

Amendment 6 to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Kettle

Refining the requirement of a connection between the potential nuisance property and associated off-site activities

Effect: This amendment seeks to tighten the requirement that off-site activities associated with a chronic nuisance designation have a nexus to the property in question. As written, the ordinance requires that “facts and circumstances establish a nexus between the property and the nuisance activity”. This would be modified to require a “clear” nexus.

Nexus is a legal term of art implying a connection, and to some degree, a causal connection. The term is purposefully vague and designed to be interpreted within the context in which it is invoked. Adding the modifier “clear” to nexus will require a stronger connection, but that relative strength is not one that can be easily quantified.

Amend section 2 of CB 121006 as follows:

10.09.010 Definitions

For purposes of this Chapter 10.09(~~(, the following words or phrases shall have the meaning prescribed below))~~):

* * *

"Chronic nuisance property" means:

1. A property on which three or more nuisance activities as defined in this Section 10.09.010 exist or have occurred during any 60-day period or seven or more nuisance activities have occurred during any 12-month period(~~(, or~~)). A nuisance activity off the property may be considered in determining that a property is a chronic nuisance if it:
 - a. Occurs adjacent to or in proximity to the property; and
 - b. Involves a person associated with the property, including either a person in charge of the property, or a guest or invitee of the person in charge, and facts and circumstances establish a **clear** nexus between the property and the nuisance activity.