Recommendations

Consider adopting on first and second readings, Ordinance No. 9811, making it a municipal offense to maintain a public nuisance or to permit a public nuisance and establishing penalties therefor. Consider authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the University of Kansas and other appropriate parties for the enforcement of applicable state laws and/or municipal offenses related to maintaining a public nuisance or permitting a public nuisance.

Executive Summary

The City has the authority, under its Home Rule powers, see Kan. Const. Art. 12, Sec. 5, as well as its general police powers, to pass an ordinance making it a municipal offense to maintain a public nuisance or to permit a public nuisance. Maintaining a public nuisance is defined as "knowingly causing or permitting a condition to exist which injures or endangers the public health, safety, or welfare." Permitting a public nuisance is defined as, "knowingly permitting property under the control of the offender to be used to maintain a public nuisance," as defined in subsection (a) of the proposed ordinance. If this ordinance is passed, the Lawrence Police Department (LPD) will have the authority to enforce such ordinance and may issue citations therefor. Such cases will be prosecuted in municipal court. This proposed ordinance closely mirrors K.S.A. 21-6204.

The proposed MOU will allow LPD to work with the Kansas University Public Safety Office to jointly enforce the ordinance at large gatherings on and off campus. The law enforcement agencies will work closely with officials at Kansas University (KU) and may evaluate whether such violations implicate KU’s Code of Conduct.

Strategic Plan Critical Success Factor

Effective Governance/Professional Administration
Safe, Healthy, and Welcoming Neighborhoods
Collaborative Solutions

Fiscal Impact

The fiscal impact to the City is unknown at this time.

Action Requested

Adopt on first and second readings, Ordinance No. 9811, and authorize the City Manager to execute a Memorandum of Understanding with the University of Kansas and other
appropriate parties for the enforcement of applicable State laws and/or municipal offenses related to maintaining a public nuisance or permitting a public nuisance.

Previous Agenda Reports:

- September 15, 2020 City Commission Meeting

Attachments

- Ord. No. 9811
- Communications - Updated 09/17/20
ORDINANCE NO. 9811

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
ENACTING CHAPTER 14, ARTICLE 4, SECTION 14-419 OF
THE CODE OF THE CITY OF LAWRENCE, KANSAS 2018
EDITION AND AMENDMENTS THERETO, PERTAINING TO
MAINTAINING A PUBLIC NUISANCE AND PERMITTING A
PUBLIC NUISANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by enacting Chapter 14, Article 4, Section 14-419 which reads as follows:

14-419 MAINTAINING A PUBLIC NUISANCE; PERMITTING A PUBLIC NUISANCE.

(a) It shall be unlawful to maintain a public nuisance. Maintaining a public nuisance is knowingly causing or permitting a condition to exist which injures or endangers the public health, safety, or welfare.

(b) It shall be unlawful to permit a public nuisance. Permitting a public nuisance is knowingly permitting property under the control of the offender to be used to maintain a public nuisance, as defined in subsection (a).

(c) Any person violating Section 14-419(a) or Section 14-419(b) shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a period of incarceration not to exceed 30 days, a fine not to exceed $500.00, or both incarceration and a fine.

SECTION 2. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 3. This ordinance shall take effect and be in force from and after its adoption and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of September, 2020.

APPROVED:

___________________________________
Jennifer Ananda, J.D., M.S.W.
Mayor

ATTEST:

__________________________________
Sherri Riedemann
City Clerk
APPROVED AS TO FORM:

__________________________________
Toni R. Wheeler
City Attorney
I understand that the City Commission is planning to consider an ordinance to make violations of health orders a municipal offense, and support this action.

Given that large gatherings like the well-publicized potential "super-spreader" events that took place on Saturday night are likely to lead to sickness and long-term health problems or death, I believe that fines should be set high enough to strongly discourage such activities - perhaps up to $10,000 for the most egregious violations.

Please consider the consequences of just one such event attended by 65 people - Maine wedding ‘superspreader’ event is now linked to seven deaths. None of those people attended.

Thank you,

Eric Kirkendall
714 Mississippi Street
I am a Lawrence resident and I support the Lawrence City Commission making an enforceable covid-19 safety violations ordinance now.

Kate Gramlich
Hello, my name is Chloe and I am a lifelong Lawrence resident. I attended elementary, middle, and high school in this town as well as college at the University of Kansas. I am living here now through COVID with high-risk family members in town.

I am emailing today to say that I **support** the Lawrence City Commission making an enforceable COVID-19 safety violations ordinance now.

Thank you,

Chloe
Re: Ordinance No. 9811, making it a municipal offense to maintain a public nuisance or to permit a public nuisance and establishing penalties therefor.

I refer you to K.S.A. 21-5429. Endangerment:
(a) Endangerment is recklessly exposing another person to a danger of great bodily harm or death.
(b) Endangerment is a class A person misdemeanor.
(c) This section shall be part of and supplemental to the Kansas criminal code.

In its 2010 Final Report to the Kansas Legislature, [link1] [link2] the Kansas Criminal Code Recodification Commission wrote that: “The Kansas code contains numerous offenses that are based on the principle of criminalizing recklessly exposing someone to danger when no injury or death occurs, such as endangerment of a child, casting rocks onto a public road or street, hazing, use or possession of traffic control signal preemption devices, etc. The general offense provides liability for acts of endangerment that do not fit within these several specific statutes.”

In the same report, the Commission wrote that statutory use of the word “knowingly” constitutes a higher degree of culpability – thus a higher bar for enforcement – than “recklessly.”

“A person ‘acts recklessly’ or is reckless when such person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.”

I contend that disregard for a Public Health Order against large gatherings during a pandemic meets the criteria for local enforcement of K.S.A. 21-5429. The question becomes, if someone wanted to report a person throwing rocks from a bridge onto a highway, would we be having these quibbles about jurisdiction? Would we have to report it first to the Physics Department to validate the trajectories?
I'm resending this email to show support for a city-wide ordinance that would allow police some leverage related to enforcement of the Douglas County Health Department’s guidelines. Though I realize there are some understandable concerns about such an ordinance, we need some means of ensuring large gatherings and mask violations cease. The University will not act in a meaningful way, and the actions of individuals are negatively affecting the entire Lawrence community. Please help us by passing an ordinance that will go a long way toward protecting those who are most vulnerable in our community.

Thank you-
Dr. Amy Stuber

---------- Forwarded message ----------
From: Amy Stuber <amystuber@gmail.com>
Date: Mon, Sep 14, 2020 at 7:03 AM
Subject: Douglas County and KU Guidelines for Community COVID Response
To: <ccagendas@lawrenceks.org>

Dear Commission Members,
The community needs some kind of city-wide mandate to give teeth to Douglas County's Smart & Safe Reopening guidance discouraging public gatherings of more than 45 people. I’m sure you’ve seen the pictures of this weekend's gatherings. As someone living close to campus, I can attest to the fact that the house party featured on various national media outlets Sunday is hardly unique. They are happening all over town every weekend, with far more than 45 attendees and no masks in sight. COVID numbers have been on the rise since students returned, and with parties like these each weekend, we are careening toward a situation where we have unchecked community spread.

We've already seen that the University is unwilling to punish students for this behavior, and the police -- though sometimes on the scene -- have failed to break up these parties. Those of us who live here and have been doing everything we can to follow the guidelines, all while protecting vulnerable community members and struggling businesses, need the assistance of the city in shutting some of these gatherings down. I'm not sure of the reach of the Commission on this front, but if there is anything at all to be done (and city ordinance or mandate), the community very much needs your help. I have lived near campus for many years and typically would almost never complain about house parties, as there are simply a part of campus life. But massive house parties during a pandemic? No. All in the community are at the mercy of these people who are behaving selfishly and recklessly. Please help.

Thanks for your time and your work on the Commission.

Amy Stuber
I would like to suggest a way of strengthening proposed Ordinance No. 9811.

As currently written section (c) calls for any person violating section 14-419(a) or section 14-419(b) shall upon an adjudication of guilt or the entry of plea of no contest, be subject to a period of incarceration not to exceed 30 days a fine of $500.00 or both incarceration anda fine.

I am hard pressed to understand what any person means?

Is it everyone who attends a mass gathering house party? Or just the people who live at that house?

As we are a community of renters I would suggest that the owner of the property be held responsible for any public nuisance event.

Thank you for allowing me to provide my two cents

--
Michael Davidson
900 Delaware St # 306
Lawrence, KS 66044

--
Michael Davidson
100 Daly Blvd # 2206
Oceanside, NY 11572
(509) 629-1932
Dear Mayor, Vice Mayor and Commissioners,

I am writing to express my concern about adopting Ordinance 9811 in its current state. I - as many others - share concern for the spread of COVID-19 and specifically the events around campus that make this more likely. I also come into contact with many people that are in the higher risk categories for complications from COVID-19. However, I am very concerned that broad language like "public nuisance" can be abused (even unintentionally) to harm members of the community. I'm not sure it's fair to law enforcement to ask them to enforce such broad guidelines. I foresee several problems on the horizon if this as passed as drafted.

I understand there is a lot of pressure on the commission. My suggestion is that the city and other partners (including KU) work together to determine if it is possible to enforce penalties without using law enforcement. If we are talking about students - and I think we are - then suspension or termination is a much bigger club than a ticket.

Thank you for your time!

Patrick Wilbur
521 Durham Court
Lawrence, KS 66049
I am a Lawrence resident and I support the Lawrence City Commission making an enforceable covid-19 safety violations ordinance now.

My children can’t even attend school safely because of covid, yet we see people who are just ignoring the facts that masks and social distance work.

Please work to help our community follow the mandates and lower our numbers. Encouragement is not enough. We need to show that we, as a county, care about the health of our county by enforcement.

Jessica Webster
Dear Commissioners,

Hello my name is Caitlin McDiarmid and I live at 1000 Mississippi. I recently wrote to you all about my concerns regarding the ongoing house parties in the KU neighborhoods. I was at first pleased that you were considering consequences for those hosting and involved in unsafe practices at these house parties. However, it’s been pointed out that ordinances are not enforced fairly in our city and that ordinances like the one proposed could disproportionately effect our Black and Brown citizens; and be used unfairly against our unsheltered and homeless citizens as well.

I therefore suggest that the City Commissioners use their positions to get KU to take action in these matters rather than establishing an ordinance which effects the community at large since we know the majority of violators of the public health ordinances are students. Certainly KU / campus police could be tasked in these matters; certainly these students are in violation of KU’s own policies surrounding Covid-19; and certainly our city would benefit if KU took action in these matters.

While I am deeply concerned for the health and wellbeing of all our community members – I am equally concerned that the actions taken by the commissioners today don’t have an adverse effect on members of our community who already don’t have a voice in these discussions and who already are more likely to suffer abuses at the hands of police and enforcement groups.

I do not support Ordinance 9811 and ask you to search out more specific KU based solutions to this very specific KU problem.
Hello,

I'm writing to express my support for the proposed ordinance that would make defying a public health order a municipal offense. I feel that it's critical at this time to stop the spread of COVID-19 through whatever means are needed.

Thank you,

Megan Willesen
801 N. 7th St.
Lawrence, KS 66044
Is it just a coincidence that today is Constitution Day? Especially as we continue to encroach on peaceable assembly.

If COVID is as contagious and deadly as we're being told by our community leaders, why have there only been 40 people admitted to the hospital and why have 60% or more already been discharged?

Why have 98% of those with positive tests been sent home to treat themselves? And with only 10 deaths (all over the age of 65), isn't a 0.5% death rate pretty good for all those non doctors "treating" themselves with all the treatments that aren't available?

The ordinance says, "It shall be unlawful to maintain a public nuisance. Maintaining a public nuisance is knowingly causing or permitting a condition to exist which injures or endangers the public health, safety, or welfare."

Using LDCPH data, there is a 100% survival rate for those under 18 and a 98.3% chance of NOT needing a hospital; a 99.5% survival rate for those 18-24 and a 96.9% chance of NOT needing a hospital; a 99% survival rate for those 25-34 and a 93.4% chance of NOT needing a hospital; and a 98.1% survival rate for those 35-44 and a 89.6% chance of NOT needing a hospital.

And, if you still trust what the CDC has to say, their data shows that 94% of COVID deaths occurred in people with two or more pre-existing conditions and only 6% from COVID alone. So, combine the two bits of information and you get an even clearer picture of who is at risk. Older people and those with pre-existing conditions.

So, anyone attending a gathering within that pretty generous house party age range and no pre-existing conditions, can have a 90% or more confidence level knowing they won't be endangering or injuring themselves or anyone else at the gathering. Nor would they be permitting a condition to exist that does either of those things to anyones public health, safety, or welfare. This is especially true given that everyone at the gathering is voluntarily peaceably assembling.

As far as the public health of the rest of the community is concerned, inside businesses, I haven't seen any issues with students voluntarily complying with requests to wear a mask. And remember, some people do have exclusions and they aren't all apparent.
And, if masks are the great savior that everyone pinky swears they are, then any gathering attendees just need to wear a mask when in public buildings requesting it. Doing so would prevent them from posing a public health, safety, or welfare issue beyond the gathering itself. After all, you wear a mask to protect others and not yourself. Correct?

Unless you can prove that in addition to attending a gathering that individuals are also not being clean in public and not wearing masks inside public buildings as requested, the mere peaceable assembly of a group of low risk citizens doesn't warrant this reach of authority.

Noise complaints, are a different thing. Ones lack of COVID susceptibility doesn't release them from adhering to other established laws that protect neighbors.

Mayor Anandas comments about the brain development of students is humorous. We'll trust their brain development when discussing their unquestionable insights into climate change, police funding, racism, infinite genders, and morality policing. But we can't trust them to do basic math about COVID, wash their hands, or wear masks in buildings where publicly requested.

Why is everyone being treated the same when people 65 and older account for roughly 12.8% of the local population, 100% of local deaths, and 79.6% of statewide deaths? Why isn't our approach more targeted towards those areas that the data is showing as being vulnerable? So we can more fully open things back up, rebuild the health of our economy, and focus our new surge of money and energy most effectively.

Are we so focused on adhering to the LDCPH narrative of stopping the spread that we are unable to process the actual data? Perhaps just those who are able to break free from the hypnotizing grip of the positive test counter, the unsubstantiated claims of mass non-mask wearing in public, and the constant fear about spreading a virus that is highly contagious and deadly to all equally.

As the city, you have thus far abdicated all your COVID responsibilities to the Public Health department to make decisions. However, the city is responsible for the management and use of citizen tax dollars and you need to start standing up for the community, providing some level of pushback, and asking deeper questions about the data and observable facts.

Let's stop living in fear and start living in fact.
Dear City Commissioners,

I am writing concerning the ordinance being proposed this evening. As an attorney, I believe the proposed language of the ordinance is vague and unenforceable on its face. To ask our law enforcement to try and enforce such language is a recipe for disaster in our current environment. It places our law enforcement officers in untenable positions with greater negative community interaction. Only fools would rush to react to some college students having a party by creating a more difficult situation for our entire community. Please exercise wisdom and restrain yourselves. We should allow citizens to exercise personal freedom and responsibility. As civic leaders, you should focus on educating and encouraging the community rather than placing dictates from on high that would have the potential for significant negative impacts.

Sincerely,

Ryan Hickman
Dear City Commissioners,

I am writing to express my opposition to the proposed action of making violation of city health orders a municipal offense. While I agree that we, as a community, should work to promote compliance with health orders, I do not believe that criminalizing the behavior is the best way to do that.

Nationally and locally many community leaders and citizens are discussing ways to reduce the role of police; making violation of health orders a municipal offense would only further empower the police. There is abundant evidence that police—even the best and most well-intentioned police—enforce laws inequitably to the detriment of our most vulnerable citizens: the unhoused, the mentally ill, people of color, people experiencing poverty.

I trust that a community as compassionate, thoughtful, and creative as Lawrence can find ways to encourage public health that do not resort to increased reliance on police intervention. Considering that the notable increase in non-compliance corresponds to the beginning of the KU semester, I would propose that the university needs to be held accountable for their decisions to continue in-person classes and they need to be part of the solution to the problem they have created.

Thank you for your time and for having this important discussion.

Sincerely,

Rev. Joanna Harader
Dear City Commissioners,

I am writing concerning the ordinance being proposed this evening. I don’t agree that there should be an ordinance to fine individuals for mass gathering. Though I know others see these mass gatherings as a harm to others I also think many see the need for people to gather. We all have seen the effects that social distancing has had on mental health and our local businesses over the last 5 months. Suicide attempts has gone up and depression has increased. Regarding our local business, I heard on KLWN yesterday how a company was awarded a million, or so, dollars to help businesses that are struggling financially. Having people out and about not only helps with mental help but also our economy.

I also think involving our law enforcement in this type of activity would add an unnecessary shade of light that is not needed if police had to issue one of these $500 tickets to an individual. Our national news had already painted law enforcement as an institution that we don’t need and I just don’t agree with that message.

Instead of the ordinance, I say we continue to communicate to people the facts of Covid19 and how to keep ourselves healthy during these times.

Thank you for your time,
Jesse Brinson

--
Jesse Brinson
Called To Greatness Ministries
Community Outreach and Development Coordinator
785-218-8684
External Email.  Be careful with links and attachments.

Hello and thank you for working on this issue!

According to the Lawrence Journal-World:

*The ordinance would make the public nuisance of “knowingly causing or permitting a condition to exist which injures or endangers the public health, safety, or welfare” a municipal offense.*

I think this language is way too vague. It requires police officers to interpret what constitutes this kind of condition. It leaves the police open to lawsuits and doesn't target super-spreader events. It also doesn't educate people on what they can and can't do.

It would be better to include specific Health Department language related to the Corona virus and social distancing/hygiene standards.

Perhaps it could read something like this:

“knowingly hosting or attending an event in which participants/guests do not adhere to health department requirements regarding the local spread of Covid19 to the community, including but not limited to social distancing, mask requirements, clean air flow, and provision of hand sanitizer” [I don't know the exact language or requirements for this, but people should be apprised of it in a public statement.]

This means that if I attend a party or event that is obviously unsafe, I can be cited if I refuse to leave immediately. It's not enough to fine the host. They can likely pay the fine, but if citations are given to participants who refuse to leave, there will be more of a deterrent. Plus, if there are any under-age drinkers, they will probably leave pretty quickly.

We may be playing "whack-a-mole" here, but at least we can disrupt the larger parties and generate some funding to support more awareness.

I also think that any penalties or fines for repeated offenses could also include some kind of community work or education. The names of any individuals or groups cited should be part of the public record and be shared with KU to help them determine a course of action for students.

Thank you,
Perrin Blackman
I’m glad to hear that the Commission is exploring solutions related to policing COVID violations this eve. Social media conversations seem to be focused on asking for police officers to enforce recommendations via individual citations. I don’t think the outcome would be effective or equitable. Instead, I would love to see responsibility fall to the property owners. Could the landlords or homeowners be fined? They could then build their own systems to pass the fines onto their tenants, but it would force them to stop allowing harm in the name of personal profit. They are the best avenue to enforcement and a more realistic first step. If a property owner chooses to host a large gathering or allow a large gathering, they should receive a fine - more than 1 month’s rent. It has to sting or it won’t matter. Logistically, it seems feasible. We are only talking about properties large enough to host big gatherings in a few pockets around town. The city has systems to track landlords and property owners and the # of citations would be in the single digits, weekly. Perhaps it would require new communications between city offices and the police, but that seems as simple as emailing a report with the address and citation.

I hope the conversation keeps focus on large gatherings and doesn’t become derailed by troubleshooting scenarios that aren’t the primary issue- large house parties and gatherings- not random folks downtown, not 5 people on a porch. Mission focused on reducing spread and death through the elimination of large gatherings on private property by issuing fines to property owners. In the end, they are the enablers. They are equipping selfish people with the venues to spread disease and making a profit.

I know many people are friends with the property owners connected to the most recent event, but now isn’t the time to avoid our best solutions out of fear of awkwardness or burning bridges to the well-connected or well-liked. Our kids need to go back to school. Our parents need to be able to visit their grandkids. Social services need to be available to our at-risk residents. Our small business owners need their customers. Fine the landlords, make them control their properties. They have (or should have) safety nets built into their leases. They will be fine. It can’t fall on law enforcement officers to wrangle dozens of infected, drunk jerks. The people who profit off of the infected, drunk jerks need to be the ones who deal with it.

People are hanging on by a thread and about to lose it. Please do something that will have an impact.

Thank you,
Mandy

Mandy Enfield
Dear City Commissioners,

Thank you for your willingness to consider whether a city ordinance might be a first step toward discouraging mass gatherings in Lawrence during the Covid-19 pandemic.

As a community we struggled throughout spring and summer to get our infection rates under control. The spike that occurred when restrictions were lifted in late May made it abundantly clear that safety protocols and social distancing guidelines were important not only to bring our numbers down, but also to keep them there once we achieved “acceptable” levels.

My own family suffered the consequences of lowering our guard in early summer when our recent high school graduate moved in with roommates to begin college. My son was almost immediately infected with the Coronavirus, and because we had all been in contact throughout his move, our entire nuclear family went into lockdown for two weeks. Fortunately, no one else in the family tested positive and none of us experienced harsh symptoms or complications. It did, however, make painfully clear just how easily my son or his friends could have infected their grandparents or any stranger on the street with a compromised immune system.

