMIS Comment:PPR
 - 01:48:24 LOGM 241L Message:010605120648000027 Received:05/12/2006 01:48:03
 - 02:07:17 CLEAR 241L Dispo:C12
 - 02:07:17 -CLEAR
 - 02:07:17 CLOSE

Detailed History for Police Call #061250122 As of 5/30/2006 14:06:17

Priority:2 Type:TC - TRAFFIC CONTROL
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/05/2006 01:39:54	PD01	015003
Entered:	05/05/2006 01:39:54	PD01	015003
Dispatch:	05/05/2006 01:39:54	PD01	015003
Enroute:	05/05/2006 01:39:54	PD01	015003
Onscene:	05/05/2006 01:39:54	PD01	015003
Closed:	05/05/2006 02:10:14	M196	015477

PrimeUnit:1L Dispo:C18 Type:TC - TRAFFIC CONTROL
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

- 01:39:54 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
- 01:39:54 ENTRY Type:None-->TC DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->TRAFFIC CONTROL Priority:None-->2 Agency:None-->MWPD
- 01:39:54 DISPOS 1L Location:618 N BROADWAY,MKE Operator:002564 OperNames:KELLY-KIDD, JOENETTE D
- 01:39:54 -PRIU 1L
- 01:39:54 -PREMIS Comment:PPR
- 01:39:56 BACKER 10L UnitID:1L Operator:017111 OperNames:ROBINSON, ARTHUR C
- 01:39:59 ONSCN 10L
- 01:41:25 BACKOS 281L UnitID:1L Operator:015477 OperNames:FERRELL, ROBERT L
- 01:41:37 CLOS 10L Location:E MICHIGAN ST / N MILWAUKEE ST,MKE
- 01:51:43 CLEAR 10L
- 01:52:00 CLEAR 1L Dispo:C18
- 02:10:14 *CLEAR 281L Dispo:C18
- 02:10:14 -CLEAR
- 02:10:14 *CLOSE

Detailed History for Police Call #061241883 As of 5/30/2006 14:06:08

Priority:2 Type:SA - SPECIAL ASSIGN
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	05/04/2006 23:56:54	PD01	015003
Entered:	05/04/2006 23:56:54	PD01	015003
Dispatch:	05/04/2006 23:56:54	PD01	015003
Enroute:	05/04/2006 23:56:54	PD01	015003
Onscene:	05/04/2006 23:56:54	PD01	015003
Closed:	05/05/2006 06:22:46	PD01	015003

PrimeUnit:241L Dispo:C8 Type:SA - SPECIAL ASSIGN
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

23:56:54 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 23:56:54 ENTRY Type:None-->SA DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->SPECIAL
 ASSIGN Priority:None-->2 Agency:None-->MWPD Comment:WILL BE THERE UNTIL
 AFTER BAR CLOSE
 23:56:54 DISPOS 241L Location:618 N BROADWAY,MKE
 23:56:54 -PRIU 241L
 23:56:54 -PREMIS Comment:PPR
 23:57:07 CONTCT 241L ContactTime:240
 [05/05/2006]
 00:03:14 BACKOS 872 UnitID:241L Location:N BROADWAY / E MICHIGAN ST,MKE
 00:03:14 BACKOS 867 UnitID:241L Location:N BROADWAY / E MICHIGAN ST,MKE
 00:03:38 CONTCT 867 ContactTime:180
 00:03:40 CONTCT 872 ContactTime:180
 00:32:58 XPRMPT 241L Comment:PUT THE WRONG SQD ON HITCH
 00:32:58 XDISP 241E Operator:011319 OperNames:HARDING JR, STERLING M Comment:PUT THE
 WRONG SQD ON HITCH
 00:33:11 ONSCN 241E Comment:HAS BEEN ON SCENE
 00:33:15 CONTCT 241E ContactTime:180
 01:19:00 XPRMPT 241E
 01:19:00 XDISP 241L
 01:19:13 ONSCN 241L Comment:HAS BEEN ON SCENE
 01:19:35 CONTCT 241L ContactTime:120 Comment:CORRECTION AGAIN
 01:41:19 CLOS 867 Location:N BROADWAY / E WISCONSIN AV,MKE
 02:10:06 CLEAR 867 872
 02:19:34 CHGLOC 241L Location:D1,MKE Comment:C8
 02:51:28 ONSCN 241L
 06:22:46 CLEAR 241L Dispo:C8
 06:22:46 -CLEAR
 06:22:46 CLOSE

Detailed History for Police Call #061160906 As of 5/30/2006 14:05:59

Priority:1 Type:1520 - ABAND PROPERTY
Location:618 N BROADWAY,MKE
LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
Info:THE JUNGLE NITE CLUB

Created:	04/26/2006 14:29:38	PT12	005135
Entered:	04/26/2006 14:31:20	PT12	005135
Closed:	04/26/2006 14:31:20	PT12	005135

PrimeUnit: Dispo:TRU Type:1520 - ABAND PROPERTY
Name:NATASHA WRIGHT Phone:(414) 460-1961 RAddr:
Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571
Case #:IR061160087 Detail

-
- 14:29:38 CREATE Location:618 N BROADWAY,MKE Type:1520 Info:THE JUNGLE NITE CLUB
Name:NATASHA WRIGHT Phone:(414) 460-1961 Dispo:TRU DAREA:D1 RptDist:4571
TypeDesc:ABAND PROPERTY LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
Priority:1 Response:IPO Agency:MWPD LocType:S
 - 14:31:20 ADVSED Dispo:TRU Comment:CALLER LOST HER CREDIT CARD AT THE NITE CLUB/
OCCURED 4/20/06
 - 14:31:21 -PREMIS Comment:PPR
 - 14:31:56 CASE Incident#:IR061160087
 - 14:32:06 CLARFY Comment:TRU OPER 44
 - 14:32:08 NOMORE

Detailed History for Police Call #061110088 As of 6/21/2006 10:11:28

Priority:3 Type:1342 - BATTERY
Location:612 N BROADWAY,MKE
LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	04/21/2006 01:08:31	PT12	011680
Entered:	04/21/2006 01:10:50	PT12	011680
Closed:	04/21/2006 01:15:15	PD01	000937

PrimeUnit: Dispo: Type:1342 - BATTERY
Name:LATOYA BOOKER Phone:(414) 213-4078 RPaddr:
Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

-
- 01:08:31 CREATE Location:612 N BROADWAY,MKE Type:1342 Name:LATOYA BOOKER Phone:(414) 213-4078 DAREA:D1 RptDist:4571 TypeDesc:BATTERY LocCross:btwn E MICHIGAN ST and E WISCONSIN AV Priority:1 Response:1PO Agency:MWPD LocType:S
 - 01:08:31 ALI E911Phne:414/511-2041 E911Pilot:414/511-2041 E911Add:400 Wisconsin Ave - SW #CALLBK=(414)213-4078,MKE E911Subs:SPRINT E911Src:WRLS AliLong:-87.909100 AliLatitude:43.036794
 - 01:08:31 ALIGEO GeoLong:-87.909100 GeoLat:43.036794
 - 01:10:50 ENTRY Priority:1-->3 Comment:CALLER STATS THAT THE BOUNCER AT THE JUNGLE JUST HIT THE CALLER IN THE FACE AND SHE IS BLEEDING...AMBL REFUSED
 - 01:10:50 -PREMIS Comment:(none)
 - 01:10:52 NOMORE
 - 01:11:41 SELECT
 - 01:11:52 HOLD
 - 01:14:58 SELECT
 - 01:15:15 COMBIN Service:P Call:#061110058 Type:1818 Agency:MWPD
 - 01:15:15 -CLOSE

Detailed History for Police Call #061110058 As of 6/21/2006 10:11:20

Priority:4 Type:1818 - TAVERN CHECK
Location:618 N BROADWAY,MKE
LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	04/21/2006 00:46:55	PD01	000937
Entered:	04/21/2006 00:46:55	PD01	000937
Dispatch:	04/21/2006 00:46:55	PD01	000937
Enroute:	04/21/2006 00:46:55	PD01	000937
Closed:	04/21/2006 01:58:06	PD03	014965

PrimeUnit:1L Dispo:C18 Type:1818 - TAVERN CHECK
Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

00:46:55 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
00:46:55 ENTRY Type:None-->1818 DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->TAVERN CHECK Priority:None-->4 Response:None-->1PO Agency:None-->MWPD
00:46:55 DISPER 1L Location:618 N BROADWAY,MKE
00:46:55 DISPER 10L Location:618 N BROADWAY,MKE
00:46:55 DISPER 14L Location:618 N BROADWAY,MKE Operator:017111 OperNames:ROBINSON, ARTHUR C
00:46:55 -PRIU 1L
00:46:55 -PREMIS Comment:PPR
01:15:15 COMBIN Service:P Call:#061110088 Type:1342 Agency:MWPD
01:58:06 CLEAR 1L 10L 14L Dispo:C18
01:58:06 -CLEAR
01:58:06 CLOSE

Detailed History for Police Call #061070100 As of 5/30/2006 14:05:35

Priority:1 Type:1613 - FIGHT
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	04/17/2006 01:54:12	PD03	015003
Entered:	04/17/2006 01:54:12	PD03	015003
Dispatch:	04/17/2006 01:54:12	PD03	015003
Enroute:	04/17/2006 01:54:12	PD03	015003
Onscene:	04/17/2006 01:54:19	PD03	015003
Closed:	04/17/2006 02:35:07	PD01	006070

PrimeUnit:281L Dispo:C12 Type:1613 - FIGHT
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

- 01:54:12 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
- 01:54:12 ENTRY Type:None-->1613 DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->FIGHT
 Priority:None-->1 Response:None-->1PO Agency:None-->MWPD
- 01:54:12 DISPER 281L Location:618 N BROADWAY,MKE Operator:015277 015301 OperNames:ANDERER,
 DOUGLAS E JACKS, CRYSTAL L
- 01:54:12 DISPER 91L Location:618 N BROADWAY,MKE Operator:010977 015932 OperNames:JOHNSON,
 STEVEN HELMINIAK, PAUL M
- 01:54:12 -PRIU 281L
- 01:54:12 -PREMIS Comment:PPR
- 01:54:19 BACKOS 1L UnitID:281L Operator:008229 OperNames:WAGNER JR, MARK D
- 01:54:22 ONSCN 281L 91L
- 02:24:10 CLEAR 281L 1L Dispo:C18
- 02:35:07 CLEAR 91L Dispo:C12
- 02:35:07 -CLEAR
- 02:35:07 CLOSE

Detailed History for Police Call #060970084 As of 6/21/2006 10:10:17

Priority:4 Type:1818 - TAVERN CHECK
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	04/07/2006 01:14:11	PD14	000937
Entered:	04/07/2006 01:14:11	PD14	000937
Dispatch:	04/07/2006 01:14:11	PD14	000937
Enroute:	04/07/2006 01:14:11	PD14	000937
Onscene:	04/07/2006 01:14:11	PD14	000937
Closed:	04/07/2006 01:22:20	PD14	000937

PrimeUnit:14L Dispo:C18 Type:1818 - TAVERN CHECK
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

01:14:11 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 01:14:11 ENTRY Type:None-->1818 DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->TAVERN CHECK Priority:None-->4 Response:None-->IPO Agency:None-->MWPD
 01:14:11 DISPOS 14L Location:618 N BROADWAY,MKE Operator:016247 OperNames:FREIBURGER, SCOTT
 01:14:11 DISPOS 91L Location:618 N BROADWAY,MKE Operator:015101 OperNames:TRONCHET, RYAN N
 01:14:11 -PRIU 14L
 01:14:11 -PREMIS Comment:PPR
 01:22:20 CLEAR 14L 91L Dispo:C18
 01:22:20 -CLEAR
 01:22:20 CLOSE

Detailed History for Police Call #060961726 As of 6/21/2006 10:10:07

Priority:4 Type:1818 - TAVERN CHECK
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	04/06/2006 23:12:55	PD14	016180
Entered:	04/06/2006 23:12:55	PD14	016180
Dispatch:	04/06/2006 23:12:55	PD14	016180
Enroute:	04/06/2006 23:12:55	PD14	016180
Onscene:	04/06/2006 23:12:55	PD14	016180
Closed:	04/06/2006 23:30:25	PD14	000937

PrimeUnit:91E Dispo:C18 Type:1818 - TAVERN CHECK
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

23:12:55 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 23:12:55 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
 Priority:None-->3 Agency:None-->MWPD Comment:TAVERN CK
 23:12:55 DISPOS 91E Location:618 N BROADWAY,MKE Operator:014764 OperNames:LUCKETT, JAMES D
 23:12:55 -PRIU 91E
 23:12:55 -PREMIS Comment:PPR
 23:13:15 CHANGE 91E Type:I-->1818 Response:None-->1PO Priority:3-->4 TypeDesc:INVESTIGATION--
 >TAVERN CHECK
 23:30:25 CLEAR 91E Dispo:C18
 23:30:25 -CLEAR
 23:30:25 CLOSE

Detailed History for Police Call #060900060 As of 5/30/2006 14:05:01

Priority:3 Type:I - INVESTIGATION
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	03/31/2006 01:08:16	PD01	011680
Entered:	03/31/2006 01:08:16	PD01	011680
Dispatch:	03/31/2006 01:08:16	PD01	011680
Enroute:	03/31/2006 01:08:16	PD01	011680
Onscene:	03/31/2006 01:08:16	PD01	011680
Closed:	03/31/2006 01:21:25	PD01	011680

PrimeUnit:1L Dispo:C18 Type:I - INVESTIGATION
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

- 01:08:16 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
- 01:08:16 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
Priority:None-->3 Agency:None-->MWPD
- 01:08:16 DISPOS 1L Location:618 N BROADWAY,MKE Operator:007103 OperNames:HANYARD, PHIL
- 01:08:16 DISPOS 10L Location:618 N BROADWAY,MKE Operator:010977 OperNames:JOHNSON, STEVEN
- 01:08:16 DISPOS 13L Location:618 N BROADWAY,MKE Operator:011338 OperNames:NIGBUR, JOHN C
- 01:08:16 -PRIU 1L
- 01:08:16 -PREMIS Comment:PPR
- 01:08:26 MISC 1L Comment:TAVERN CHK
- 01:21:21 CLEAR 1L Dispo:C18
- 01:21:25 CLEAR 10L 13L
- 01:21:25 -CLEAR
- 01:21:25 CLOSE

Detailed History for Police Call #060900084 As of 5/30/2006 14:05:09

Priority:3 Type:I - INVESTIGATION
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	03/31/2006 01:46:54	PD03	CTURNE
Entered:	03/31/2006 01:46:54	PD03	CTURNE
Dispatch:	03/31/2006 01:46:54	PD03	CTURNE
Enroute:	03/31/2006 01:46:54	PD03	CTURNE
Onscene:	03/31/2006 01:46:54	PD03	CTURNE
Closed:	03/31/2006 01:59:02	PD03	CTURNE

PrimeUnit:10L Dispo:C18 Type:I - INVESTIGATION
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

01:46:54 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 01:46:54 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
 Priority:None-->3 Agency:None-->MWPD Comment:CROWD CONTROL
 01:46:54 DISPOS 10L Location:618 N BROADWAY,MKE Operator:010977 OperNames:JOHNSON, STEVEN
 01:46:54 -PRIU 10L
 01:46:55 -PREMIS Comment:PPR
 01:47:19 BACKER 91L UnitID:10L Operator:015290 011126 OperNames:DEPETRO, GLENN D RACLAW, SEAN
 K
 01:59:02 CLEAR 10L 91L Dispo:C18
 01:59:02 -CLEAR
 01:59:02 CLOSE

Detailed History for Police Call #060760087 As of 5/30/2006 14:04:51

Priority:3 Type:I - INVESTIGATION
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	03/17/2006 01:23:58	PD01	011680
Entered:	03/17/2006 01:23:58	PD01	011680
Dispatch:	03/17/2006 01:23:58	PD01	011680
Enroute:	03/17/2006 01:23:58	PD01	011680
Onscene:	03/17/2006 01:23:58	PD01	011680
Closed:	03/17/2006 01:53:51	PD03	PGRANZ

PrimeUnit:10L Dispo:C18 Type:I - INVESTIGATION
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

01:23:58 CREATE Location:618 N BROADWAY,MKE LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 01:23:58 ENTRY Type:None-->I DAREA:None-->D1 RptDist:None-->4571 TypeDesc:None-->INVESTIGATION
 Priority:None-->3 Agency:None-->MWPD Comment:TAVERN CHK
 01:23:58 DISPOS 10L Location:618 N BROADWAY,MKE Operator:010977 OperNames:JOHNSON, STEVEN
 01:23:58 -PRIU 10L
 01:34:42 BACKER 91L UnitID:10L Operator:015290 OperNames:DEPETRO, GLENN D
 01:39:07 BACKOS 241L UnitID:10L
 01:45:00 CLEAR 10L Dispo:C18
 01:48:37 CLEAR 91L
 01:53:51 CLEAR 241L Dispo:C18
 01:53:51 -CLEAR
 01:53:51 CLOSE

Detailed History for Police Call #060690069 As of 5/30/2006 14:04:43

Priority:1 Type:1342 - BATTERY
Location:618 N BROADWAY,MKE
LocCross:btwn E MICHIGAN ST and E WISCONSIN AV

Created:	03/10/2006 01:13:18	PT16	011077
Entered:	03/10/2006 01:14:00	PT16	011077
Closed:	03/10/2006 01:16:29	PD01	015003

PrimeUnit: Dispo: Type:1342 - BATTERY
Name:#21/ MFD FOR FEMALE Phone:(414) 745-4570 RPaddr:
Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

-
- 01:13:18 CREATE Location:618 N BROADWAY,MKE Type:1342 Name:#21/ MFD FOR FEMALE Phone:(414) 745-4570 DAREA:D1 RptDist:4571 TypeDesc:BATTERY LocCross:btwn E MICHIGAN ST and E WISCONSIN AV Priority:1 Response:1PO Agency:MWPD LocType:S
 - 01:14:00 ENTRY Comment:AMB SENT FOR BATTERY - LACERATION TO HEAD -FEMALE DISCONNECTED ON MFD
 - 01:14:01 NOMORE
 - 01:14:04 -SELECT
 - 01:14:16 HOLD
 - 01:15:05 SELECT
 - 01:15:26 SELECT
 - 01:16:10 SELECT
 - 01:16:29 COMBIN Service:P Call:#060690068 Type:1613 Agency:MWPD Comment:ADVISED 618 N BROADWAY
 - 01:16:29 -CLOSE
 - 01:43:05 MISC Comment:PER 11L SPOKE WITH SECURITY AND BOTH PARTIES LEFT

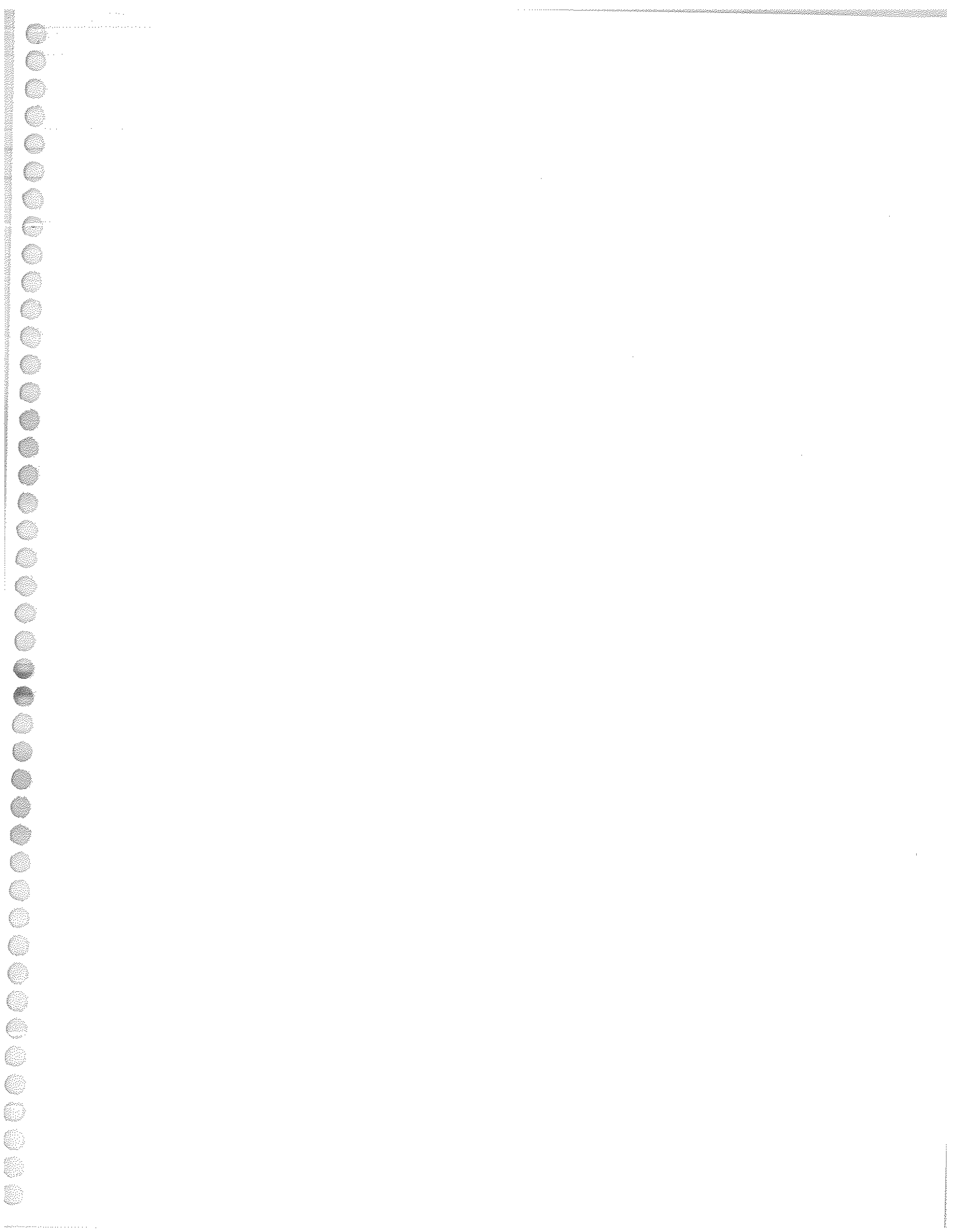
Detailed History for Police Call #060640154 As of 5/30/2006 14:04:34

Priority:3 Type:1636 - TRBL W/SUBJ
 Location:618 N BROADWAY,MKE
 LocCross:btwn E MICHIGAN ST and E WISCONSIN AV
 Info:JUNGLE

Created:	03/05/2006 01:58:41	PT05	017314
Entered:	03/05/2006 02:00:06	PT05	017314
Dispatch:	03/05/2006 02:03:21	PD02	PGRANZ
Enroute:	03/05/2006 02:03:21	PD02	PGRANZ
Onscene:	03/05/2006 02:06:03	M264	016247
Closed:	03/05/2006 02:34:32	M183	010977

PrimeUnit:10L Dispo:C10 Type:1636 - TRBL W/SUBJ
 Name:ROB AINE Phone:414/511-2749
 RPaddr:841 N BROADWAY - SW #CALLBK=(414)243-2445,MKE
 Agency:MWPD DAREA:D1 Squad Area:1C RptDist:4571 Detail

- 01:58:41 CREATE Location:618 N BROADWAY,MKE Type:1636 Info:JUNGLE Name:ROB AINE RPaddr:841 N BROADWAY - SW #CALLBK=(414)243-2445,MKE Phone:414/511-2749 Source:WPH2 DAREA:D1 RptDist:4571 TypeDesc:TRBL W/SUBJ LocCross:btwn E MICHIGAN ST and E WISCONSIN AV Priority:3 Response:1PO Agency:MWPD LocType:S
- 01:58:41 ALI E911Pzne:414/511-2749 E911Pilot:414/511-2749 E911Add:841 N BROADWAY - SW #CALLBK=(414)243-2445,MKE E911Subs:T-Mobile USA, Inc. E911Srce:WPH2 AliLong:-87.906589 AliLatitude:43.038672
- 01:58:41 ALIGEO GeoLong:-87.906589 GeoLat:43.038672
- 02:00:06 ENTRY
- 02:00:16 SELECT
- 02:00:18 HOLD
- 02:00:54 SELECT
- 02:01:51 INFO Comment:CLLR STS SUBJS HAVE THREATENED TO COME BACK W/A GUN AFTER AN INCIDENT INSIDE ABV LOC///CLLR STS SUBJS ARE SITTING INSIDE OF VEHS IN F/O ABV LOC ///**NO GUN WAS SEEN AT THIS TIME**
- 02:01:52 NOMORE
- 02:02:46 SELECT
- 02:03:21 DISPER 10L Operator:010977 OperNames:JOHNSON, STEVEN
- 02:03:21 DISPER 14L Operator:016247 OperNames:FREIBURGER, SCOTT
- 02:03:21 -PRIU 10L
- 02:03:21 -HOLD
- 02:06:03 *ONSCN 14L
- 02:19:05 *CLEAR 14L Dispo:C18
- 02:27:08 ONSCN 10L
- 02:34:32 *CLEAR 10L Dispo:C10
- 02:34:32 -CLEAR
- 02:34:32 *CLOSE



Good Morning;

Last night the Police were present in force...at about 1-1:15 to at least 2:00 I saw at least 4 to 6 Police cars and Police on bikes in order to get the patrons and cars to keep moving and, as usual, the noise and cars were crazy. AGAIN, A OUTSTANDING USE OF OUR POLICE FORCE AT A COST TO THE TAXPAYERS OF \$\$\$\$\$\$???

Thank you again, Captain Haynes for your efforts in keeping the madness under control; I do not know what we would do without the Police being out in force; it would be totally out of control.

Best wishes;

Don Arenson

START 6/9/06 - 7:20 PM,

E-MAC - RE: SHOOTING THURSDAY NIGHT

GUESS - SAFETY/DSJ

Good Morning Captain Haynes;

Thank you for your time on Thursday regarding Da Jungle.

Last night, Thursday-May 25, the unruly patrons were as usual; however, I saw that from about 1:00 until after 2:00 AM there were one, then three Police cars parked with the officers inside Da Jungle. Something must have happened, because I heard one of the people that work there say in a very loud voice, "if we had better security we would be OK", quote. All the voices and car noise can be heard very clearly from my 4th floor home. I would like to know what was going on.

Thank you again for your attention to this issue,

Don Arenson
414-704-3080

Good Morning Captain Haynes and Bob;

Last week was just as bad at Da Jungle; Wednesday night I had to call the Police at about 1-1:30 or so to let them know that the street-Michigan & Broadway- was blocked off with cars and people DANCING IN THE STREET!!!! You can check with the Swinging Door; it was unbelievable.

