

PUBLIC SAFETY COMMITTEE MEETING
Wednesday, December 7, 2016
7:00 PM – Note the time change

Chairwoman Charlene Mancuso has called a Public Safety Committee Meeting for
WEDNESDAY, DECEMBER 7, 2016 AT 7:00 PM in the
Euclid Municipal Center Council Chamber.

AGENDA

7:00 – 7:30 pm:

Ord. (153-16) – sent to Safety Committee on November 21, 2016

An ordinance amending Section 529.07 “Criminal Activity as a Nuisance; Cost of Abatement” of the Nuisance Abatement Chapter of the Codified Ordinances of the City of Euclid to make an exception for domestic violence, E.C.O. 537.17, being considered a criminal activity. (Sponsored by Mayor Holzheimer Gail) (To be referred to Public Safety Committee)

Comment: Domestic Violence, ECO 537.17, should be removed as an offense that is considered a nuisance.

7:30 – 8:00 PM: Review of ECO 731.10 and the business hours of gasoline stations.

ADJOURNMENT

Catherine Petersen
Clerk of Council

Committee: Charlene Mancuso, Chair
Laura Gorshe, Taneika Hill, Daryl Langman, Madeline Scarniench

Mayor Holzheimer Gail
Director Sweeney

Ordinance No.

By Mayor Holzheimer Gail

An ordinance amending Section 529.07 "Criminal Activity as a Nuisance; Cost of Abatement" of the Nuisance Abatement Chapter of the Codified Ordinances of the City of Euclid to make an exception for domestic violence, E.C.O. 537.17, being considered a criminal activity.

WHEREAS, the city's nuisance abatement ordinance is very broad in the types of criminal activities that may be considered nuisances; and

WHEREAS, under the current version of the ordinance, domestic violence victims may be deemed "nuisances" when they call the police for assistance; and

WHEREAS, nuisance abatement ordinances have been challenged by the ACLU and have been struck down also resulting in monetary judgments against municipalities; and

WHEREAS, unless domestic violence is made an exception to the nuisance abatement ordinance, the ordinance could run afoul of fair housing laws; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

SECTION 1: That Section 529.07 "Criminal Activity as a Nuisance; Cost of Abatement" of the Nuisance Abatement Chapter of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

529.07 CRIMINAL ACTIVITY AS A NUISANCE; COST OF ABATEMENT.

(a) The following activities occurring in the City on any residential or commercial property, and engaged in by an owner, occupant, or invitee of the owner, occupant or person in charge of any commercial or residential property, are hereby declared to be a public nuisance:

- (1) Alcohol violations under Section 503.02, 503.03, 503.07, 503.11, or 503.13 of the Codified Ordinances;
- (2) Animal violations under Section 505.06, 505.08, 505.09, 505.10, 505.11, 505.17 or 505.37 of the Codified Ordinances;
- (3) Any drug violation under Chapter 513 of the Codified Ordinances;
- (4) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (5) Any violation of offenses relating to persons under Chapter 537 of the Codified Ordinances **except domestic violence, 537.17**;
- (6) Any violation of offenses relating to property under Section 541.05, 541.06, 541.07, 541.08, 541.09, 541.10, 541.11, 541.12, 541.23, 541.26, 541.29, 541.32, or 541.35 of the Codified Ordinances;
- (7) Any peace disturbance violation under Chapter 545 of the Codified Ordinances;
- (8) Any safety violation under Chapter 559 of the Codified Ordinances;
- (9) Any violation of a sex offense under Chapter 563 of the Codified Ordinances;
- (10) Any weapons or explosives violation under Chapter 571 of the Codified Ordinances;
- (11) Any violations of Section 909.01, 909.02, 909.03, 909.07, 909.10, 909.11, 909.16, or 909.20 of the Codified Ordinances;
- (12) Any activity or violation indicated to be a public nuisance anywhere in the Codified Ordinances;
- (13) Any of the nuisances listed in Section 529.07(a)(1), 529.07(a)(5), 529.07(a)(6), or 529.07(a)(9) when conducted by a resident or occupant of a premises against a person who resides within 1,000 feet of the resident or occupant or against the property of such person;
- (14) Parking violations under Section 351.03(s) of the Codified Ordinances;
- (15) Littering violations under Section 1129.01(c), (d), (e), or (f) of the Codified Ordinances of the City of Euclid.

Section 2: Section 529.07 "Criminal Activity as a Nuisance; Cost of Abatement" of the Nuisance Abatement Chapter of the Codified Ordinances of the City of Euclid is hereby amended.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor