



Public Safety Nuisance

City of Fishers Council Work Session – May 15, 2023

Introduction

Public Safety Nuisance Team

Chief Ed Gebhart

Chief Steve Orusa

Monica Heltz, Director of Health Department

Public Safety Nuisance Purpose/History

- To abate excessive repeat calls to the same commercial properties
- Examples of excessive repeat calls

If Chapter 100 were in effect today

- 10 Businesses would be a Chronic Violator and subject to fines
 - Large hotels, large Retailers, a few local businesses
- 15 Violations in the last 90 days each

Application of Ordinance

- The Public Safety Nuisance applies to:
 - Commercial (childcare, indoor entertainment, office, outdoor recreation, overnight lodging, personal service, restaurant/bar, retail sales, vehicle sales/rental)
 - Industrial (Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets)
- Does NOT apply to Residential
- Does NOT apply to medical facilities, other governmental entities, or schools.

What Counts Towards Chronic Violator Designation

Call for Service

Any time when a sworn member of the Fishers Police Department or Fire & Emergency Service Department is dispatched, deployed or responds to an incident at a specific location, whether or not it results in a Valid Complaint or Citation.

Valid Complaints

Valid Complaint(s) shall mean a documented call that requires a Public Safety Response at a business. If more than one (1) valid complaint occurs within a twenty-four (24) hour time period, then each valid complaint is considered a separate and distinct event except for valid complaints originating from one incident.

Citations

A written notice of violation of ordinance, federal or state law or penalty requiring payment of a fine.



- **Warning Notification** will be sent by the Public Safety Team to business owner who has received 7 Calls for Service, Valid Complaints or Citations in a 90-day time period



- **Meeting with Public Safety Team:** A mandatory meeting is required within 30 days of the 10th valid complaint.
- **Remediation Agreement:** Following the 10th Call for Service, Complaint or Citation, the business owner is required to enter into a remediation agreement with the Public Safety Team



- **Chronic Violator:** Following the 15th Valid complaint, within the 90-day period, and either 1) a failure to enter into a Remediation Agreement, or 2) a failure to substantially meet the obligations of the Remediation Agreement, the business will be designated as a Chronic Violator for 6 months & will receive \$250 fine for subsequent violations*

*If the business is working with the Public Safety Team on Remediation Plan, following the 10th complaint, to improve the situation, the business will *not* be fined the \$250, regardless of hitting its 15th Valid Complaint

“7” = Warning Notification

Once a business owner has accumulated **seven (7)** Calls in 90 days for Service, Valid Complaints and/or Citations they will be sent a warning letter advising that at ten (10) Calls for Service, Valid Complaints and/or Citations, they will be subject to a mandatory meeting and a remediation agreement.

“10” = Meeting/Remediation Agreement

- Once business owner has **ten (10)** Calls for Service, Valid Complaints or Citations, the public safety team will set a mandatory meeting to occur within 30 days.
- Remediation Agreement:
 - (1) In writing and signed by the business owner and the Public Safety Team;
 - (2) Set forth reasonable remedial measures, as established by the City, which must be initiated within **ninety (90) calendar days** of executing the Remediation Agreement, and thereafter establish periodic thresholds and needed corrective actions which will be monitored by the Public Safety Team;
 - (3) Include proactive measures determined necessary to abate the public health, safety and welfare violations identified and may include Calls for Service, Valid Complaints, Citations and any other compliance letter or order that has been issued by any City department;
 - (4) Have a term of no more than six (6) months;
 - (5) Be fully executed within thirty (30) days after the notice of mandatory meeting was received by the business owner; and
 - (6) The business owner shall provide reports of progress toward the remedial and proactive measures contained in the Remediation Agreement no less than one (1) time per month during the term of the Remediation Agreement.