Friday night, directly behind my building and entrance to my home, my downstairs tenant had his windshield smashed in with a bar stool that was outside behind Da Jungle ready to be thrown in the trash, I saw it earlier in the day. He called in a Police report the following day. He also has said he is moving out because of the Jungle; he is afraid for both himself, employees and his property as he works late at night in his place of buisness. THIS PLACE MUST BE CLOSED DOWN..THE SITUATION IS OUT OF CONTROL AND NOBODY SEEMS TO CARE BECAUSE THEY DO NOT SEE WHAT IS GOING ON!!!!

Again, I thank both of you for your attention,

Don Arenson

Good Morning Captain Haynes and Bob;

Last night, Thursday-May 18, was as bad as ever at Da Jungle; Wednesday night people were dancing in the street, Broadway and Michigan until I called the Police.

Without the Police last night there would have been madness and chaos beyond belief. I can not seem to make people understand what goes on in Downtown Milwaukee on these nights; only the Police that are on the scene have any idea what is happening. THIS HAS TO STOP!! Captain Haynes, is Da Jungle considered a nuisance, as we talked about and per existing ordinance,s???

I am sorry to bother both of you regarding this on a weekly basis, but as I have said many times before, I am afraid for both my property(\$25,000 yearly taxes) and myself and family, aside from the fact Milwaukee is wasting both time and money of Police resources, \$\$\$\$, on this place of business.

Best wishes to both of you,

Don Arenson

5/18/06

37-412 5 1 1 1

Good Morning;

Last night, Thursday-April 27, was something else. The Police were out in force!!!
I saw at least 6-8 cars, motorcycles, bicycle and two(2) OFFICERS ON THE ROOF OF MY BUILDING from about 11-2AM...

I want to thank you Captain Haynes, once again, for your efforts.

I realize that you can not continue to have all this manpower out to maintain order at Da Jungle every night that they are open, a total waste of time and money for The Milwaukee Police Deoartment and taxpayers. As I have said before, this amounts to about 150-200 HOURS PER YEAR or more. My video will continue so that I can show it to the powers that be in order to stop this operation.

Best wishes to both of you,

Don Arenson

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Subject: RE: Da Jungle

Date: Tue, 25 Apr 2006 12:35:15 -0500

From: "Haynes, Linda" <LIHAYN@milwaukee.gov> View Contact Details Add M

To: donaldsarenson@sbcglobal.net, "Thiele, Leslie M" <LTHIEL@milwaukee.gov>

CC: "Bauman, Robert" <RJBAUMA@milwaukee.gov>

How are you doing Mr. Arenson? I reviewed the tape for Thursd 20, 2006 for the closing time of Da Jungle today. As a matter a few officers have reviewed the tape to include the officers scene. I will be addressing the internal issues with the shif This week I will have additional officers at this location to some of the many violations performed by the bar and it's pat next couple of Thursdays will be used to bring order back int neighborhood. We will conduct a sting operation and we will b Fridays to see how much of an impact we are having on the bar patrons. This is still part of the nuisance issue. Call me at you have any questions.

-----Original Message-----

From: DONALD ARENSON <donaldsarenson@sbcglobal.net>

[mailto:donaldsarenson@sbcglobal.net]

Sent: Friday, April 21, 2006 8:15 AM

To: Haynes, Linda

Cc: Bauman, Robert

Subject:

Good Morning to both of you; Captain haynes & Bob Bauman;

Last night, Thursday, April 20th was madness, madness & mor Jungle!

From about 1AM to after 2AM there were at least 6 Police Of directing patron and auto traffic, with noise and yelling beyond descri have everything on video.

Also, I did notice Officers on the roof top across the stre Broadway also doing video taping. I CAN NOT BELIEVE THAT NOTHING IS B

TO

CLOSE THIS OPERATION DOWN...THIS IS CRAZY!!!

I as a resident can not, as I have said many times before, peacefull

nights rest 4 DAYS A WEEK(thursday thru sunday).

As I have again said many many many times, I feel afraid fo property and myself with this operation; I can not go out at enjoy

the Milwaukee Downtown that I dearly love living in!

Captain Haynes, please advise the status of the nuisance is

Regards and best wishes to both of you, and thank you for y efforts,

Don Arenson

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Good Morning Captain;

AM Friday-4/14/06

Thank you for sending two Police Officers Downtown last night. We were up on my roof about Midnight. However, there was not much "madness" last night because of both the hail and the threat of bad weather(I talked to the parking lot attendant).

As it turned out, it was the quietest night that I can remember in TWO years. I am sure this weekend will make up for it.

I am going to continue doing my video taping. I am meeting Bauman next Thursday to try and get him more attentive to this matter. I want to have all the info, tapes and e-mails ready for the liscense meeting.

Again, thank you for all your efforts,

Don Arenson

P.S. The two Police Officers you sent were outstanding.

P.P.S Say a prayer for the missing boys.

Good Day;

Well, the last three(3) nights at Da Jungle were one of total madness, noise and uncontroable traffic. If this was ANY other bar in our beautifull(Sunday is very quiet Downtown) City of Milwaukee, it would be closed down!!!

We have taken video,s of all the madness, including sound.

Last night there were ONLY two(2) Police cars that we saw; they were stopped in front of Da Jungle and the policemen went inside about 1:15 to about 1:45. I do not know what happened. AGAIN, what is happening with regard to the cash fine regarding the fact that this place is now considered a" nuisance".

I will continue to keep in touch with both of you regarding this matter.

THIS PLACE MUST BE CLOSED DOWN...I, AND OTHER MILWAUKEE RESIDENTS AND BUSINESS PEOPLE ARE INTITLED TO FEEL, AS THE POLICE CHIEF HAS SAID, I QUOTE, REDUCE CRIME AND ENHANCE THE QUALITY OF LIFE IN MILWAUKEE...AS I HAVE SAID BEFORE, THIS IS NOT HAPPENING!

Aside from the fact, again, as I have said the cost to Milwaukee taxpayers, of which I am paying about \$19,000 yearly to live in my home, in addition to other properties we own in the City of Milwaukee.

I invite both of you, and or either of you to come down here on a Thursday night(late-1-2AM) and see what I see and hear.

Don Arenson, afraid Milwaukee resident and taxpayer.

P.S. Say a prayer for the missing boys.

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From: donaldsarenson@sbcglobal.net [Add Mail Account]

Insert addresses | Remove CC - Add BCC

To: Captain Haynes <lihayn@milwaukee.gov>

Cc: rjbauma <rjbauma@milwaukee.gov>

Subject: Da Jungle

Attach Files

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Hello Captain Haynes;

Last night at DaJungle was as bad as always. I have started taking video,s of all the night activities. There were as many as 6 Police cars!!! The street was blocked on both Wisconsin Avenue and Michigan(an excellent idea for the traffic). The officers did, as usual, an excellent job. I even saw somebody getting a ticket. I called your District at about 1:15-1:30; it was a madhouse again!!! I would like to know if the nuisance ordinance that requires a fine is being invoked, and how much. My calculations indicate that our Milwaukee Police are spending about 100 to 200 man hours PER YEAR at this operation!!!! WHAT A WASTE OF TIME AND MONEY. I have tried to talk to Anne Schwartz,as I have said before, but she is very busy at this time.

PLEASE PLEASE LET ME KNOW WHAT IS BEING DONE

Use my signature

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Good Morning;

Last night was one of the worst nights that I can remember at Da Jungle!!!!

Jodi, I was told, is TRYING to sell the place and has not at this time sold the place. She is only the license holder and does not come to the operation. She once again lied to you Captain Haynes if she told you she sold the place; I was told by the stereo person selling the equipment that they had bought the place; which apparently is not true. My information is second hand, as I have told both of you.

However, last night was the worst, as I said. At about 1PM I CALLED District 1 and was told they do not dispatch Police. I was stunned; as I have called many times before and Police were sent out immediately. The person answering the phone was very nice and told me she would do it this time, but it would take longer.

THERE WAS A BRAWL IN THE STREET(BROADWAY) IN FRONT OF MY HOME WITH ABOUT 25-30 PEOPLE. I HAD TO CALL THE POLICE; DA JUNGLE PEOPLE DID NOT CALL THE POLICE!! THE POLICE WERE THERE IN MINUTES WITH 4 OR 5 POLICE CARS AND POLICE VAN ON THE SIDEWALK IN FRONT OF MY HOME IN ORDER TO KEEP THE CROWD MOVING!!!! AT LEAST 10 POLICE OFFICERS!!THE STREET WAS BLOCKED BOTH WAYS WITH TRAFFIC BEEING DIRECTED SOUTH ON BROADWAY FROM MICHIGAN. I HEARD PEOPLE YELLING THAT "I AM GOING TO KILL YOU"! IT WAS ABSOULTLY TERRIFYING!!!

I WANT TO KNOW WHY THIS PLACE IS STILL ALLOWED TO STAY OPEN. ANY OTHER PLACE IN MILWAUKEE WOULD HAVE BEEN CLOSED UP BY KNOW!!!!

PER THE MESSAGE FROM THE CHIEF OF POLICE, WELCOME TO MILWAUKEE, OUR MISSION IS TO REDUCE CRIME AND ENHANCE THE QUALITY OF LFE IN MILWAUKEE. THIS IS NOT HAPPENING!!!!

IN ADDITION, AS THIS IS NOW CONSIDERED A CHRONIC NUISANCE PERMISES WHAT COSTS WILL BE SENT TO THE PROPERTY OWNER OR OWNERS OF THE BUSINESS-PER CITY CODE 80-10-A-2 OR WIS. STATS. 947.01?????

THANK YOU,

DON ARENSON, RESIDENT OF 608 N. BROADWAY, MILWAUKEE, WI.
414-704-3080

SENT TO BROWN/CAPT. HAYNES - 3/10/06

Saturday-December 31, 2005

5:20 PM

Hello Captain Haynes;

As I am sure you aware, Friday night at Da Jungle was THE WORST I HAVE EVER SEEN! At one time, sometime after midnight, I saw 15 POLICE CARS! I ALSO SAW AT LEAST 20 POLICEMEN! THIS IS INSANE TO LET THIS CONTINUE; MARK MY WORDS(ALSO ALL THE POLICEMEN I HAVE TALKED TO) THERE IS GOING TO BE A VERY SERIOUS PROBLEM COMING, SHOOTING, FIGHTS AND OR BOTH . I FEAR FOR MY SAFETY AND PROPERTY. THIS PLACE MUST BE CLOSED DOWN FOR NOT ONLY MY SAFETY, BUT FOR THE SAKE OF ALL PEOPLE AND BUSINESSES THAT EITHER HAVE PROPERTY OR WANT TO COME DOWNTOWN FOR WORK AND TO ENJOY OUR WONDERFULL CITY.

I, as a resident and substancial taxpayer in my beloved City Of Milwaukee, have the right to peace and SAFETY IN MY HOME. This MADNESS MUST STOP. The lights in the alley behind my buildings were destroyed, broken and shattered, on Friday night AT A COST OF \$760.00, and although I can not prove it was the patrons of DaJungle, who else would have done it? People are always in the alley the nights they are open.

AGAIN, I REPEAT, I AM AFRAID TO GO OUT AT NIGHT WHEN DA JUNGLE IS OPEN. THIS CRAZY ! NOBODY WOULD LIKE THIS TO HAPPEN TO THEM!

I am afraid to go out on New Years Eve because I might get home while this madness is going on.

Captain, I must compliment you on your prompt attention to this situation.

Best wishes for a Happy & Healthy New Year, Don Arenson

YAHOO! MAIL

Print - Close Window

Subject: RE:
Date: Tue, 27 Dec 2005 18:44:43 -0600
From: "Haynes, Linda" <LIHAYN@milwaukee.gov>
To: donaldsarenson@sbcglobal.net

Happy Holidays Mr. Arenson,

I received a call approximately 1:30am Friday morning regarding Da Jungle. I had them to close down the street. I do believe that we will have a few problems with numerous bars in the downtown area on new years eve. We will have two shifts of officers working together to maintain peace on the streets. I have been tracking the weather and the weather looks good for a large party. We will do what we can to keep the order. Thanks for the email.

-----Original Message-----

From: donaldsarenson@sbcglobal.net [mailto:donaldsarenson@sbcglobal.net]
Sent: Fri 12/23/2005 7:26 AM
To: Haynes, Linda
Cc:
Subject:

Good Morning Captain Haynes;

Last night at Da Jungle the madness was out of control on both the street (Broadway) and on the sidewalk. From 1:15 to after 2:00AM it was crazy. I might suggest that the street be closed at closing time to avoid the madness. I know that you had said you did not want to close the street; but, maybe it would be a good idea on Thursday and Saturday nights.

I am aware that you know this is a crazy situation and that you are aware of the various issues that concern both mine and my neighbors safety and property because of this bar.

I wish you a Merry Christmas and Happy and Healthy New Year and will look forward to meeting you in 2006.

Don Arenson
608 N. Broadway
Milwaukee, WI.
414-704-3080

Good Morning Captain Haynes;

Last night at Da Jungle the madness was out of control on both the street (Broadway) and on the sidewalk. From 1:15 to after 2:00AM it was crazy. I might suggest that the street be closed at closing time to avoid the madness. I know that you had said you did not want to close the street; but, maybe it would be a good idea on Thursday and Saturday nights.

I am aware that you know this is a crazy situation and that you are aware of the various issues that concern both mine and my neighbors safety and property because of this bar.

I wish you a Merry Christmas and Happy and Healthy New Year and will look forward to meeting you in 2006.

