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Public Nuisance Ordinance

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What questions does Council have regarding the draft Public Nuisance Ordinance?



Neighborhood Livability & Social Health

- 1.5 Enhance the quality of life in neighborhoods, empower neighbors to solve problems and foster respectful relations.
- Proactive, innovative, and effective code compliance processes are important aspects of attractive neighborhoods.



Safe Community

- 5.7 Reduce incidents of, and impacts from, disruptive and unwanted behaviors with creative approaches that balance compassion and consequences.



- SC 1.1 Provide and expand opportunities for neighborhood safety and involvement by fostering good neighborhood relations, building a sense of community pride, and involvement, promoting safe and attractive neighborhoods, and encouraging compliance with City codes and regulations.
- SC 2.1 Provide high-quality, cost-effective Police Services with an increased focus on neighborhood policing and particular attention to criminal activity, quality-of-life issues, and visible signs of disorder.

Purpose:

To remedy chronic problems at properties where City Code violations occur that annoy and disturb others.
To hold property owners accountable for the use of their properties.

Definition of “Public Nuisance”:

Three or more separate City Code violations at the same property within 12 months or 5 or more within 24 months. Written notice must have been sent to the property owner and tenants within 30 days of each violation, except the last one. The last violation must have occurred at least 45 days after the last notice. Each complaint about a separate violation **must result in the issuance of a municipal court citation.**

Separate violation(s) shall mean any act or omission that constitutes a violation of the Code if the act or omission occurs under any of the following circumstances:

- (1) the conduct of the persons committing the violation was such as to annoy or disturb the peace of the residents in the vicinity of the parcel or of passersby on the public streets, sidewalks and rights-of-way in the vicinity of the parcel; or
- (2) the violation constitutes a public nuisance under any section of this Chapter; or
- (3) the condition of the parcel upon which the violation occurred was, at the time of the violation, injurious or harmful to the health, safety or welfare of the occupants, neighbors thereof or citizens of the City.



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Jurisdiction	Definition of chronic nuisance property
Parker, CO	3 or more occasions where nuisance activity is observed in 60 days or 7 or more in 12 months
Cincinnati, OH	3 or more nuisance activities occurred at the premises in a 30-day period
Kansas City, MO	3 or more police responses to nuisance activity in 30 days, 7 or more in 180 days
Spokane, WA	3 or more nuisance activities observed on a property in 60 days, 7 or more in 12 months
Seattle, WA	3 or more nuisance activities exist or have occurred on a property in 60 days, 7 or more in 12 months
Portland, OR	3 or more nuisance activities exist or have occurred on a property in 30 days
Elgin, IL	3 or more instances of any one or any combination of nuisance activity in 12 months based upon 3 separate factual events that have been independently investigated
Springfield, IL	3 or more separate inspections or incidents w/in 24 months that have been the source of 3 or more violations as determined by an admin hearing officer; OR 2 or more of certain criminal activities in a 60-day period or 3 or more in a 365-day period
Milwaukee, WI	3 or more responses from the police department for "nuisance activities" in 30 days

The proposed PNO regulates two types of nuisances: (i) a “public nuisance”; and (ii) a “chronic nuisance property”. The existence of each of them depends on the occurrence or existence of multiple or continuing “nuisance activities” on a property.

A “nuisance activity” is defined in the PNO to include 66 categories of various criminal and civil violations happening on the property that individually or in combination result in either a public nuisance or chronic nuisance property. These nuisance activities include:

- civil infractions under the City Code, such as tall weeds and grass, rubbish, and inoperable motor vehicles; animal control issues
- minor misdemeanor violations under the City Code, such as unreasonable noise, bodily waste, and nuisance gatherings;
- more serious misdemeanor violations under the City Code, such as resisting arrest, assault, disorderly conduct, and building and fire code violations; and
- misdemeanors and felonies under State law, such as criminal mischief, assault, harassment, arson, firearms offenses, and drug-related offenses.

A “public nuisance” exists when repeated nuisance activities (meaning more than one) have occurred on the property or a continuing nuisance activity exists on it causing an unreasonable risk of harm or injury to the public health, safety, or welfare.

This would include circumstances where the nuisance activities are unreasonably injuring, damaging, annoying, inconveniencing, or disturbing the peace of members of the public with respect to their:

- (i) comfort, health, repose, or safety; or
- (ii) free use and comfortable enjoyment of their property and of sidewalks, streets, or other public spaces near the offending property.

1. A property where three (3) or more nuisance activities have occurred within a ninety (90) day period or seven (7) or more nuisance activities have occurred within a one (1) year period, *
2. A property that is more than one (1) residential unit that are all under common ownership where six (6) or more nuisance activities have occurred within a ninety (90) period or ten (10) or more nuisance activities have occurred within a one (1) year period, *
3. A property where two (2) or more nuisance activities involving drug-related activity have occurred within a thirty (30) day period,* or
4. An abandoned property where any number of nuisance activities have occurred or exist.*

*each activity happening on separate days

The proposed PNO would allow for the City to:

- Written notice to the property owner of the existence of the public nuisance or chronic nuisance property to allow them the opportunity to abate the nuisance activities
- If unsuccessful, a citation is issued to the noticed persons.
 - \$250 for the first offense
 - \$500 for a second offense within 60 days
 - \$1,000 for a third offense within 120 days
 - \$2,000 for fourth and subsequent offenses within a year
- If unsuccessful, the next step could potentially be issuing a citation to the property owner for a misdemeanor offense which the maximum allowable penalty is not to exceed \$3,000 or 180 days in jail or both
- If unsuccessful, the City could file a civil abatement action in Municipal Court against the property owner

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THANK YOU!