Remediation Agreement Examples

Example: Abandoned Vehicles

- Register Vehicles per Customer
- Address broken down vehicles on lot at city meeting
- Proactive keep eye on parking lot and identifying unwanted vehicles and working with Public Safety Team to have them removed.
- Vehicles can be tagged immediately and removed within 72 hours

Example: False Alarms

- Train all employees on alarm system
- Make sure staff is attentive to alarm system throughout the evening
- Update and maintain alarm system to make sure it is working properly

Example: Suspicious

Person

- Issue one card key per customer
- Post customers only allowed signs throughout business
- Address any solicitation or activity in the lobby that is not business related

“15” = Chronic Violator

If the Public Safety Team determines that the Commercial Business Property has been the subject of fifteen (15) or more Calls for Service, Valid Complaints and/or Citations in 90 days

AND

either (i) the business owner has not entered into a Remediation Agreement or (ii) the business owner has failed to substantially meet the obligations set forth in the Remediation Agreement,

THEN the Public Safety Team shall designate the Commercial Business Property as a Chronic Violator.

*****If the business is working with the Public Safety Team on Remediation Plan, following the 10th complaint and is compliance with their Remediation Agreement, the business will *not* be fined the \$250, regardless of hitting its 15th Valid Complaint**

Chronic Violator, Now What?

- 6 Month Designation
- Any subsequent Calls for Service, Valid Complaints or Citations will be accompanied by a fine of \$250, payable to the OVB.
- Law Department can take additional action to abate the nuisance in accordance with Indiana law, such as injunctions.

Example 1

Remediation Agreement, Substantial Compliance, 15 Calls, Complaints or Citations

Business Owner has hit 7 Calls, Complaints or Citations and was issued a Warning Notification

- Business Owner has hit 10 Calls, Complaints or Citations and met with Public Safety Team
- Business Owner executed Remediation Agreement
- Business Owner is substantially complying with the Remediation Agreement
- Business Owner reaches 15 Calls, Complaints or Citations

Business is NOT a Chronic Violator

Example 2

Remediation Agreement, No Substantial Compliance, 15 Calls, Complaints or Citations

Business Owner has hit 7 Calls, Complaints or Citations and was issued a Warning Notification

- Business Owner has hit 10 Calls, Complaints or Citations and met with Public Safety Team
- Business Owner has executed a Remediation Agreement
- Business Owner has done nothing in the Agreement or is not attempting to substantially comply
- Business Owner reaches 15 Calls, Complaints or Citations

Business IS a Chronic Violator

Example 3

No Remediation Agreement, 15 Calls, Complaints or Citations

- Business Owner has hit 7 Calls, Complaints or Citations and was issued a Warning Notification
- Business Owner has hit 10 Calls, Complaints or Citations
- Business Owner refused to meet with the Public Safety Team or execute a Remediation Agreement
- Business Owner reaches 15 Calls, Complaints or Citations

Business IS a Chronic Violator

Example 4

Property is a Chronic Violator, 6 months has passed, still has outstanding fees and fines

- Business Owner had hit 7 Calls, Complaints or Citations and was issued a Warning Notification
- Business Owner had hit 10 Calls, Complaints or Citations
- Business Owner did not execute a Remediation Agreement or had done nothing in the Agreement or did not attempt to substantially comply
- Business Owner reached 15 Calls, Complaints or Citations
- Business was designated a Chronic Violator
- Six months has passed but Business Owner has not paid fees and fines

Business IS STILL a Chronic Violator until fees and fines are paid

Public Outreach Efforts

Ordinance Effective Date – August 1, 2023

June 8, 2022 – Meeting with 96th Street Businesses

April 12, 2023 – Meeting with Jack Russell, CEO of OneZone Chamber of Commerce

Planned Outreach:

- Week of May 15: (following May City Council meeting)
 - Notification of OneZone Chamber of Commerce members
 - One-on-one outreach to “hot spot” locations
- Week of May 22:
 - Virtual meeting with Fishers businesses for Q&A
 - Follow up meetings as needed
- Week of June 19: (following June City Council meeting)
 - Follow up with “hot spot” locations
 - Follow up virtual business meeting for final Q&A



ANY QUESTIONS?

Thank you!