Don Arenson
608 N. Broadway
Milwaukee, WI.
414-704-3080

BANNON }
JAGGERS } 12/23/05

Good Morning Pat;

I do not know if you have talked to your partners regarding Da Jungle; however, the situation is as bad or worse than ever. You can call the following to verify: Captain Haynes-414-935-7210 or Bob Bauman-414-286-3774. Jodi continues to say that it is not her establishment that is causing the problems; however, I have spent \$2000.00 to video tape the last three weeks that they are open. A copy of the tape will be ready this week. It is clearly the fault of her operation that the Police have had problems. I am going to see that the proper people, and maybe the Journal & Tv stations, get a copy of this madness that goes on late at night. I am afraid for both my property and my life and I would think that you and your partners would not like to be involved in a public display of ownership of such a operation. I realize that the rental income is important to all, but there has to be a limit. COME DOWN HERE ON A THURSDAY NIGHT AT CLOSING TIME-THE X-POLICEMEN I HIRED ARE AFRAID!
Please do not take offense to this e-mail, but this is a very serious problem.

Regards,

Don Arenson

*CALLER THURSDAY NIGHTS
POLICE 10/6/05 - 1:45 PM,*

*WEEKEND of OCT 8-9
USUAL NOISE*



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Date: Mon, 19 Sep 2005 14:39:32 -0500

From: "Robert Bauman" <RJBAUMA@milwaukee.gov> View Contact Details

To: donaldsarensen@sbcglobal.net

Subject: Re: DA JUNGLE

I have also been in touch with Captain Haynes and have stress need to crack down on the Jungle. Unfortunately, she tells m cannot link the shooting to the Jungle at this time but their investigation is continuing. This is very important because w link, our hands are tied. Once again, the Jungle's landlord person.

Bob Bauman

>>> DONALD ARENSEN <donaldsarensen@sbcglobal.net> 09/19/05 9: GOOD MORNING BOB;

IT WAS A QUIET WEEKEND NEXT DOOR-THE PLACE WAS CLOSED FRIDAY WITH A SIGN ON THE DOOR THAT THE CITY REQUESTED THAT THE TEEN CANCELED-SATURDAY WAS QUIET. THIS AM I TALKED TO CAPTAIN LINDA HAYES AT THE 1ST DISTRICT A INDICATED ME THAT THEY ARE DOING A INVESTIGATION AND SHE WIL INFORMED. SHE ALSO SAID THAT THERE IS A NUISANCE LAW THAT CO IN THIS CASE IN ADDITION TO OTHER THINGS THAT COULD BE DONE. THE OPINION THAT THIS PLACE SHOULD CLOSED DOWN. AS I INDICATED TO YOU, I CANCELED A DINNER PARTY SATURDAY NIG I WAS AFRAID FOR BOTH MYSELF AND MY GUESTS; AS IT TURNED OUT, OK; HOWEVER, AS I SAID BEFORE, THIS PLACE MUST BE CLOSED DOWN DOWNTOWN DEVELOPERS, BARRY MANDEL AND PETE RENNER, THAT I SAW AFTERNOON ASKED ME ABOUT THE SHOOTING INCIDENT!

BEST WISHES, DON

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Good Morning Bob; EARLY AM FRIDAY SEP. 16, 2005

I thought we might have solved part of the problem with Da Zoo...I must tell you; last night was the WORST night of my life living in Downtown Milwaukee! At about 1PM the noise in the street was AGAIN out of control. Outside, the street was full of cars and people coming out of the "Zoo"-loud and again, out of control; people hanging out the cars, screaming in foul language, throwing containers out of car windows and LOUD music coming from the open windows of the cars. I would guess about 100 or MORE people-what is the capacity of the "Zoo"? I called the Police at about 1:15 and as I was talking to them it sounded like gun shots coming from the parking lot to the South(This AM I called the 1st District and asked them if it was a shooting and I was told that it was not). As Looked out the window IN TOTAL FEAR, I SAW 6 POLICE CARS WITH THE POLICEMEN ARMED-THEY HAD RIFLES OUT! I WAS TOLD THAT A CONFRONTATION WAS GOING ON AT THE PARKING LOT AND THE POLICE USED GUNS IF THEY THOUGHT IT WOULD BE NEEDED! THIS FUCKING INSANE!!! THIS PLACE MUST SHUT DOWN BEFORE A SHOOTING DOES HAPPEN! I AM LIVING IN IRAQ ,NOT DOWNTOWN MILWAUKEE. I AM LIVING IN FEAR OF MY PROPERTY AND MY LIFE!

WHAT CAN WE DO TO SHUT THIS PLACE DOWN? PLEASE, PLEASE TALK TO THE PROPER PEOPLE AND SEE WHAT YOU CAN DO TO CLOSE THIS PLACE DOWN.

As always, I wish you well,

Don Arenson

September 14, 2004

Bob Bauman
c/o City Hall
200 East Wells Street
Milwaukee, Wi. 53202

Dear Bob;

As you are aware, the bar next door to my buildings, Da Jungle, has become a real problem for the entire area. EVERY night that they are open, Thursday, Friday, Saturday & sometimes, Sunday the police have to be outside on the street to control the people and traffic. It is crazy outside until 3PM every night that they are open. The owners do not control the customers and noise when the customers leave the bar; whiskey and beer bottles and food(they do not serve food???). The alley in the rear of the building is full of broken glass and trash. No attempt to keep the alley area clean is made(we just got a assessment for new concrete in the alley). I have contacted Sonja in the Health Department many times on this matter. Also, I have received calls from every tenant in both my buildings concerning these issues.

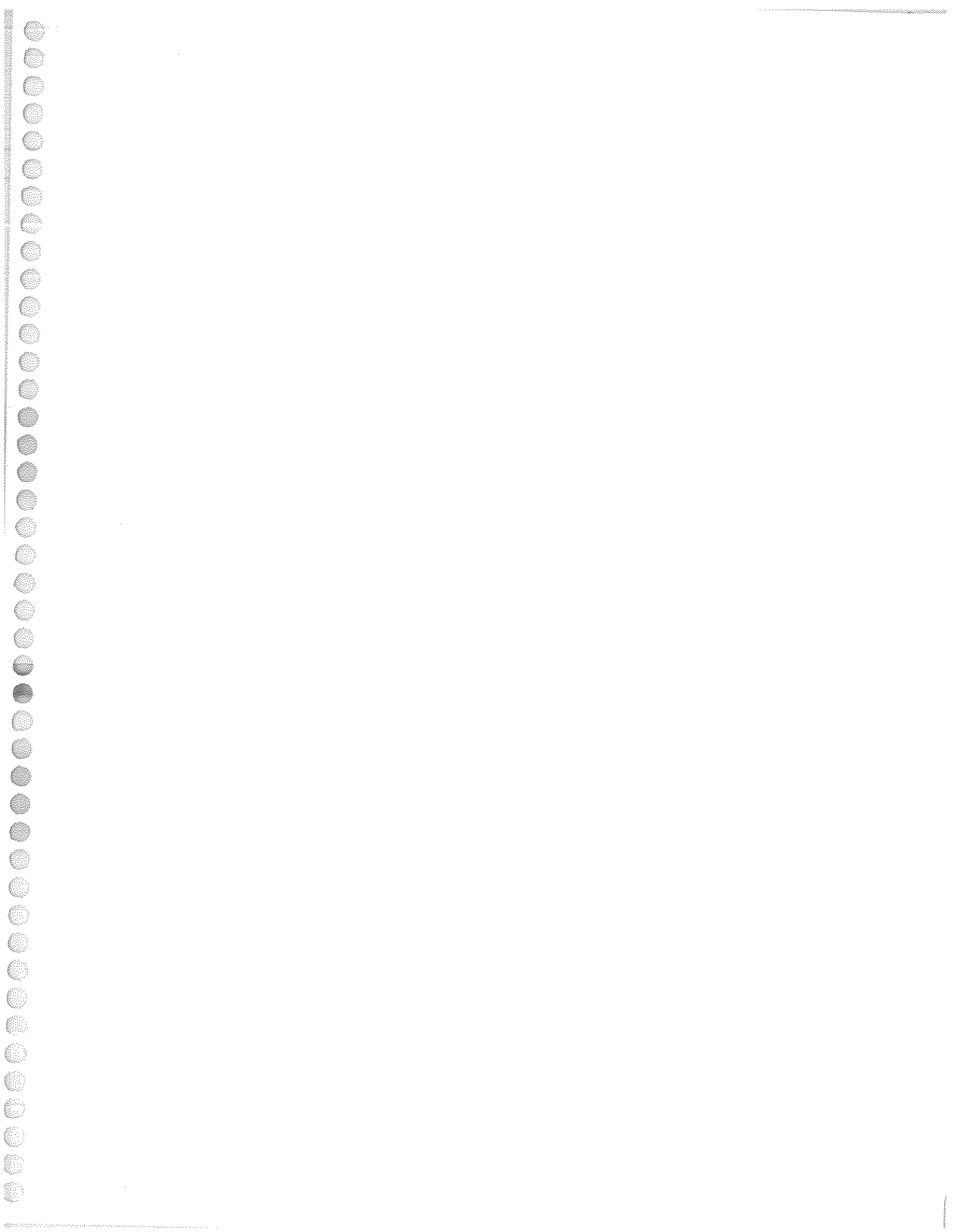
Further, my truck has been damaged twice in the last 3 months-it was parked in the alley behind my building. I do not know that the damage was from any of Da Jungle customers, however, it has never happened in the 10 years that I have lived downtown. In addition, I have had several attempts to get into my building from the roof.

With all do respect to the owners of Da Jungle; I have met them and they are, in my opinion quality people, this bar does not belong in this area. This type of operation does not do anything to insure future quality growth of both businesses and residential development.

Thank you for taking time,
Yours respectfully,

Donald S. Arenson







APB Security, LLC

P.O. Box 090155 * Milwaukee, WI 53209

Phone: (414) 517-1186/ (414) 464 -5238

Sheila Mangum
President

David Berkley
Business
Consultant

November 3, 2005

Ms. Jodie Kornfehl
The Jungle
618 Broadway
Milwaukee, WI 53203

Re: **Security Complaints**

In response to questions and concerns raised by David L. Behnke in his October 21, 2005 letter, APB Security, LLC (APB) is pleased to articulate our Security Plan for The Jungle. As you know APB is collaborating with your in-house security to manage all security issues related to the safe operation of The Jungle, and management of patrons at opening, during operating hours, and at closing. We are contracted to provide Uniformed Security Guards according to the following:

WEEKLY SCHEDULE

Thursdays: 12 Uniformed Security Guards **regularly scheduled**; 6 scheduled for duty at 10:00 PM until 2:30 AM and 6 more scheduled for duty at 10:30 PM until 2:30 AM

Fridays 10 Uniformed Security Guards **reserved** on an as-needed basis; 5 scheduled for duty at 10:00 PM until 2:30 AM and 5 more scheduled for duty at 10:30 PM until 2:30 AM

Saturdays 4 Uniformed Security **regularly scheduled** for duty at 10:00 PM until 2:30 AM

Security issues that APB will manage includes the following:

PARKING

Parking barriers will be located in the street in front of the premises to prevent patrons from causing congestion both before entering the premises, and after the premises are closed.

Uniformed Security Guards will prevent patrons from removing the parking barriers, and from stopping their vehicles in front of the premises, at all times, during opening, operating hours, and at closing.

Uniformed Security Guards will be stationed near the parking structure beyond Michigan Street to ensure the quick exit of patron from the sidewalk area adjacent to the premises and into the public parking structure. Milwaukee Police Officers have been present at the parking structure to ensure orderly exit from at structure, particularly at closing of the premises.

Any unmanageable parking issues will require a call to Milwaukee Police for management.

SIDEWALKS

Entry Into the Premises

Security personnel will keep order by lining patrons up, through use of a security rope, and checking identification prior to entrée to the premises. Once the premises are at capacity, patrons can remain in line for entrée, as long as order is maintained. Unruly patrons will be asked by Uniformed Security personnel to leave the line and the area near the premises. Police will be notified in the event of an imminent violent episode by unruly patrons waiting in line for entrée. Management will notify APB when patrons will no longer be permitted entrée because of the approach of closing time, whereupon, security personnel will disburse anyone still in line for entrée and direct them to their vehicles. No loitering will be permitted at any time, either before opening, during operation, or after the premises are closed.

Exit From the Premises

At closing, patrons will be notified through the Public Address system that the premises are closed for the evening. Overhead lighting will be turned on, and all music will be stopped. Uniformed Security Guards stationed inside of the premises will encourage patrons to leave, monitoring the orderly exit from the premises onto the sidewalk. Once outside of the premises, Uniformed Security Guards will encourage patrons to exit the area near the premises and return to their vehicles. Uniformed Security Guards will discourage and prevent patron from lingering or loitering near the premises after closing.

Inside the Premises

From opening until the last patron leaves the premises, Uniformed Security Guards are on duty inside the premises. Uniformed guards are stationed at two back door entrances to prevent patron either entering or exiting those two doors. Additionally, several Uniformed Security Guards circulate throughout the premises during operating hours, establishing a security presence, preventing arguments and confrontations among patrons, inspecting restrooms, and generally maintaining order. At the close of the premises, inside guards assist in directing patrons to their vehicles.

SECURITY PLANNING AND IMPLEMENTATION

Given the level of challenges to effectively and safely operate The Jungle, the owners of The Jungle and APB have instituted a practice of meeting on a weekly basis to debrief on security issues and challenges that were faced the previous week; how challenges were handled, and share preferred methods for effectively

on how to manage upcoming events, based on past experience and suggested security procedures.

Jodie, I trust that the foregoing specific details will help assuage any apprehension Mr. Behnke and other property owners may have with respect to security operations at The Jungle. Hopefully, they are now reassured that professional security services, with the assistance from the police, when necessary, can protect both their person and their property from harm. APB looks forward to continuing to work with you and the entire staff of The Jungle to ensure a good time is had by your patrons, while a safe community is maintained for your neighbors. Please let me know if I can be of further service to you, as APB continues to provide you with ***A Life Time of Protection.***

Very truly yours,

Sheila Mangum
President

A handwritten signature in cursive script that reads "Sheila Mangum". The signature is written in black ink and is positioned to the right of the typed name and title.



only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-3. Prior to voting on the committee's recommendation, all members of the council who are present shall signify that they have read the recommendation and report of the utilities and licenses committee and any objections that have been filed thereto. If they have not, the chairman shall allocate time for the members to do so. If they have read the report and recommendation, then a roll call vote shall be taken as to whether or not the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the vote taken by the full common council.

3. REQUEST TO SURRENDER A LICENSE. a. In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.

9. DISQUALIFICATION FOR LICENSE. a. Whenever any licensee is denied renewal, it shall be so entered on the record by the city

clerk and no other alcohol beverage license shall be so granted to such person for that location within 12 months of the date of nonrenewal.

b. If the license renewal was denied for a reason relating to the fitness of the location, no other alcohol beverage license shall be granted within 12 months from the date of the nonrenewal to any other applicant at that location.

c. When any license is surrendered in lieu of pending nonrenewal proceedings, no other alcohol beverage license shall be granted to such person within 12 months of the date of its surrender.

90-12. Revocation or Suspension of Licenses.

1. CAUSES. Any license issued under this chapter may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Such licenses shall be suspended or revoked for the following causes:

a. The making of any material false statement in any application for a license.

b. The conviction of the licensee, his agent, manager, operator or any other employe for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.

c. A showing that such license has violated any state law or city ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons, or to any person intoxicated or bordering on the state of intoxication.

d. The violation of the provisions in ss. 90-7 through 90-10 and 90-13 through 90-31.

e. The violation of any of the excise laws of this state.

f. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; or

g. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock,

90-12-3 Liquor and Tavern Regulations

or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

h. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

i. For any other reasonable cause which shall be in the best interests and good order of the city.

3. STATE LAW APPLICABLE. Except as hereinafter provided, the provisions of ss. 125.12(2)(ag) to (c), Wis. Stats., shall be applicable to proceedings for the suspension and revocation of all licenses granted under this chapter.

4. COMMENCEMENT OF PROCEEDINGS. Suspension or revocation proceedings may be instituted by the proper licensing committee of the common council upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

5. PROCEDURES FOR REVOCATION OR SUSPENSION. a. Complaint; Summons.

a-1. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate statutes or ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the utilities and licenses committee, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended.

a-2. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

b. Committee Hearing. b-1. Upon receipt of evidence that the summons has been served, the utilities and licenses committee shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the full common council in connection with the proposed revocation or suspension.

b-2. If the licensee appears before the committee at the time designated in the summons

and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

b-3. At any evidentiary hearing required by this subsection, the city attorney shall first present evidence in support of the complaint. After the city attorney rests, the licensee shall present evidence in opposition to the complaint. Each may subpoena witnesses. All witnesses shall testify under oath and shall be subject to cross-examination under oath. At the close of the testimony, each shall be given a reasonable time to make arguments upon the evidence adduced at the hearing.

b-4. The chairman of the utilities and licenses committee shall be the presiding officer. The chairman shall direct that oaths be administered and subpoenas issued upon request of either side. The chairman shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chairman shall rule on objections to the admissibility of evidence. Any ruling of the chairman shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-5. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

b-6. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

c. Committee Report. c-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee and transmit a copy thereof to the city attorney. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

c-2. If the committee recommends that the license be revoked or suspended, then within 7 days of the receipt of the report and

recommendation of the committee, the licensee shall file written exceptions, if any, to the report and recommendations of the committee. Written exceptions shall include a concise statement of objections together with supporting arguments.

c-3. Any exceptions filed by the licensee to the report and recommendations of the committee shall be filed by the close of business on the day that is 3 working days prior to the date on which the matter is to be heard by the common council. Copies of exceptions shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

d. Council Action. d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by certified mail and also notify the city attorney that the common council will convene. If written exceptions are filed, the hearing shall be at the time set for such proceedings by the council's rules. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted where written exceptions have been timely filed and only at the discretion of the chair. If argument is permitted by the chair, argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any

person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-2. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. Such vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with Wisconsin statutes, the city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused.

e. Effective Date of Suspension or Revocation. All suspensions and revocations shall be effective upon service of notice of the suspension or revocation upon the licensee or person in charge of the licensed premises at the time of service.

7. REQUEST TO SURRENDER A LICENSE. a. In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on revocation or suspension, the licensee must request, in writing, permission from the proper licensing committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the suspension or revocation hearing.

b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.

90-13 Liquor and Tavern Regulations

8. DISQUALIFICATION FOR LICENSE. a. Whenever any license is revoked it shall be so entered of record by the city clerk and no other alcohol license shall be granted to such person within 12 months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded.

b. No other intoxicating liquor license or fermented beverage license shall be granted within 30 days from the date of the revocation of such license to any other person to sell intoxicating liquors or fermented malt beverages on the premises operated by the licensee whose license has been so revoked.

c. When any license is surrendered in lieu of pending revocation or suspension proceedings, no other alcohol beverage license shall be granted to such person within 12 months of the date of its surrender nor shall any part of the money paid for any license that has been surrendered be refunded.

90-13. Alterations to Premises. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the utilities and licenses committee prior to issuance of a permit pursuant to s. 200-24 by the department of city development. An applicant whose permit application has been denied by the committee may appeal the decision to the common council.

90-14. Restrictions as to Location of Premises.

1. 300 FEET RESTRICTION. No Class "A" or Class "B" license for the sale of intoxicating liquor may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any church, school or hospital. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license.

2. EXCEPTIONS. The prohibition in sub. 1 does not apply to any of the following:

a. Premises covered by a Class "A" or Class "B" license on June 30, 1947.

b. Premises covered by a Class "A" or Class "B" license prior to the occupation of real property within 300 feet thereof by school, hospital or church building.

c. A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

90-15. Hours of Operation. 1. CLASS "A"

RETAILER'S INTOXICATING LIQUOR LICENSE. No premises for which a Class "A" retailer's intoxicating liquor license has been issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

2. CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. No holder of such a license shall sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m., except a brewery that operates a bonafide 3rd shift for at least 9 months of a previous year may sell fermented malt beverages to its employees in a designated employe shopping area on brewery premises between the hours of 8:00 a.m. to 11:00 p.m.

3. CLASS "B" FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR RETAILER LICENSES OR CLASS "B" SERVICE BAR LICENSE. a. Closing Hours - Prohibited Hours. a-1. No person holding such licenses shall permit a patron to enter or remain on the licensed premises between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 2. On January 1, premises operating under such licenses are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m.

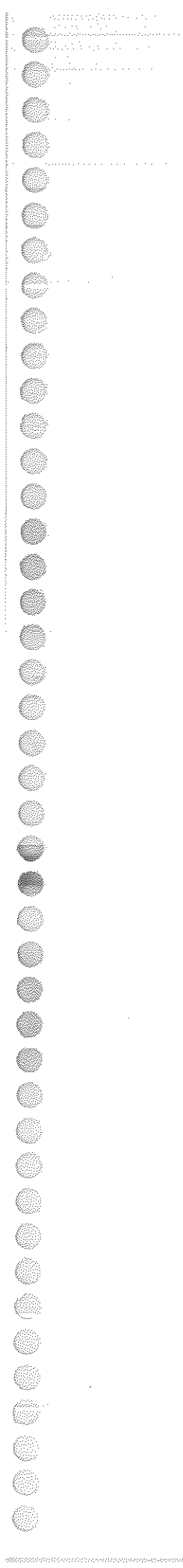
a-2. Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor or fermented malt beverages during the prohibited hours under subd. 1.

a-3. No patron shall enter or remain on the licensed premises during the hours specified in subd. 1.

b. Special Hours for Sale in Original Packages. Between 9:00 p.m. and 8:00 a.m. no person may sell any intoxicating liquor or fermented malt beverages on any Class "B" licensed premises in an original unopened package, container, or bottle or for consumption away from the premises.

4. HOURS FOR MUSIC. See s. 90-36-1 and 2 for the applicable regulations.

5. PENALTY. A patron who is convicted of violating sub. 3-a-3 shall be subject to a forfeiture of not more than \$250 and in default thereof, shall be imprisoned in the county jail or house of correction for a period not to exceed 10 days.



H

Supreme Court of Wisconsin.
STATE of Wisconsin, Plaintiff-Respondent-Petitioner,
v.
QUALITY EGG FARM, INC., Defendant-Appellant.
No. 80-938.


Argued Oct. 5, 1981.

Decided Nov. 3, 1981.

The Circuit Court, Kenosha County, Michael S. Fisher, J., permanently enjoined an egg farm operation, which produced 15 tons of chicken manure per day, as a public nuisance, and appeal was taken. The Court of Appeals, 101 Wis.2d 732, 306 N.W.2d 305, reversed, and further appeal was taken. The Supreme Court, Steinmetz, J., held that: (1) law on public nuisance is not governed solely by number of people affected; number of people affected is only one of several criteria, with others being the location of the operation or property, degree or character of the injury inflicted or the right impinged upon, reasonableness of the use of the property, nature of the business maintained, proximity of dwellings to the business, and nature of the surrounding neighborhood or community, and (2) case would be remanded for further proceedings consistent with the opinion.

Reversed and remanded.

West Headnotes


[1] Nuisance 62279k62 Most Cited Cases

It is not only number of people affected that determines whether nuisance is public or private but also whether those persons constituted a local neighborhood or community or what the nature of the injury is; test is not number of persons injured but character of the injury and of the right impinged upon.

[2] Nuisance 61279k61 Most Cited Cases

In determining whether there is a public nuisance, trial court must first consider nature of the business or use made of the property, but lawfulness of the business or property does not control, nor do corrective measures applied by owner or op-


erator; such factors are matters to consider on ultimate issue of lack of enjoyment of life and property due to existence, location or activity of the business.

[3] Nuisance 59279k59 Most Cited Cases

What may be a nuisance in one location may not be one elsewhere.

[4] Nuisance 62279k62 Most Cited Cases

If a business interferes with comfortable enjoyment of life and property by entire community or neighborhood or any considerable number of persons, it may be a public nuisance.

[5] Nuisance 59279k59 Most Cited Cases

A "nuisance" is an unreasonable activity or use of property that interferes substantially with comfortable enjoyment of life, health, safety of another or others.

[6] Nuisance 71279k71 Most Cited Cases

If trial court finds a nuisance present, it must then determine whether it is a private or public nuisance, depending on parties in the action, the claim made and the remedies sought.

[7] Nuisance 62279k62 Most Cited Cases

Character of the injury and the right impinged upon, not the number of persons injured, is proper test of a public nuisance.

[8] Nuisance 59279k59 Most Cited Cases

Law on public nuisance is not governed solely by number of people affected; number of people affected is only one of several criteria, with others being the location of the operation or property, degree or character of the injury inflicted or the right impinged upon, reasonableness of the use of the property, nature of the business maintained, proximity of dwellings to the business, and nature of the surrounding neighborhood or community.

****651 *507** Maryann Sumi, Asst. Atty. Gen. (argued), for

plaintiff-respondent-petitioner; Bronson C. La Follette, Atty. Gen., on brief.

*508 Milton C. Konicek, Konicek Law Offices, S. C., Burlington, for defendant-appellant.

STEINMETZ, Justice.

The issues in this case are the definition in the state of Wisconsin of a public nuisance and whether the evidence in this case sustained the trial court's conclusion of a public nuisance which allowed the state of Wisconsin as a proper party to bring the complaint.

The court of appeals reversed and found as a matter of law that there was no public **652 nuisance established and, therefore, the attorney general's office was not empowered to seek the abatement of defendant's (Quality Egg Farm, Inc.) operation. We reverse the court of appeals, 101 Wis.2d 732, 306 N.W.2d 305, and remand to the trial court for findings consistent with the evidence as determined by that court consistent with this opinion.

In 1967, the Quality Egg Farm, Inc., commenced operation of its egg farm in Bristol, Wisconsin. At that time, both Dr. John Skinner, a professor of agricultural sciences at the University of Wisconsin, and the county agricultural agent had recommended against starting operation in this location, due to the close proximity of the egg farm operations to neighboring homes and a grade school. Despite these recommendations and the egg farm owner's own reservations about the location, the Quality Egg Farm commenced operations, starting with 60,000 chickens and increasing that number to 140,000 by 1974, with plans to increase to 300,000 chickens in the future.

The Quality Egg Farm houses its chickens in seven houses with approximately 20,000 chickens per house. The operation produces 15 tons of chicken manure per day. There was testimony that the operation causes the emission of chicken manure odors and chicken body *509 odors, and flies are a constant problem. Dr. Skinner described the source of the odors as follows:

"(I)t was a combination of the manure odors and the normal body odors of the chickens, in this concentration, be-

ing forced on the community by the fans that ventilate the birds, and by the agitation of the manure in removing it from the house and depositing it on the land."

There was testimony describing the odor as "nauseating," "pungent," "unbearable," and that it made one sick or ill or gave one a headache.

Manure is removed from the houses and spread on the ground surface of the egg farm, even when the ground is frozen and unworkable.

Over two-thirds of the people available at trial to testify for the state lived in the vicinity of the egg farm at least five years before the egg farm moved into the area. The majority of the people in the area are farmers or are from farm back-grounds.

Two years before this action was commenced (February and March, 1976) the department of natural resources investigated complaints of odors emanating from the farm. A public hearing was held in Bristol to determine whether a proposed order to abate malodorous emissions should issue. The proposed order was rescinded by the hearing examiner on March 22, 1977. No further action was taken with respect to that proceeding.

