

Public Safety Committee
May 1st, 2012
Summary and Motions

CM Lawless chaired the meeting and called it to order at 1:03pm. Committee members present were CM Doug Martin, CM Charles Ellinger, CM Chris Ford, CM Julian Beard, CM Bill Farmer, CM Kevin Stinnett, CM K.C. Crosbie, CM Jay McChord, and CM Peggy Henson. The non-voting member present was VM Linda Gorton.

Chronic Nuisance Ordinance

Lawless called retired Officer Keith Gaines to the podium to present the draft Chronic Nuisance Ordinance. Gaines began his presentation on the draft ordinance and told Committee members that he began his work by looking at addresses that had multiple calls for service. He stressed that if the ordinance is adopted and the property owner is willing to work to abate the problem, there will be no fine. The ordinance will specifically target property owners that refuse to abate their nuisance. The process is complaint driven and the complaint will be verified to make sure it meets the appropriate criteria. They will notify the owner of the property after three verified complaints. Finally, an abatement plan will be put into place and followed for results (no fine), or a possible fine if the property owner or designee refuses or fails to follow the abatement plan or respond. There are specific criteria for both residential and non-residential properties. A report will not be someone calling in and reporting a problem. There will have to be an actual issue that is documented. There will also not be a criminal penalty, only a civil penalty. There are two exceptions: firearm trafficking and narcotics trafficking.

The fine structure for failure to respond or follow abatement plan is as follows:

- I. 1st - \$500
- II. 2nd - \$1000
- III. 3rd - \$2000
- IV. 4th - \$4000
- V. Maximum fine of \$4000 for each subsequent violation

A motion by Ellinger to add 5 minutes to the presentation time. Seconded by Farmer. Motion passed without dissent.

Gaines told Committee members that there are very few chronic nuisance properties in Fayette County. He also said that there are hundreds of municipalities with Chronic Nuisance Ordinances already signed into law.

Henson thanked Gaines for his work on the draft and told the Committee members that she has constituents and friends both for and against the draft. She said that she believes everyone deserves a high quality of life and that neighborhoods should be protected. Beard asked Gaines about properties with multiple structures and how the numbers are allocated. Gaines and Mike Sanner from the Law Department referenced section 12-67 of the draft ordinance.

Crosbie told Gaines that she had a chronic nuisance property in her district and she was able to abate it by using the ordinances that LFUCG currently has on the books. The problem, as she sees it, is the lack of manpower to enforce LFUCG's ordinances.

Martin asked Gaines to explain the difference between a citation and a report. Gaines said that a citation is when there is a property cited for a specific charge. A report is written when the Division of Police shows up and there is an event like a public disturbance and the perpetrators disperse before a citation can be issued. In that type of instance, they can draft a report but they cannot issue a citation. Martin expressed great concern that the property owner would not be notified after the first violation and Gaines said that the property owner will be notified after three events and will not receive a fine unless they refuse to create an abatement plan. Sanner told Martin that the process was just like the Code Enforcement process and the property owner could appeal and before they pay a fine they have two chances to appeal it.

Lawless suggested sending a letter to the property owner after each offense, not to wait until after three and the property has already been deemed a Chronic Nuisance. Lawless said that this letter could include language about the Chronic Nuisance Ordinance. Sanner said that it would be an option for Police, Fire, Building Inspection, and Code Enforcement to send the letters but they could not require the Health Department to send them.

Gorton asked Gaines how he determined the number of violations that would constitute a Chronic Nuisance property. Gaines said that the numbers are national standard best practice. Gaines told Gorton that there are nearly 500 Chronic Nuisance Ordinances in place around the Country.

Stinnett also expressed concern with waiting until a property has three violations before notifying the property owner. He also asked Gaines who would administer the citations. Gaines said that it would be complaint driven and the data base is already in place at the Division of Police to track violations (citations). Stinnett told Gaines that one of the issues is that the Divisions at LFUCG are not effectively communicating. Gaines told Stinnett that the Commissioner of Public Safety is on board and supports the draft. Gaines said that the current process is too slow for the extremely bad properties.

Martin asked Gaines if it was likely that low-income properties would receive a higher number of citations and/or reports. Gaines answer that yes, it is likely. Martin said that

he had concerns that an ordinance like this would prevent people from investing in low-income properties. Martin asked Gaines what happens once a property is designated as a Chronic Nuisance. Gaines said that once they are designated, they will try to get to the root cause of the issue. Martin said that he appreciated the work done on the draft but thinks there is more work to be done on it. He would like to see the property owner notified earlier. He stressed the importance of having a connection between the property owner and the process.

McChord suggested that since there are only a few properties in Fayette County that are Chronic Nuisance Properties, the addresses should be put up on the screen in the Council Chambers and all Public Safety representatives could be called in and then they can determine the best way to abate the nuisances. He suggested sending a resolution to the full Council and said that they can abate these nuisances with the resources already available to them.

Crosbie said that her main concern is not notifying the property owner after the first violation. She added that we need more stringent fines for property owners and said that if there was an issue with her property, she would want to be notified right away. She said that she did not think the draft ordinance was ready to go to the full Council.

Ford asked the Committee members to imagine living next to a Chronic Nuisance property. He said that there are neighbors who feel helpless because LFUCG has not been responsive to their needs and have been unable to abate in many cases. He said that it is unfair to the people who have to put up with these conditions.

Mason came to the podium and asked McChord to provide more guidance. McChord said that he wanted a list of property owners with numerous violations brought before the Public Safety Committee at the next meeting. McChord said that he would like to keep the draft ordinance in the Public Safety Committee.

A motion by McChord to request that the Commission of Public Safety and representatives from the Divisions of Police, Fire, Building Inspection, and Code Enforcement compile a list of Chronic Nuisance properties and bring it forward at the next Public Safety Committee meeting to discuss what can be done with about the listed properties. Seconded by Ellinger. The motion passed without dissent.

Fire and EMS Task Force

A motion by Farmer to approve reporting out the Fire and EMS Task Force Final Report to the full Council at the May 1st, 2012 Work Session. Seconded by Julian Beard. The motion passed without dissent.

Horses Running at Large

A motion by Stinnett to approve the Horses Running at Large ordinance as presented. Seconded by Martin. The motion passed without dissent.

Sec. 4-10.1 – Horses Running at Large

- (a) *It shall be unlawful for any person owning or having custody and control of a horse, or other member of the equine family, to permit the animal to run at large within the urban county.*

- (b) *The owner or person exercising custody and control of any horse found running at large in violation of this section shall be fined no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for a first offense; not less than one hundred dollars (\$100.00) nor more than (\$500.00) for a second offense during a twelve-month period; not less than two hundred fifty dollars (\$250.00) nor more than five hundred (\$500.00) for a third offense during a twelve month period; and not less than five hundred dollars (\$500.00) for a fourth and each subsequent offense during a twelve-month period.*

Public Comment

Craig Hardin presented a handout to Committee Members. He said he does not agree with the proposed draft Chronic Nuisance Ordinance and wants different legislation drafted.

The meeting adjourned at 2:46pm.

Respectfully submitted by Jenifer Benningfield, Council Administrative Specialist