



Public Safety Committee
November 13th, 2013
Summary and Motions

CM Diane Lawless called the meeting to order at 1:15pm. Council Members in attendance were CM Martin, CM Stinnett, CM Blues, CM Henson, CM Kay, CM Beard, CM Farmer, CM Ford, CM Ellinger, and CM Crosbie.

1. Approval of Summary

CM Ellinger made a motion to approve the summary. CM Henson seconded the motion. The motion passed without dissent.

2. Examination of Nuisance Abatement Process

David Jarvis came to the podium to present on the nuisance abatement process. Jarvis said that once the complaint is received, Code Enforcement sends an inspector to inspect the property. If there is a nuisance, there is either a 24 hour notice issued or a 14 day notice issued. With the 24 hour notice, the owner can either abate or Code will hire a contractor and bill the owner. With a 14 day notice, the property is re-inspected and abated or a civil penalty issued ranging from \$100 to \$1000 depending on the number of inspections in a calendar year. A property owner can appeal a 14 day notice within 10 days of an issuance. The notice is either upheld or waived by a hearing officer. If the property owner does not appeal nor do they abate the nuisance, the owner is billed for abatement or a civil penalty with 30 days to pay or a lien is filed.

Jarvis said that Code Enforcement utilizes 8 contractors through a bid process. Liens are recorded using Code Enforcement staff. The civil penalties and liens are paid through the Division of Revenue. Code Enforcement does not collect fines or lien payments. Jarvis went on to say that his division inspected 8,503 nuisance complaints in addition to 4,834 housing inspections.

At the request of CM Martin, Jarvis outlined the emergency abatement timeline:

- Complaint received
- Inspection conducted
- Photographs taken
- Property posted with a 24 hr. notice
- Contractor notified and put on alert
- Property re-inspected after 24 hours and contractor notified to abate
- Contractor photographs, abates and bills Code Enforcement
- Case closed

Jarvis placed a 24 hour emergency notice, a 14 day notice, an abated invoice, a monthly activity summary report and photographs of a property on the overhead projector.

There was a long discussion about the timeline and the forms that are distributed to home owners when they have a nuisance. CM Kay commented on the recommendations of the Infill and Redevelopment Committee and told Committee members that they would be hearing a report from the Committee at the Work Session and also at the next Public Safety Committee meeting.

CM Martin asked Jarvis who determines if a nuisance is an emergency. Jarvis said that he makes that decision. CM Martin asked Jarvis questions about a specific notice given to a constituent in September. CM Kay requested that Jarvis send the file on the property referenced by CM Martin to all Committee members. Jarvis agreed to do so.

CM Martin expressed concerns about notification procedures and time given to abate nuisances, particularly for rental properties.

CM Lawless told Jarvis that nuisances are a big problem around the University of Kentucky, but when the residents call, CM Lawless said that the bins are immediately delivered. She applauded Jarvis.

All Council Members agreed that there needs to be consistency and transparency in the notification process. CM Stinnett suggested two different forms. He said that there should be a separate 24 hour form. He asked Jarvis to also look into the notification timelines.

3. Amendment of subsection 14-72 (6)(a) of the Code of Ordinances

CM Blues told Committee members that the issue of a dwelling unit boundary needs to be further analyzed. CM Blues presented the proposed change to 14-72 (6)(a). He said that it was suggested to the LFUCG by the County Attorney's office that they make the change. Pursuant to a recent Court of Appeals decision, the County Attorney believes it will be difficult to legally enforce the existing section of the code without a change. CM Blues referenced the letter from David Barberie that was included in the packet and told Committee members that the existing section includes no referenced standard for noise; it just prohibits all noises of that vehicle stereo noise.

CM Blues asked CM Martin for language suggestions.

CM Blues made a motion to substitute the current ordinance with the draft ordinance included in the packet. CM Henson seconded the motion.

CM Martin made an amendment to the motion to delete 'loud, harsh or excessive noise which annoys or disturbs a reasonable person of normal sensitivities by creating or allowing a louder volume than is necessary for the convenient hearing of person(s) and' with 'noise disturbance.' CM Henson seconded the motion. The amendment passed without dissent.

CM Martin made an amendment to the motion to delete 'who are in the vehicle.' CM Henson seconded the motion. The amendment passed without dissent.

Original motion by CM Blues passed without dissent.

The ordinance reads as follows:

Sec. 14-72(8)(b). [VEHICLE STEREO NOISE]

Consistent with the other provisions of the Noise Ordinance, and in addition thereto, no person shall use or operate any radio, stereo, tape player, record player, compact disc player or any similar device for the producing, reproducing or amplification of sound in or on any vehicle which when located on the public streets or rights-of-way or within or on any other public property, including, but not limited to parks, or public parking lots operated by the urban county government or the Lexington and Fayette County Parking Authority/LexPark, in such a manner as to create a noise disturbance that is audible to a person of normal hearing sensitivity more than ten (10) feet from such vehicle. Words and phrases need not be discernible for said sound to be "audible", and said sound shall include bass reverberation.

4. Items Referred to Committee

CM Lawless said that the report from the Infill and Redevelopment Committee would be on the December Public Safety Committee agenda. She also removed community corrections from the items referred list.

CM Crosbie made a motion to adjourn. CM Ellinger seconded the motion. The motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist