

February 28, 2005

City Council
City of Ypsilanti
One South Huron St.
Ypsilanti, MI 48197

RE: Vacant Buildings Ordinance

Dear Council members:

While listening to the City Attorney vigorously defend his Vacant Buildings Ordinance at the February 1, 2005 City Council meeting, I was struck by a moment of déjà vu. In August 2002, the City Council held a public hearing to consider the adoption of a “daytime curfew” for school-age children. The stated purpose was to provide the police with new authority to correct apparent truancy issues related to young people loitering on S. Harriet St.

Another unjust law riddled with unintended consequences.

Like the Vacant Buildings Ordinance, the proposed Daytime Curfew was...

- ...**proposed by the Police Chief** – in that case as a “solution” to the problem of young people loitering on S. Harriet St.;
- ...**pushed for by a City Council** whose overreaching desire was to “do something, anything” about a perceived city problem;
- ...**developed exclusively by the City Attorney’s office with virtually no input** from the public or other city departments;
- ...**riddled with undefined and poorly defined regulatory terms** and conditions – in the case of the Daytime Curfew, one example was the term “school hours” (which school – public, private, parochial, homeschool, other?); and
- ...**written with no consideration as to the unintended consequences** of the ordinance’s broad scope and applicability – in the case of the Daytime Curfew the potential consequences went far beyond resolving the limited scope of the loitering issue.

Like the Vacant Buildings Ordinance, the proposed Daytime Curfew **gave great new discretionary authority to City officials** – in this case to police officers to confront and detain school-age children as potential curfew violators. Because of its broad scope, the Daytime Curfew ordinance **had the serious potential to turn law abiding citizens into law-breakers** – in this case children and their parents.

Another case where the City Council has not received thorough and complete counsel.

Finally, like the Vacant Buildings Ordinance, the proposed Daytime Curfew **failed to perform as advertised by the City Attorney’s office when exposed to even a small amount of public scrutiny**. As you will likely remember, the public hearing for the proposed daytime curfew was packed with angry parents (many from homeschooling families) who reminded the Council that a significant percentage of school-age children are not enrolled in the Ypsilanti Public Schools – a simple fact never considered by the City Attorney in authoring the proposed daytime curfew.

Another case where no new ordinances were needed to solve the problem.

When confronted by the unintended consequences of the Daytime Curfew ordinance, the City Council wisely chose not to even hold a vote. Instead, the City Attorney and Police Chief were directed to go back, research, and come up with a better solution. Confronted with this challenge from Council, the Attorney and Police Chief suddenly discovered that the "young people" loitering on S. Harriet St. were not even of school age and many were not residents of the City! The daytime curfew would not have even applied to them!

Once the real facts of the "problem" were determined, the City Attorney and Police Chief were able to develop an effective solution that reduced this loitering activity, without any new ordinances!

We can do better.

Like the failed daytime curfew, the Vacant Buildings Ordinance:

- Is riddled with undefined and poorly defined regulatory terms and conditions.
- Is written with no consideration as to the unintended consequences of the ordinance's broad scope and applicability.
- Gives excessive new discretionary authority to the City's code enforcement officials.
- Will turn law abiding citizens into law-breakers.
- Represents another case where the City Council has not received thorough and complete advice and counsel from its trusted advisors in the City Attorney's office.

The only difference between the Vacant Buildings ordinance and the failed daytime curfew is that this time the Council is not facing a well-organized group of angry homeschooling parents. However, that does not make the Vacant Buildings ordinance any less unjustified.

Any law, no matter how well intended, is unjust if it has the effect of turning law abiding citizens into law-breakers. The Vacant Buildings Ordinance should be rejected by the City Council. **We urge the City Council to reject this proposal, and to take action to repeal the unenforceable Vacant Buildings ordinance.**

Council rejection and repeal would challenge the City Attorney and Police Chief to come up with a properly proportioned and reasonable solution to the perceived problems with dangerous buildings in the City. **We recommend that any solution involve a collaborative effort between city officials, the police department, and the neighborhood associations.** A well-organized and coordinated "rapid response" team approach will do more to safeguard our neighborhoods than any ordinance ever could.

Sincerely,



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