

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2021-83

Introducer/Sponsor(s): Council Members Gaffney, Cumber, White & Newby

Date of Introduction: February 9, 2021

Committee(s) of Reference: NCSPHS, F

Date of Analysis: February 11, 2021

Type of Action: Ordinance Code amendment

Bill Summary: The bill creates a new Ordinance Code Chapter 672 – Public Nuisance Abatement Board – to deal with problems associated with “public nuisance properties” that absorb a disproportionate share of limited City police, fire and rescue services and have a negative impact on the general health, safety and welfare of the City. The chapter declares the legislative intent, provides definitions, creates the board and establishes its powers and duties, establishes procedures and authorizes hearings, and provides for remedies, orders and enforcement.

Background Information: The Public Nuisance Abatement Board would consist of 9 members: a JSO officer appointed by the Sheriff; a JFRD employee appointed by the Fire Chief; a Neighborhoods Department employee appointed by the department director; a licensed attorney appointed by the Mayor, a developer, property manager or realtor with extensive experience in commercial property operations appointed by the Mayor; a property manager or realtor with extensive experience in multi-family residential property operations appointed by the Mayor; an individual with extensive experience in public health services or child protective services appointed by the Mayor, and 2 community advocates appointed by the Council President. The board would serve as a quasi-judicial forum in which to determine the existence of public nuisance conduct and resolve it in the public interest with due process of law. The bill defines “recurring public nuisance conduct”, “owner”, “operator” and “place or premises”. It provides for notice requirements and hearing procedures. Remedies are authorized, including prohibition against maintaining the nuisance, closure of the place or premises, prohibition of conduct that is conducive to the nuisance, requiring abatement of the nuisance by the owner or operator, imposition of fines (\$250/day for a first offense, \$500/day for subsequent offenses) up to a total of \$15,000.

Policy Impact Area: Nuisance behavior abatement

Fiscal Impact: Provides for imposition of fines for violations up to a maximum total of \$15,000.

Analyst: Clements