



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 5a

Title:	Nuisance Abatement Discussion
Presenter:	Police Chief Keegan Bob Vann, Building & Code Enforcement Division Manager Rita Tungare, Director of Community & Economic Development

Meeting: Planning & Development Committee Date: October 10, 2016

Proposed Cost: \$N/A	Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
----------------------	---------------------	--

Executive Summary *(if not budgeted please explain):*

The police department will be presenting information pertaining to the current nuisance abatement ordinance and discuss possible alternatives to enhance and improve the ordinance. A brief power point will be included in this discussion.

Modifications to the Nuisance Abatement ordinance may provide an opportunity and another potential tool to deal with chronic property maintenance issues. C&ED staff will also provide some background on the City’s current code enforcement process.

Attachments *(please list):*

PowerPoint presentation

Recommendation/Suggested Action *(briefly explain):*

Nuisance Abatement Programs

Nuisance Abatement Programs are intended to define and identify chronic nuisance property locations and then, to then hold the “person in-charge” and/or the owner for the unwanted and unlawful activities.



Nuisance Abatement

- Nuisance Abatement is typically used as an alternative to Crime Free Housing.
- “Accountability” is achieved through the local Administrative Hearing process and/or the Circuit Court.

Defining “Chronic Nuisances”

- Similar to the CFH *Lease Addendum*, the “teeth” of Nuisance Abatement programs comes from City Ordinances that are passed.

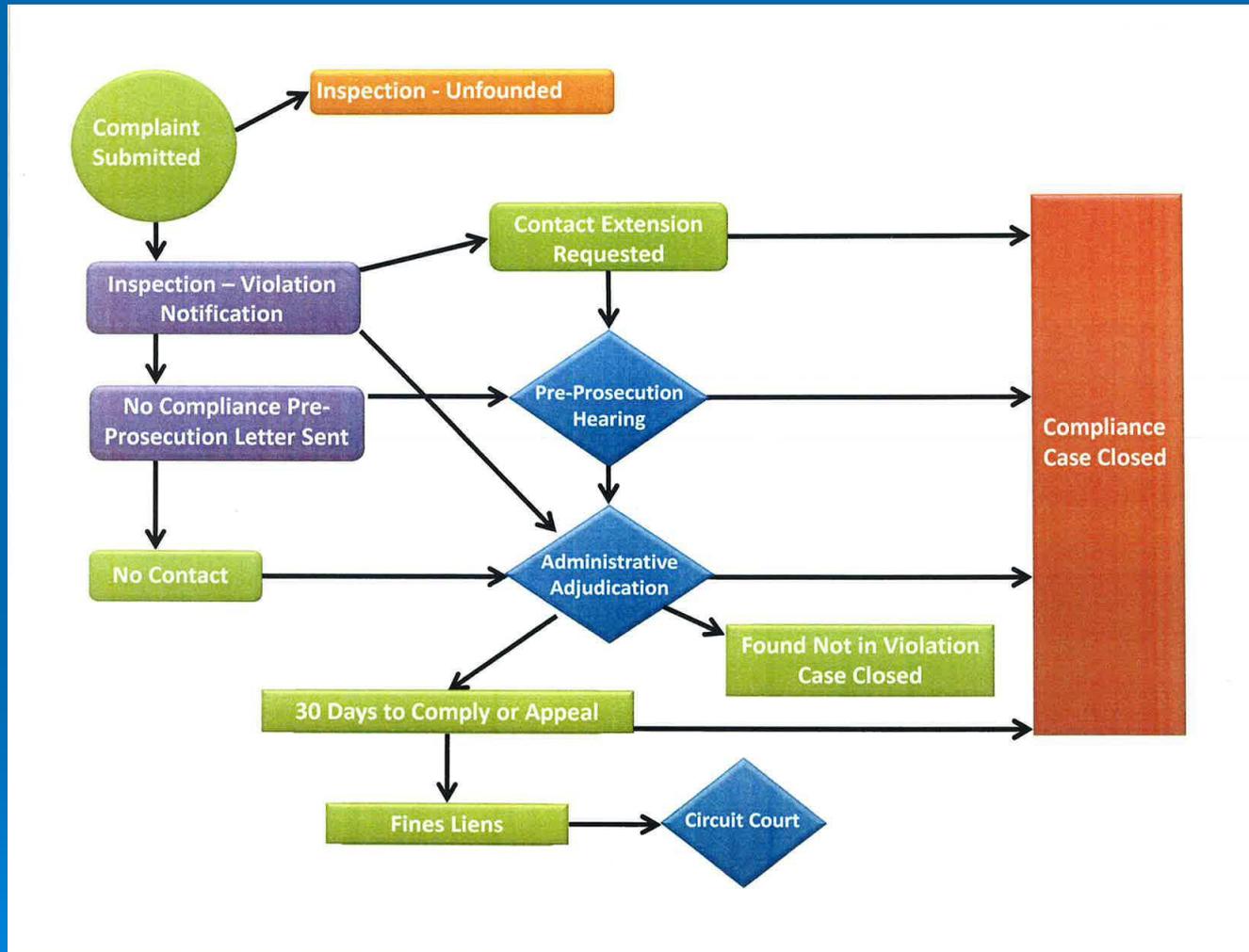
Police Related Nuisance Activities

- Disorderly Conduct
- Unlawful Use of Weapons
- Mob Action
- Discharge of Firearms
- Public Indecency
- Possession/Manufacture/Delivery of Cannabis or Controlled substances
- Assault or Battery
- Gambling & Prostitution
- Chronic Massage or Liquor Code Violations*
- Sexual Abuse or related offenses

Code Enforcement Nuisance Activities

- Chronic violations of rubbish and garbage
- Chronic violations of plants and weeds
- Unfit structures/human occupancy*
- Unlawful structures*
- Three (3) or more separate violations of the City's property maintenance code*

Code Enforcement Process



Current Nuisance Abatement Process

- Police Department monitors case activity reports and calls for service.
- After receiving 2 or more events that qualify within a **6-month period**, the PD notifies the person in-charge/property owner of “Chronic Nuisance” activities. (Written notice)
- Another qualifying violation results in a mandatory “Abatement Plan Meeting” to rectify the problem.
- A subsequent violation gives the City the option to proceed in Circuit Court. Courts can:
 - Impose fines
 - Close property (typically for 30-180 days)
 - Recover all costs associated with court action

Proposed Nuisance Abatement Process

- Police Department monitors case activity reports and calls for service.
- After receiving 2 or more events that qualify within a **12-month** period, the PD notifies the person in-charge/property owner of “Chronic Nuisance” activities. (Written notice)
- Another qualifying violation results in a mandatory “Abatement Plan Meeting” to rectify the problem.
- A subsequent violation or the failure to attend an Abatement Meeting result in a “Notice to Appear” at our local Administrative Adjudication Hearing.
- Hearing Officer renders finding of Liable or Not Liable.
- Upon finding of Liable, a fine is imposed-up to \$750.00 for each violation.
- In cases that are beyond adjudication, the City has the option to proceed in Circuit Court. Courts can:
 - Impose fines
 - Close property (typically for 30-180 days)
 - Recover all costs associated with court action

Pros & Cons of Nuisance Abatement

Pros

- Can be used for privately owned or rental properties (Rental Licensing).
- Administratively less labor intensive.
- Does not inconvenience responsible landlords.
- Imposes immediate consequences in cases where violations were found to have occurred.

CAN HOLD LANDLORDS ACCOUNTABLE (similar to alcohol, tobacco and massage licensing).

Cons

- Does not proactively promote Community Relations.
- Increases burden and caseload at local Administrative Hearings.