

## Draft Excessive Emergency Service Responses

### Section 1 Purpose:

This ordinance is not intended to penalize victims of certain crimes or activities nor become a revenue producer for the city.

The Town of Southington by the adoption of this ordinance will create the ability to track and identify nuisance properties which experience verified excessive responses to a specific location. This ordinance will provide motivation for the property owners to actively participate in solving the problems on their property.

Excessive Responses are a drain on personnel and resources often leaving other areas of the Town without adequate levels of protection and service, which creates a hazard to the public, requires resources over and above the level of services normally provided and constitutes a public nuisance, the costs for which should be paid by the responsible person and/or property owner.

This ordinance applies to all properties and building configurations, except those actually under the control of the Town of Southington and including rental dwelling units whether or not owner-occupied.

### Section 2 Definitions:

For the purpose of this ordinance, the following definitions shall apply:

1. Fiscal Year: July 1<sup>st</sup> –June 30<sup>th</sup> of each year.
2. Fine: the violation cost equal to the maximum amount as allowed State of Connecticut Law. Under G.S. § 7-148(c)(10)
3. A Non-owner Occupied: means the property is not inhabited by the owner of record.
4. Owner of Property: means the owner of record.
5. Responsible Person: is the person or persons who are in charge of the premises or who organized the party. If the responsible person is a minor, then the minor's parents or guardians will jointly and individually be liable for the costs.
6. Verified Excessive Response: means a response by the police department, fire department or other Town department to a particular address, and that response is used as evidence to support the determination of a property in violation status.
7. Exemptions under the Excessive Emergency Services Response Ordinance: The following responses are exempt under this ordinance and cannot be considered or used when looking at a property for compliance under this ordinance:
  - a. A crime in progress in which the safety of person(s) are at risk.
  - b. Domestic violence, Family Disputes or a person being on or near the premises in violation of a protective order.
  - c. A Medical Emergency.
  - d. Mental Health incidents that require professional intervention such as;
    - a. 2-11 Services or an Emergency Examination Request.
  - e. An incident or arrest for violation of trespass or an arrest by warrant.

- f. The agency response had nothing to do with the property in question other than being on the street in the area of the property.
8. Verified Excessive Responses: as used in this section means and includes any verified response and shall be limited in its application to the property owner or responsible person.

**Section 3 Ordinance Information:**

3.1 Excessive Response schedule:

- a. The review period for excessive response shall be the fiscal year of the Town of Southington and the period shall reset to zero at the start of each fiscal year.
- b. Any dwelling or building configuration that has over twenty-five (25) verified excessive responses in a fiscal year shall be in violation of this ordinance.
- c. Any subsequent response to any location within the Town of Southington during the same day will count as another response call to determine excessive responses for the given fiscal year.
- d. Follow-Up investigations for an existing response call shall not count towards determining excessive responses for the given fiscal year.

3.2 Review and Determination of a Property in Violation:

- a. The Administrative Services Section of the Southington Police Department will review on the first of each month the number of police and fire responses to properties for the current fiscal year.
- b. When a property reaches 20 verified responses the Administrative Service Section will meet with the property owner and/or the responsible person. This meeting will be proactive and will attempt to assist the property owners in reducing the number of verified responses, so the enforcement action threshold is not reached.
  - a. The meeting will be strictly voluntary on the part of the property owner or responsible person and is not a requirement of this ordinance.
- c. When a property exceeds the 25 allowable verified responses for the fiscal year a review of these responses will be completed by the Administrative Services Section of the Southington Police Department.
- d. If the review verifies excessive responses have occurred at the property, notification will be sent to the Town Manager advising there is a property in violation of this ordinance. If the responses are not verified, and the property is not in violation, no notification is required, and the monthly review process will continue.

3.3 Notice of Violation of Property Owner or Responsible Person:

- (1) When a property has been identified by the Administrative Services Section of the Southington Police Department as a verified excessive response property the following process will occur:
  - a. Written Notification to the property owner and/or responsible person advising them of the violation status.

- b. A meeting shall be set-up within one (1) week of notification to discuss the violation status and allow for the property owner and/or responsible person to present any information or evidence to mitigate their violation status to the Police Department.
- c. A report shall be submitted to the Town Manager for review and final status determination no later than 30 days after the meeting in Section 3 3.3 (1)b.
- d. Once the final status has been assigned the property owner, or responsible person, shall be given notice of violation;
  - a. The notice of violation shall state, as a result of the verified excessive call responses by the Town of Southington personnel to your property or for which you are responsible during fiscal year (list the year). You are receiving the below-listed fine for excessive use of Town services.
  - b. The notice may also contain such other information as deemed necessary by the Town to accomplish the purposes of this section
  - c. Any further verified responses after the issuance of this notice, you will be charged for the cost of these responses, as determined by the Town of Southington/Southington Police Department and excluding any exemptions listed in Section 2 7a-7f.

### 3.5 Reports to Town Manager and Town Council:

The Southington Police Department, Administrative Services Section, shall forward all reports to the Town Manager who will then forward the reports to the Town Council no later than three (3) days after the notice of violation has been issued.

### 3.6 Appeal Process:

Any person aggrieved by the final decision of verified excessive responses may file an appeal with the Southington Town Council by sending a letter requesting an appeal review. The letter must be received at the Town Managers Office within ten (10) business days after the notice of violation has been given to the property owner or responsible person as noted in Section 3 3.3 (1)da-dc. The Town Council will be the final decision making authority for the Town of Southington in regard to verified excessive responses.

### 3.6 Enforcement:

The Administrative Services Section of the Southington Police Department shall keep records of responses to each property from the records of the Town of Southington Police Department. The Administrative Services Section shall determine the verified responses and any additional research needed.

- a. When a property exceeds the 25 allowable verified responses any and all subsequent verified responses for the current fiscal year shall generate a fine to the property owner, or the responsible person. The fine will be the maximum amount as allowed by State of Connecticut Law. Under G.S. § 7-148(c)(10).

- b. The Southington Police Department will provide the enforcement action of this ordinance only after;
  - a. the appeal process time limits have either expired or;
  - b. an appeal hearing was conducted by the Town Council, and a violation(s) was sustained for the property owner or responsible person.

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