The department of justice has independent jurisdiction under sec. 823.02, Stats., [FN1] to seek abatement of public *510 nuisances. State v. Dairvland Power Cooperative, 52 Wis.2d 45, 54, 187 N.W.2d 878 (1971), held the doctrine of exhaustion of administrative remedies does not apply to a public nuisance action of this kind.

[FN1] "823.02 Injunction against public nuisance, time extension. An action to enjoin a public nuisance may be commenced and prosecuted in the name of the state, either by the attorney general on information obtained by the department of justice, or upon the relation of a private individual, sewerage commission created under ss. 66.20 to 66.26 or a county, having first obtained leave therefor from the court. An action to enjoin a public nuisance may be commenced and prosecuted by a city, village, town or a sewerage commission of a city of

the 1st class and a metropolitan sewerage commission created under s. 59.96 in the name of the municipality or metropolitan sewerage district, and it is not necessary to obtain leave from the court to commence or prosecute the action. The same rule as to liability for costs shall govern as in other actions brought by the state. No stay of any order or judgment enjoining or abating, in any action under this section, may be had unless the appeal is taken within 5 days after notice of entry of the judgment or order or service of the injunction. Upon appeal and stay, the return to the court of appeals or supreme court shall be made immediately."

This action for abatement of a public nuisance was commenced by the state of Wisconsin by summons and complaint filed April 12, 1978, in Kenosha county circuit court against the Quality Egg Farm, Inc. Pursuant to sec. 823.02 Stats., the state **653 sought abatement of the emission of chicken and chicken manure odors caused by the operation of defendant's egg industry in the town of Bristol, Kenosha county.

On May 17, 1978, the Kenosha county circuit court, the Honorable Michael S. Fisher, granted the state's motion for preliminary injunction finding that:

"(L)andowners in the vicinity are entitled to the reasonable use and enjoyment of their property, that the situation which presently exists has curtailed these rights, that the granting of a preliminary injunction will not prohibit the defendant from continuing its operations until a full hearing on the merits can be held."

The court issued orders with the preliminary injunction to the Quality Egg Farm, Inc., to properly dispose of the chicken manure and to conduct its operations in a sanitary and nuisance-free manner.

Less than two months later, the state petitioned the court for contempt of the May 17 order. An evidentiary *511 hearing was held on July 28, 1978, and a trial to the court on November 16 and 17, 1978. On February 27, 1979, the circuit court issued its decision granting the defendant nine months to eliminate all objectionable odors emanating from the chicken farm and to materially reduce the fly problem. A referee, Professor Richard W. Miller of the Carthage Col-

lege Geography Department, was appointed by the court to monitor the situation.

A final hearing was held on April 16, 1980, to receive the report of the referee.

On May 2, 1980, the court issued its final decision finding inter alia that:

"(D)ue to the poor location of the Egg Farm in relationship to the closeness of its residential neighbors, the great number of birds and the great amount of manure they produce, there will never be a solution to the problem. While the odors have been somewhat lessened, they are still present and the fly problem remains. It is highly doubtful that these problems can ever be overcome."

The court also in the decision stated:

"The Court is satisfied that in the fact situation before the Court the interference created by the Egg Farm is both substantial and unreasonable in that it has for many years prevented the neighbors from the normal use and enjoyment of their property and has had some effect on their health.

"...

"The odors complained of and fly problem were established by clear and convincing proof to be more than a minor visitation. It was shown that the nuisance was substantial and unreasonable and did affect the normal use and enjoyment of the complainants' life, health and property.... Under the circumstances the Court does not believe the nuisance has been, nor can it be, abated Therefore, the Court finds no alternative but to order a permanent injunction."

*512 In the May 2, 1980, decision the trial court made no statement whether the egg farm was found by him to be a public nuisance.

A reference by the trial court to the nuisance being public was in the March 30, 1979, interlocutory judgment "for injunctive relief to abate public nuisance caused by the operation of the Quality Egg Farm." Accordingly, the judge ordered the egg farm operators to take corrective actions and appointed the referee. The decision of the trial court leading to the interlocutory judgment applied the evidence of the

case to hold the operation of the egg farm was a nuisance. The only commentary regarding public nuisance was:

"This Court sees good reason for the neighbors to complain and for one party, in this case the State of Wisconsin, to act on behalf of the neighbors as a single spokesman." (Emphasis added.)

And:

"Under the conditions as they now exist, the evidence clearly shows an interference with the use and enjoyment of the land of the surrounding residential neighbors. This interference is substantial and unreasonable."

****654** In findings and conclusions dated March 30, 1979, in conclusions of law, the trial court held:

"4. The operation of the Quality Egg Farm constitutes a public nuisance, entitling the plaintiff to injunctive relief abating the public nuisance caused by the egg farm.

"5. The injury caused due to the operation of the Quality Egg Farm as a public nuisance is not permanent, but there exists a potential for permanent injury.

"...

"IT IS HEREBY ORDERED that judgment be entered in favor of the plaintiff, State of Wisconsin, and against the defendant, Quality Egg Farm, Inc., for injunctive relief to abate the public nuisance caused by operation of the Quality Egg Farm, Inc...."

***513** In the May 2, 1980, decision, the operation of the farm is referred to as creating a nuisance as found in the decision of February 27, 1979, and that the interference created by the egg farm "is both substantial and unreasonable in that it has for many years prevented the neighbors from the normal use and enjoyment of their property and has had some effect on their health."

Quality Egg Farm appealed the May 2, 1980, decision and order of the circuit court to the court of appeals. The court of appeals reversed the trial court, and the state of Wisconsin sought review by this court.

The court of appeals in reversing the trial court found the evidence failed to support a finding of public nuisance and, therefore, the state of Wisconsin, plaintiff, was not entitled to any relief pursuant to sec. 823.02, Stats. The court held

that the proof was the citizens affected by the operation of the egg farm were affected only as to their private interests, but they were not parties seeking private relief.

The court of appeals discussed, in an unpublished opinion, the dichotomy between the definition of public nuisance in Wisconsin and what that court referred to as the majority rule. It cited 58 Am. Jur.2d Nuisances sec. 10 (1971) at 565 for the majority rule as follows:

"The difference between a public and private nuisance is that a public nuisance affects the public at large whereas a private nuisance affects an individual or a limited number of individuals only."

The court of appeals went on to state:

"It is the general rule that a finding of a public nuisance cannot be based solely upon the fact that the nuisance affects a number of persons. Generally, in order for a nuisance to be classified as a public nuisance, the nuisance must interfere (with) or affect a public right or interest."

***514** The court of appeals also stated how Wisconsin's law of public nuisance differs from the general rule as follows:

"In this state, the evolution of the common law has resulted in a definition of public nuisance based on the scope of the injury rather than the type or nature of the injury. *State v. Michels Pipeline Construction, Inc.*, 63 Wis.2d 278, 286, 217 N.W.2d 339, 219 N.W.2d 308 (1974). In Wisconsin, when determining whether a nuisance is public or private, one looks to the number of persons injured and the degree to which they are affected. One does not look to the nature of the interest concerned. The reason or rationale behind the dichotomy between the Wisconsin and majority rules is not apparent from a reading of the case law. It is clear, however, that under the majority rule for a public nuisance to exist there must be an injury to a number of persons and a public interest whereas under the Wisconsin law a public nuisance exists whenever you have an injury to a number of persons or a public interest."

The distinction made by the court of appeals between the majority rule and Wisconsin's rule as to public nuisance was correct; however, it is then apparent the court of appeals applied to its review of this case the majority rule and not the

Wisconsin rule. It held:

"In this case, the limited number of people affected cannot be classified ... (as) an 'entire community,' ****655** Schiro v. Oriental Realty Co., *supra*, (272 Wis. 537, 76 N.W.2d 355) or a 'local neighborhood,' Boden v. City of Milwaukee, *supra*, (8 Wis.2d 318, 99 N.W.2d 156 (1959)) a 'sufficiently large number of persons,' State v. Michels Pipeline Construction, Inc., *supra*, or a public interest."

The court then emphasized, however, that: "No testimony was offered to show that the public at large was affected."

The court of appeals then held that after reviewing the evidence most favorable to the State of Wisconsin, ***515** it was insufficient to sustain the trial court's finding of public nuisance. Chart v. General Motors Corp., 80 Wis.2d 91, 110, 258 N.W.2d 680 (1977).

The court held that as a matter of law the trial court should have found this was not a public nuisance since it was obvious to the court of appeals that "a very small number of people were affected by the odors created by the egg farm." The court of appeals found: "The evidence presented by the State was limited to the single issue of how the odor affected the testifying individuals in their private lives." This was substituted judgment on the part of the court of appeals, and it was evidently influenced by that court's determination that no independently recognizable public interest was affected by the evidence in the record.

The court of appeals difficulty was partly caused by its reluctance to apply Wisconsin's rule of public nuisance over the majority rule, but also the failure of the trial court to make findings leading to its conclusion that the egg farm operation was a public and not only a private nuisance. It made findings of nuisance from the evidence, but concluded its public nature without stating findings leading to that conclusion.

[1] It is not only the number of people affected that determines whether the nuisance is public or private in Wisconsin, but also whether those persons constituted a local neighborhood or community or what the nature of the injury is as stated in Costas v. Fond du Lac, 24 Wis.2d 409, 414, 129 N.W.2d 217 (1964): "The test is not the number of persons

injured but the character of the injury and of the right impinged upon." See also, State v. H. Samuels Co., 60 Wis.2d 631, 635, 211 N.W.2d 417 (1973).

[2] In determining whether there is a public nuisance, the trial court must first consider the nature of the business ***516** or use made of the property. The lawfulness of the business or property does not control, nor do the corrective measures applied by the owner or operator. These are matters to consider on the ultimate issue of lack of enjoyment of life and property due to the existence, location or activity of the business.

[3] Material to the nature of the business or use of the property is its location. What may be a nuisance in one location may not be one elsewhere. This court has last quoted from Euclid v. Ambler Co., 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926), in Abdella v. Smith, 34 Wis.2d 393, 400, 149 N.W.2d 537 (1967):

" ' "A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard." ' Hutt v. Lamont's Service, Inc. (1965), 27 Wis.2d 177, 181, 133 N.W.2d 734."

Nevertheless:

"(P)igs cannot be raised in the city, hence they must be raised on the farm. If they are raised there under conditions as clean and sanitary as can reasonably be attained considering the characteristics of the animal and the necessity for confinement in close quarters, the fact that odors from those quarters are carried abroad on the summer breeze will not make an actionable nuisance." Clark v. Wambold, 165 Wis. 70, 71-72, 160 N.W. 1039 (1917).

However, this court did state in Milwaukee v. Milbrew, Inc., 240 Wis. 527, 533, 3 N.W.2d 386 (1942): "(T)hose which in their nature are not nuisances but may become so by reason of their locality, surroundings or the manner in which they may be conducted or managed..." " Citing The People v. City of Chicago, 260 Ill. 150, 152, 102 N.E. 1039 (1913).

****656** [4] Once the property, business or its use is defined, the trial court must determine whether it causes an obstruction ***517** to the free use of property by others. Does it interfere with the comfortable enjoyment of life and property by

an entire community or neighborhood or any considerable number of persons? If the answer is "yes," it may be a public nuisance. Acme Fertilizer Co. v. State, 34 Ind.App. 346, 348-49, 72 N.E. 1037 (1905). That case stated the common law as applied to nuisances as: "... Whatever is injurious to health, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property." ..."

In Schiro v. Oriental Realty Co., 272 Wis. 537, 546, 76 N.W.2d 355 (1956), this court accepted a definition of nuisance as stated by Professor Warren A. Seavey in his article entitled Nuisance: Contributory Negligence and Other Mysteries, 65 Harv.L.Rev. 984 (1952): "As commonly used, it connotes a condition or activity which unduly interferes with the use of land or of a public place."

In Hunter v. McDonald, 78 Wis.2d 338, 344, 254 N.W.2d 282 (1977), this court adopted a definition of nuisance from 66 C.J.S. Nuisances sec. 1 (1950): "A nuisance is a wrong which may arise from the unreasonable or unlawful use by a person of his own property."

[5] A nuisance is an unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others.

[6] If the trial court finds a nuisance present, it must then determine whether it is a private or public nuisance, depending on the parties in the action, the claim made and the remedies sought.

58 Am.Jur.2d Nuisances sec. 7 (1971) defines a public nuisance as an injurious affect to the safety, health or morals of the public or use of property which:

"(W)orks some substantial annoyance, inconvenience, or injury to the public, and as a nuisance which causes hurt, inconvenience, or damage to the public generally, *518 or such part of the public as necessarily comes in contact with it in the exercise of a public or common right." Id. at 561.

At 58 Am.Jur.2d Nuisances sec. 8 (1971) it is also indicated it may be a public nuisance, "if injury and annoyance are oc-

casioned to such part of the public as come in contact with it..." Id. at 563.

58 Am.Jur.2d Nuisances sec. 10 (1971) continues:

"But it is admittedly a difficult question to tell whether a nuisance is so general in its character that is, affects a sufficient number of persons to justify its characterization as a 'public nuisance.' ... No doubt a nuisance is public if it affects the entire community or neighborhood, or any considerable number of persons, or if it occurs in a public place or where the public frequently congregate or where numbers of the public are likely to come within the range of its influence. However, to make a nuisance a public one, it need not necessarily affect the government of the whole community or the state, nor need it in fact cause hurt, inconvenience, or injury to all the public, but it is public if it affects the surrounding community generally or the people of some local neighborhood" Id. at 565.

