

CHRONIC NUISANCE PROPERTY

Chronic Nuisance Property shall be property upon which **three or more** of the behaviors listed below have occurred during any **one hundred eighty (180) day** period, as a result of any **three** separate factual events that have been independently investigated by any law enforcement agency or code enforcement officer. (Ordinance No. 2009-34)

- (1) First degree murder
- (2) Any kidnapping offense
- (3) Criminal Housing Management
- (4) Possession of Explosives or Incendiary Devices
- (5) Any offense involving Deadly Weapons
- (6) Mob Action
- (7) Possession, Manufacture, or Delivery of Controlled Substances
- (8) Sexual Abuse or Related Offenses
- (9) Possession, Cultivation, Manufacture, or Delivery of Cannabis
- (10) Disorderly Conduct
- (11) Gambling
- (12) Assault or Battery or Any Related Offense
- (13) Public Indecency
- (14) Prostitution
- (15) Illegal Consumption or Possession of Alcohol
- (16) Violation of Chapter 28, Section 65 of the Bloomington City Code (relating to disorderly house)
- (17) Violation of Chapter 21 of the Bloomington City Code (relating to refuse)
- (18) Violation of any part of Chapter 8, Section 8 of the Bloomington City Code (relating to noisy animals)

AGGRAVATED CHRONIC NUISANCE PROPERTY

Aggravated Chronic Nuisance Property shall be property upon which **two or more** of the behaviors listed below have occurred during any **three hundred sixty-five (365) day** period, as a result of any **two** separate factual events that have been independently investigated by any law enforcement agency.

- (1) First degree murder
- (2) Any kidnapping offense
- (3) Criminal Housing Management
- (4) Possession of Explosives or Incendiary Devices
- (5) Any offense involving Deadly Weapons
- (6) Mob Action
- (7) Possession, Manufacture, or Delivery of Controlled Substances
- (8) Sexual Abuse or Related Offenses
- (9) Possession, Cultivation, Manufacture, or Delivery of Cannabis

WHO CAN BE ABATED?

- (1) The **owner**, defined as any person, partnership, land trust, or corporation having any legal or equitable interest in the property
Owner includes, but is not limited to:
A mortgagee in possession in whom is vested all or part of the legal title to the property; or all or part of the beneficial ownership and the right to the present use and enjoyment of the premises
 - (2) An **occupant** who can **control** what occurs on the property
 - (3) Any person acting as an **agent** of an owner as defined herein (Ordinance No. 1998-102)
- Control** is defined as: the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

NUISANCE ABATEMENT



Bloomington Police Department
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Bloomington, Illinois 61701

Public Affairs Unit
(309) 434-2355
police@cityblm.org

NUISANCE ABATEMENT FAQ'S

Q: "What is a nuisance property under the current police department program?"

A. A public nuisance is any real property where criminal activity occurs that is defined and documented by police reports. The activity can include verifiable reports of drug violations, acts of violence, weapons offenses, prostitution, as well as various city code violations. The program is **not** designed or intended to be used to solve civil neighborhood disputes.

Q: "I have called the police dozens of times. I don't understand why the problem location is not being considered for Nuisance Abatement?"

A. The first step in the process is the reporting of criminal activity to the police department. The act of calling our dispatch center at (309) 820-8888 and asking for an officer to be dispatched to the address is a **Call for Service**. Once the officers are on scene to investigate your complaint, they will determine if there is enough information present through witness/victim accounts, or through direct officer observation, to warrant the taking of a **police report**. The Nuisance Abatement process relies on the number of police reports taken at an address over a fixed time period, **not** the number of calls to the police department (Calls for Service).

Q: "Is the goal of the program to shut down and board up a nuisance property?"

A. No. A property owner can face fines and possible temporary court-ordered closure of a property, but the main goal of the program is to gain cooperation and compliance from property owners. A great majority of property owners involved in past Nuisance Abatement processes have voluntarily brought their property into compliance after meeting with the police department.

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NUISANCE ABATEMENT FAQ'S

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During the abatement meetings, property owners are asked to correct problems at the address. Among the options discussed are increased applicant screening, enhanced physical security, and possible evictions. If property owners fail to comply with the requests of the city, the property owner can be taken to court and a judge can subject the property owner to a variety of remedies from fines to temporary closure of the property.

Q: "Do I have to become involved in the process, or can I remain anonymous?"

A. As a citizen, you are not required to become formally involved in the Abatement process. If you are not involved, however, it is more difficult for the officers to complete the reports needed to make the program work. For the program to be effective, you need to be listed in the police report if you were a witness or the crime victim. You may also be requested to attend a court hearing if the abatement process is taken to court. We understand that becoming formally involved in the process is a difficult choice, but to rid neighborhoods of chronic crime locations, we need everyone's help.

Q: "How long does it take for the Nuisance Abatement process to be completed?"

A. Permanent solutions to complex neighborhood crime issues often take several months. The length of time varies greatly depending upon the facts of each case and the court process. Once an address has been identified by the police department as a nuisance, and the minimum reports and crime types are met, the administrative process and subsequent responses by the property owner may take up to several months. We appreciate your patience as we work through the process with the property owners, tenants, and area residents.

NUISANCE ABATEMENT: THE PROCESS

1. Once a property qualifies for nuisance abatement (number of qualifying reports or ordinance violations is reached), police department administration will determine whether to deem the property a nuisance.
2. If police department administration deems the property a nuisance, a notice letter is sent to the property owner, giving them ten (10) days to respond.
3. If the owner responds positively, a joint document will be put in place with recommended remedies from the police department administration.
4. If the plan fails, or if the owner does not respond favorably, the matter can be taken to court by the city's legal department. A judge would be asked to determine whether the property is a chronic nuisance.
5. If a judge declines to issue a chronic nuisance declaration, the police department will continue to document qualifying reports and ordinance violations and repeat the abatement procedure when practical.
6. If a judge rules in favor of the property being declared a chronic nuisance, the property can be closed down for up to one hundred eighty (180) days and the owner can be fined up to \$100 for each day the notified owner does nothing to mitigate the nuisance property.