66 C.J.S. Nuisances sec. 2 (1950) states: "A nuisance is 'common' or 'public,' the terms being synonymous, where it affects the rights enjoyed by citizens as part of the public, that is, the rights to which every citizen is entitled." At 730.

"It is the public annoyance, and not the number of people annoyed by it, that constitutes it a public nuisance." Id. at 732. That is the "nature" theory of public nuisance applied by some courts.

"(I)t is public if it affects the surrounding community generally, or the people of some local neighborhood. It is sufficient if it operates on such members of the public as are brought into contact with **657 the conditions that constitute the nuisance." Id. at 732.

*519 This is referred to as the "scope" test.

In Milwaukee v. Milbrew, Inc., supra, where the court considered the odor of dried yeast emanating from a plant, the court was construing an ordinance prohibiting offensive odors as public nuisances and found that dried yeast odor did not cause substantial physical injury to property or occupant. In the case, the court approved the following language in Pennoyer v. Allen, 56 Wis. 502, 510-11, 14 N.W. 609 (1883):

"Of course the law is not so rigid as to make every business which imparts any degree of impurity to the atmo-

sphere a nuisance. The law is practical as well as just. The maintenance of life and business, especially in crowded cities, necessitates the imparting of a certain degree of impurity to the atmosphere. The law gives protection only against substantial injury. To be of legal cognizance, the injury must be tangible, or the discomfort perceptible to the senses of ordinary people. Undoubtedly a party has the unlimited and unqualified right to use his property as he pleases, provided he does not so use it as to become a nuisance to others.... The question of nuisance, therefore, depends not only upon the character of the business maintained, but its proximity to the dwellings, business, property, or occupancy of others."

In the Milbrew case, supra, 240 Wis. at 534, 3 N.W.2d 386, the court also held:

"Foul and offensive odors have long been recognized by the common law as constituting a public nuisance. 2 Wood, Nuisances, p. 819, sec. 609; but this form of nuisance arising from the proper conduct of a lawful business must, as a general matter, be tested in respect to the location where the business is being conducted."

The Milbrew case, supra, at 534, 3 N.W.2d 386, held that the operation of the business must be proven by a preponderance of the evidence to be of such a nature as to deprive a normal person living in the neighborhood of the comforts of home so that it may be said the public welfare is invaded to be *520 held to be a public nuisance. There must be a substantial injury tangible or discomfort perceptible to the senses of ordinary people.

[7] As we stated previously, Costas v. Fond du Lac, supra, 24 Wis.2d at 414, 129 N.W.2d 217, held that the character of the injury and of the right impinged upon, and not the number of persons injured, is the proper test.

In State v. H. Samuels Co., supra, 60 Wis.2d at 635, 211 N.W.2d 417, the court held:

"A public nuisance may be proved by a few witnesses. It is the extent and the nature of the acts and the resulting damage which are important, not the number of witnesses...."

Jost v. Dairyland Power Cooperative, 45 Wis.2d 164, 172

N.W.2d 647 (1969), in reviewing the theory of public nuisance in the context of a suit for damages, relied on Pennoyer v. Allen, supra, emphasized that the destruction of the plaintiffs' comfortable enjoyment of their homes furnished the ground for the action.

State v. Michels Pipeline Construction, Inc., supra, 63 Wis.2d at 288, 217 N.W.2d 308, continued consistently to apply this court's definition of public nuisance as not requiring the general public involvement as follows: "The 'public' does not have to include all the persons of the community but only a sufficiently large number of persons, as alleged here."

[8] Therefore, we reverse the court of appeals. The law in Wisconsin on public nuisance is not governed solely by the number of people affected. The number of people affected is only one of several criteria in Wisconsin's rule of public nuisance. Others referred to in this decision are the location of the operation or property; the degree or character of the injury inflicted or the right impinged upon; the reasonableness of the use of the property; the nature of the business maintained; the proximity of dwellings to the business; and the nature *521 of the surrounding neighborhood or **658 community. It is for the trier of fact to apply the evidence received to the criteria to be considered in determining whether a public nuisance is present. That evidence, depending on the circumstances of the case, may prove one or all of the criteria or a combination of the criteria, but with varying degrees of severity in each.

The case is remanded to the trial court for findings based on the evidence which led that court to its conclusion that the operation of the egg farm was a public nuisance, and then whether the court still concludes there is a public nuisance to be abated.

The trial court may, as the judge believes it necessary, due to the injunctive relief granted, hear testimony and receive evidence regarding conditions relating to the defendant's operation subsequent to the last hearing of April 16, 1980.

The decision of the court of appeals is reversed and the cause is remanded for further proceedings consistent with this opinion.

Westlaw

311 N.W.2d 650

104 Wis.2d 506, 311 N.W.2d 650

(Cite as: 104 Wis.2d 506, 311 N.W.2d 650)

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Court of Appeals of Wisconsin.
 Dan BUBOLZ, Margaret Bubolz, Dale Myers, Marilyn Myers,
 Henry Weiss, Olga Weiss, Felix Wildgruber, Virginia Wildgruber, Lester Gilbertson,
 Sylvia Gilbertson, John Waldman, and Lila Waldman, Plaintiffs-
 Respondents-Cross Appellants,
 v.
 DANE COUNTY, Defendant-Cross Respondent,
 Thomas Junck, and Linda Junck, Defendants-Appellants-Cross Respondents.
No. 89-0819.

Submitted on Briefs April 9, 1990.
 Opinion Released Nov. 21, 1990.
 Opinion Filed Nov. 21, 1990.

Subdivision members brought action against lot owners, challenging owners' commercial use of lot. The Circuit Court, Dane County, Angela B. Bartell, J., enjoined owners from using lot for commercial purposes, but upheld rezoning of lot and determined that lot owners' activity was not nuisance. Owners appealed and members cross-appealed. The Court of Appeals, Dykmann, J., held that: (1) evidence supported determination that general plan existed, entitling members to enforce restrictive covenant in lot owners' deed; (2) injunction was sufficiently broad; (3) rezoning of lot to limited commercial use was not illegal spot zoning; and (4) owners' operation of electrical contracting business was not private nuisance.

Affirmed.

West Headnotes

[1] Zoning and Planning ↪655

414k655 Most Cited Cases

Existence of general development plan or scheme is question of fact determined by examining intent of original owners in planning development, conditions of planning, and all surrounding circumstances.

[2] Appeal and Error ↪842(8)

30k842(8) Most Cited Cases

Correct construction of restrictive covenant is question of law which Court of Appeals reviews independently.

[3] Covenants ↪79(1)

108k79(1) Most Cited Cases

Even in absence of privity, deed covenants are enforceable by purchasers of land in same tract, where common owner imposed restrictions on each parcel of property sold with general plan or scheme in mind to enhance value or attractiveness of tract as whole; question is whether common grantor placed restrictive covenant in deed for purpose of carrying out general plan of development, which was to inure to benefit of other grantees.

[4] Covenants ↪79(3)

108k79(3) Most Cited Cases

Evidence supported determination that general plan existed, entitling subdivision members to enforce restrictive covenant in lot owners' deed which precluded commercial use, even though restrictive covenants were not placed in all conveyances; former co-owner testified that in conveying lots he had intended to create "nice residential area" in which he did not envision commercial use, and that he placed restrictive covenants only in conveyances to parties he did not know well.

[5] Covenants ↪51(2)

108k51(2) Most Cited Cases

Restrictive covenant providing that "[n]ot more than one (1) single family residence shall be constructed * * *" did not limit only construction on property, but also its use.

[6] Covenants ↪49

108k49 Most Cited Cases

Term "residential," when used in restrictive covenant, is in contradistinction to "business" or "commercial."

[7] Appeal and Error ↪954(1)

30k954(1) Most Cited Cases

[7] Injunction ↪1

212k1 Most Cited Cases

Grant or denial of injunctive relief is within sound discretion of trial court and will not be upset absent showing of

abuse of discretion.

[8] Appeal and Error ↪946

[30k946 Most Cited Cases](#)

To find abuse of discretion, Court of Appeals must determine either that discretion was not exercised or that there was no reasonable basis for trial court's decision.

[9] Injunction ↪12

[212k12 Most Cited Cases](#)

[9] Injunction ↪17

[212k17 Most Cited Cases](#)

To obtain injunction, plaintiff must show sufficient probability that future conduct of defendant will violate right of and will injure plaintiff and, moreover, must establish that injury is not adequately compensable in damages.

[10] Injunction ↪128(6)

[212k128\(6\) Most Cited Cases](#)

Record provided reasonable basis for trial court's decision to impose permanent injunction prohibiting lot owners from using lot for commercial purposes, as would violate restrictive covenant in their deed; injury, deterioration of attractiveness of subdivision, could not be adequately compensated by monetary award.

[11] Injunction ↪189

[212k189 Most Cited Cases](#)

Permanent injunction prohibiting lot owners from using lot for commercial purposes, as would violate restrictive covenant in their deed, was sufficiently broad even though it allowed owners to store electrical supplies on lot; injunction preserved rural character of subdivision, particularly as storage of electric supplies did not have to be open or visible.

[12] Injunction ↪189

[212k189 Most Cited Cases](#)

Injunctive relief should be tailored to necessities of particular case.

[13] Zoning and Planning ↪602

[414k602 Most Cited Cases](#)

[13] Zoning and Planning ↪620

[414k620 Most Cited Cases](#)

Judicial review of spot zoning determinations is limited to

cases involving abuse of discretion, excess of power, or error of law; as long as legislative body acts within sphere of its authority, its discretion is controlling.

[14] Zoning and Planning ↪35

[414k35 Most Cited Cases](#)

"Spot zoning" is practice of allowing single lot or area special privileges which are not extended to other land in vicinity in same use district.

[15] Zoning and Planning ↪162

[414k162 Most Cited Cases](#)

Spot zoning is not per se illegal, but should be consistent with long-range planning and based on considerations which effect whole community and, thus, it should only be indulged in where it is in public interest and not solely for benefit of property owner requesting rezoning.

[16] Zoning and Planning ↪168

[414k168 Most Cited Cases](#)

Rezoning of lot for limited commercial use was not illegal spot zoning; evidence supported conclusions that lot owners' electrical business provided public service both to their immediate neighbors as well as to entire town and that rezoning was in public interest, not solely for benefit of lot owners.

[17] Nuisance ↪1

[279k1 Most Cited Cases](#)

"Private nuisance" is unreasonable interference with interest of individual in use and enjoyment of land; activity complained of must create more than inconvenience and must be offensive to person of ordinary and normal sensibilities.

[18] Nuisance ↪3(5)

[279k3\(5\) Most Cited Cases](#)

It was not established that lot owners' activities in conducting electrical contracting business constituted private nuisance; large expanse of land separated lot owners' house and buildings from their closest neighbor, motor vehicles including trucks were found in any neighborhood, and subdivision was in rural, rather than urban, area.

[19] Costs ↪2

[102k2 Most Cited Cases](#)

[19] Costs ↪194.44102k194.44 Most Cited Cases

Lot owners' claim that restrictive covenant did not preclude their conducting electrical contracting business from their lot was not frivolous, so as to allow assessment of attorney fees and costs. W.S.A. 814.025, 814.025(3)(b).

[20] Costs ↪260(5)102k260(5) Most Cited Cases

Neither lot owners' appeal from injunction precluding their use of lot for commercial purposes, based on restrictive covenant, nor subdivision members' cross appeal challenging trial court's determinations that scope of injunction was sufficiently broad, that rezoning of lot to limited commercial use was not illegal spot zoning, and that lot owners' activity was not nuisance, was frivolous, so as to warrant award of fees and costs. W.S.A. 809.25(3).

****69*289** Donald B. Bruns of the Bruns Law Office, on the briefs, Madison, for defendants-appellants-cross respondents.

Irwin Kass of Tomlinson, Gillman, Travers & Gregg, S.C., on the brief, Madison, for plaintiffs-respondents-cross appellants.

Before GARTZKE, P.J., and DYKMAN and SUNDBY, JJ.

DYKMAN, Judge.

Thomas and Linda Junck appeal from a trial court judgment declaring that the Juncks' commercial use of their lot violates a restrictive covenant in their deed and enjoining the Juncks from using the lot for commercial purposes. On cross-appeal, twelve members of "Horseshoe Bend" (plaintiffs), the Juncks' subdivision, contend the trial court erred in determining that: (1) the scope of the permanent injunction is sufficiently broad; (2) the town of Verona and Dane County's rezoning of the Juncks' lot to LC-1 is not illegal spot zoning; (3) the Juncks' activity is not a nuisance; **(**70 4)** the Juncks' claim is not frivolous pursuant to sec. 814.025, Stats. [FN1]

[FN1] Dane County was a defendant in the circuit court and prevailed on the spot zoning issue. It ap-

pears in this appeal only as a cross-respondent in plaintiffs' cross-appeal.

Both parties also request costs and fees for frivolous appeals pursuant to sec. (Rule) 809.25(3), Stats. We affirm the trial court in all respects and deny both parties costs and fees for frivolous appeals.

***290 I. BACKGROUND**

This case involves a subdivision known as "Horseshoe Bend" in rural Dane county. The property was previously owned by Marilyn and Dale Myers and subdivided by them in the mid-1960's. The Myers retained one lot in Horseshoe Bend and conveyed nine lots to eight separate parties. Of the eight deeds of conveyances, at least three [FN2] contained restrictive covenants. One of the three conveyances with a restrictive covenant was to Patrick and Corrine Keyes, who later conveyed the property to the Juncks.

[FN2] At trial, a 1971 deed between the Myers and Gerald and Ruth Vogel containing no restrictive covenants was introduced as Exhibit 31. In the appendix of their brief-in-chief, however, the Juncks identify as "Ex. 31" a 1965 deed between the Myers and the Vogels containing a restrictive covenant. The latter deed was not introduced at trial, is not part of the record, and we disregard it.

The restrictive covenant in the Juncks' deed provides:

Not more than one (1) single family residence shall be constructed on said premises at a cost of not less than \$20,000.00. No basement, tent, shack, or trailer shall be used for a residence, temporarily or permanently. Any construction shall be completed within one (1) year from the date of commencement.

Prior to 1986, all of the lots in the Horseshoe Bend were zoned either R-1 (residential) or RH-1 (rural homes). In 1986, the Juncks applied to the town of Verona and to Dane county for a zoning change to LC-1 (limited commercial). Although the rezoning was opposed by a majority of the property owners in Horseshoe Bend, the measure was passed.

***291** Plaintiffs brought suit to enforce the restrictive coven-

ant and prevent the Juncks' commercial use of their lot. At trial, evidence was presented establishing that, since 1977, the Juncks had operated an electrical contracting business, T.J. Electric, from their lot. In addition, the Juncks stored business equipment and vehicles on their lot. [FN3] The Juncks conceded that this use violated their previous R-1 zoning classification.

[FN3]. At trial, photographs were admitted showing: (1) that on the Junck's lot was a garage and a 30' x 36' shed, both lined with boxes containing electrical supplies; (2) that the Juncks kept numerous vehicles emblazoned with the T.J. Electric logo on the lot, including a bucket truck and a panel van.

The trial court determined that the Juncks' use of the lot violated their restrictive covenant. Accordingly, the trial court issued a permanent injunction, enjoining the Juncks from continuing to store business equipment on their property.

II. RESTRICTIVE COVENANT

The Juncks argue that the trial court erred in concluding that Horseshoe Bend was established as part of a general plan by the former owners to create a rural neighborhood and that the Juncks' use of the lot violated the restrictive covenant in their deed.

[1][2] The existence of a general development plan or scheme is a question of fact determined by examining the intent of the original owners in platting the development, the conditions of the platting, and all surrounding circumstances. LaValle v. Kulkay, 277 N.W.2d 400, 402 (Minn.1979). On appeal, we will not upset a trial court's findings of fact unless they are clearly erroneous. Sec. 805.17(2), Stats. The correct construction of the restrictive *292 covenant, however, is a question of law which we review independently. See Joyce v. Conway, 7 Wis.2d 247, 249, 96 N.W.2d 530, 532 (1959).

**71 A. GENERAL PLAN OR SCHEME

[3] Even in the absence of privity, deed covenants are enforceable by purchasers of land in the same tract, where a common owner imposed restrictions on each parcel of property sold with a general plan or scheme in mind to enhance the value or attractiveness of the tract as a whole. Crowley v.

Knapp, 94 Wis.2d 421, 425, 288 N.W.2d 815, 817-18 (1980). In Hall v. Church of the Open Bible, 4 Wis.2d 246, 89 N.W.2d 798 (1958), the court observed:

It is a well-established rule that a covenant restricting land to residential use, inserted by the proprietor in a conveyance of his lands, inures to the benefit of all the purchasers where it is inserted for the purpose of carrying out a general plan or scheme of development....

Id. at 248, 89 N.W.2d at 799. The question in each case is whether the common grantor placed the restrictive covenant in the deed "for the purpose of carrying out a general plan of development, which was to inure to the benefit of other grantees." Crowley, 94 Wis.2d at 425, 288 N.W.2d at 818.

[4] At trial, a former co-owner, Dale Myers, testified that in conveying the lots in Horseshoe Bend, he had intended to create a "nice residential area." He stated that, as he had envisioned Horseshoe Bend, it would not be used commercially. Questioned why restrictive covenants were not placed in all of the conveyances, he stated *293 that he placed them in conveyances only to parties he did not know well.

The trial court concluded Myers inserted the restrictive covenants pursuant to a general plan and, as such, their benefit inured to the other property owners in Horseshoe Bend. The court observed:

I find the evidence very convincing that it was the intent of Mr. Myers to preserve this as a rural residential area, his emphasis being on horses, the evidence of that by the very name that he chose for the street, Horseshoe Bend, by his own activities on the circle, and by the fact that a number of neighbors over the years have at various times kept horses in this rural setting.

We conclude the trial court's determination that a general plan existed is not clearly erroneous. Therefore, plaintiffs are entitled to enforce the restrictive covenant.

B. CONSTRUCTION

[5] The Juncks' restrictive covenant provides in part that "[n]ot more than one (1) single family residence shall be constructed on said premises at a cost of not less than \$20,000.00." The Juncks contend that this clause only limits construction on the property, not its use. Thus, the Juncks

maintain, they may operate an electrical business within the existing buildings. We disagree.

[6] The term "residential," when used in a restrictive covenant, is in contradistinction to "business" or "commercial." Hunt v. Held, 90 Ohio St. 280, 107 N.E. 765, 766 (1914); Briggs v. Hendricks, 197 S.W.2d 511, 513 (Tex.Civ.App.1946). In Klapproth v. Grininger, 162 Minn. 488, 203 N.W. 418 (1925), the Minnesota Supreme Court stated that:

*294 While covenants imposing restrictions upon the use of property will not be enlarged by construction, they will be given the full force and effect intended by the parties who created them, and where the language used is clear and unambiguous it will be given its obvious meaning.

Id. 203 N.W. at 419 (citations omitted); see LaValle, 277 N.W.2d at 403. In Boston-Edison Protective Ass'n v. Goodlove, 248 Mich. 625, 227 N.W. 772, 773 (1929), the Michigan Supreme Court stated that "[a] covenant restricting the erection of any building, except for dwelling house purposes, applies to the use as well as to the character of the building."

We agree with these decisions. It would be unreasonable to construe the Juncks' restrictive covenant to cover use. Under the Juncks' interpretation, the Juncks would be free to operate any number of commercial enterprises on their lot so long as they did not construct non-residential buildings. They could, for example, maintain a used car lot or a driving range.

**72 Such an interpretation would negate the general plan of the subdivision. As one court noted:

If, after a residence has been constructed on a lot with a restrictive covenant in the deed, the owner could thereafter use the building for a ... restaurant, beauty shop, antique shop, or numerous other uses to which, but for the prohibitions in a zoning ordinance, it would be suitable and available, the covenant would be of little value and the general plan of restriction, which would otherwise inure to the benefit of all purchasers, would be circumvented.

Strauss v. Ginsberg, 218 Minn. 57, 15 N.W.2d 130, 133 (1944) (emphasis added).

*295 We conclude the Juncks' commercial use of the lot violated the restrictive covenant in their deed.

III. PERMANENT INJUNCTION

The Juncks contend that the trial court erred in imposing a permanent injunction. On cross-appeal, plaintiffs request that the scope of the permanent injunction be broadened. The permanent injunction prohibited the Juncks from:

[U]sing the property in question for anything other than primarily--single family residential purposes ... defendants Junck [are prohibited] from engaging in commercial activities, including operating their electrical contracting business ... on the premises, except insofar as those activities are incidental to their occupation of the premises as their single-family residence.

....

Defendants Junck are prohibited from using or storing any business-related supplies, inventory, equipment or vehicles in their existing home, garage, or existing 30' x 36' building or in any other buildings or anywhere else on their said premises. The injunction does not prohibit driving a business vehicle containing daily business supplies as personal transportation home by a resident of the home and parking it at the residence between business calls. The injunction does not prohibit a resident in the home from working on and maintaining the books of the business, or answering a business telephone, as an incident to residing there. The injunction prohibits the permanent or long term storage of business inventory, supplies, and business equipment on the premises....

*296 [7][8] The grant or denial of injunctive relief is within the sound discretion of the trial court and will not be upset absent a showing of an abuse of discretion. Mercury Records Productions, Inc. v. Economic Consultants, Inc., 91 Wis.2d 482, 500, 283 N.W.2d 613, 622 (Ct.App.1979). To find an abuse of discretion we must determine either that discretion was not exercised or that there was no reasonable basis for the trial court's decision. Wisconsin Pub. Serv. Corp. v. Krist, 104 Wis.2d 381, 395, 311 N.W.2d 624, 631 (1981).

[9] To obtain an injunction, a plaintiff must show a sufficient probability that the future conduct of the defendant will violate a right of and will injure the plaintiff. Pure Milk

Prod. Coop. v. Nat'l Farmers Org., 90 Wis.2d 781, 800, 280 N.W.2d 691, 700 (1979). Moreover, the party must establish the injury is irreparable, i.e., not adequately compensable in damages. *Id.*

[10] The plaintiffs' request is solely for an injunction. The injury, deterioration of the attractiveness of Horseshoe Bend, could not adequately be compensated by monetary award. We conclude the record provides a reasonable basis for the trial court's decision to impose a permanent injunction.

[11] Plaintiffs contend the permanent injunction is not sufficiently broad. They maintain that, under the permanent injunction, the Juncks could still store a significant amount of electrical supplies on the lot.

[12] Injunctive relief should be tailored to the necessities of the particular case. See Rondeau v. Mosinee Paper Corp., 422 U.S. 49, 61, 95 S.Ct. 2069, 2077, 45 L.Ed.2d 12 (1975). The trial court's injunction preserved the rural character of Horseshoe Bend. Storage *297 of electrical supplies need **73 not be open or visible. The trial court did not abuse its discretion.

IV. CROSS-APPEAL

A. ILLEGAL SPOT ZONING

[13] Plaintiffs contend that the town of Verona's rezoning of the Juncks' lot constituted illegal spot zoning. [FN4] Judicial review of spot zoning determinations is limited to cases involving abuse of discretion, excess of power or error of law. Buhler v. Racine County, 33 Wis.2d 137, 146, 146 N.W.2d 403, 408 (1966). As long as the legislative body acts within the sphere of its authority, its discretion is controlling. Cushman v. City of Racine, 39 Wis.2d 303, 307, 159 N.W.2d 67, 69 (1968).

[FN4] We reach this question because, even with restrictive covenant intact, the Juncks' potential use of the lot is broader with LC-1 zoning than with R-1 zoning.

[14][15] Spot zoning is the practice of allowing a single lot or area special privileges which are not extended to other land in the vicinity in the same use district. Howard v. Vil-

lage of Elm Grove, 80 Wis.2d 33, 41, 257 N.W.2d 850, 854 (1977). Spot zoning is not per se illegal. Ballenger v. Door County, 131 Wis.2d 422, 426, 388 N.W.2d 624, 627 (Ct.App.1986). However, rezoning should be consistent with long-range planning and based on considerations which affect the whole community. Bell v. City of Elkhorn, 122 Wis.2d 558, 568, 364 N.W.2d 144, 148 (1985). Thus, spot zoning should only be indulged in where it is in the public interest and not solely for the benefit of the property owner who request rezoning. Cushman, 39 Wis.2d at 309, 159 N.W.2d at 70-71.

*298 [16] The trial court found that the Dane County Board exercised its discretion in determining that LC-1 zoning was appropriate for the Juncks' electrical business, even though Horseshoe Bend was a residential subdivision. In addition, the court found that the Juncks' electrical business provided a public service both to their immediate neighbors as well as to the entire town of Verona. We conclude these findings of fact are not clearly erroneous. See sec. 805.17(2), Stats.

The trial court next determined that the rezoning was in the public interest and not solely for the benefit of the Juncks. See Cushman, 39 Wis.2d at 309, 159 N.W.2d at 70. We agree and conclude the rezoning of the Juncks' lot was not illegal spot zoning.

B. NUISANCE

Plaintiffs argue that the Juncks' operation constituted a nuisance. We construe plaintiffs' claim as one for relief from a private, rather than public, nuisance. See Krueger v. Mitchell, 112 Wis.2d 88, 103, 332 N.W.2d 733, 741 (1983).

[17] A private nuisance is "an unreasonable interference with the interests of an individual in the use and enjoyment of land." *Id.*; see Hoene v. City of Milwaukee, 17 Wis.2d 209, 214, 116 N.W.2d 112, 115 (1962). The activity complained of must create more than an inconvenience and must be offensive to a person of ordinary and normal sensibilities. Bie v. Ingersoll, 27 Wis.2d 490, 493, 135 N.W.2d 250, 252 (1965).

[18] The trial court concluded that plaintiff had not adequately shown that the Juncks' activities constituted a private nuisance. We agree.

*299 The plaintiffs have not shown that either the volume or the nature of the Juncks' activities is offensive. A large expanse of land separates the Juncks' house and buildings from their closest neighbor. Motor vehicles including trucks are found in any neighborhood.

Horseshoe Bend is a rural, rather than urban, area. The court has previously observed that "what would be a nuisance on the Capital Square in Madison would not be a nuisance in the country." Abdella v. Smith, 34 Wis.2d 393, 400, 149 N.W.2d 537, 540 (1967). We conclude plaintiffs have failed to show the Juncks' activities constituted a private nuisance.

C. FRIVOLOUS CLAIM

[19] Plaintiffs contend that the Juncks' claim was frivolous. **74 Section 814.025, Stats., allows a court to assess reasonable attorneys fees and costs against a party who brings a frivolous claim. The test of frivolity is whether the claim was "without any reasonable basis in law or equity." Sec. 814.025(3)(b), Stats. The Juncks' claim, though ultimately unsuccessful, was not so devoid of merit as to be frivolous.

D. FRIVOLOUS APPEAL

[20] Both parties request fees and costs for frivolous appeals. See sec. (Rule) 809.25(3), Stats. Neither appeal was frivolous. We therefore deny both requests.

Judgment affirmed.

159 Wis.2d 284, 464 N.W.2d 67

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