Because of what happened, the roommates’ parents sat down with the kids and immediately implemented guidelines. The roommates were asked to identify their “bubble” of friends and to commit to stay in that bubble. No exceptions. We made it clear to all of the roommates that irresponsible behavior would have serious consequences. Financial penalties. (Loss of monetary support.) Potential loss of freedom. (Making them move home.)

My family experienced on a micro-level exactly what is currently happening between KU students and the City of Lawrence. Because a percentage of KU students cannot control themselves simply in the interest of public safety and the greater good, the City of Lawrence now needs to step in and become the parent.

While my preference would have been for KU to offer a fully virtual experience and protect Lawrence residents by keeping the bulk of students at home, that ship has sailed. Once students were back, KU seemed to be promising to work with the city to keep students and the community safe. Unfortunately, the past several weeks has illustrated the university’s inability or unwillingness to take any substantial action to change student behavior. Until they do their part, the responsibility may lie with the City of Lawrence.

Thank you for taking the time to explore what options exist to put Lawrence back into the national news for being an example of pandemic best practices rather than a commercial for best party school. Your efforts are appreciated.

Sincerely,
Andrea Albright
607 Louisiana St.
(785) 550-1570
City Commissioners,

I am writing concerning the ordinance being proposed this evening. I am not in favor of an ordinance to fine individuals for mass gathering.

Our police do not need more reasons for people to dislike them.

I wear a mask whenever I'm in close quarters with people outdoors and always when I'm indoors with others.

We all face risks throughout life, and we can't always fix "stupid."

I realize you are in a tough position and no matter how you vote, there will be people unhappy with you.

I am praying for wisdom for you.

Bill
Billy D. Wood
bdwood1956@gmail.com
785-840-5889
Sherri Riedemann

From: Rich Lorenzo <richandannlorenzo@gmail.com>
Sent: Thursday, September 17, 2020 3:55 PM
To: City Commission Agendas
Subject: Public comment on Proposed Ordinance

External Email.  Be careful with links and attachments.  

I am writing concerning the ordinance being proposed this evening. I find the city’s use of the home rule to defend this potential ordinance concerning. I think the city’s use of the home rule violates the 1st amendment of the U.S. Constitution (the right of people to peaceably assemble).

**For starters, A few house parties do not nullify the Constitution.** That is a line that cannot be crossed. The right to assemble and to have freedom of movement is a right granted to all and it’s a freedom that can’t be destroyed by lockdowns or municipal ordinances for any reasons. Even for violating local health orders. An ordinance that infringes on the right to peaceably assemble must undergo a high level of scrutiny to determine whether a clear and present danger justifies the declaration. Otherwise, local governments can destroy the Constitution, the rule of law and human rights by falsely claiming danger when there is none.

In the cases the city has expressed concern about, there is no clear and present danger that justifies this ordinance. The facts don’t lie. Young people are NOT going to the parties or gatherings and then heading down to the local nursing homes and running through the hallways coughing on people. The city is not being overrun with Covid cases. All the deaths in the County are people age 65 years or older. The science is clear that the elderly and unhealthy are at risk and need to take precautions, but not allowing others to gather is foolish and in violation of basic human rights.

As a commission, you do not have the Constitutional right to strip away our freedom to peaceably assemble because some young people are hosting house parties or gatherings and violating health orders. There is no evidence that there is clear and present danger to the public. The city would be taking a huge risk by passing this ordinance and would likely face a legal challenge that it would lose.

Don’t step on the Constitution. It is not a good idea.

Sincerely,

Rich Lorenzo
I wrote to remind you that the big parties, on the major streets, are not the only problems. In the Oread neighborhood, where I and my family live, students have been having parties this fall outside but in confined spaces, such as patios or porches, that force party attendees into close and unsafe proximity. While the proposed ordinance does not mention the size of gatherings, the accompanying text speaks of large gatherings.

I would urge the city to keep the ordinance flexible so that unmasked and dense small gatherings can be broken up, just as can the more visible large ones.

I encourage the passage of the ordinance. My own sense is that KU takes a hands off approach to off-campus students, leaving it to the City to deal with them. But currently, we have poor means of dealing with noise (the police come, the police go) and maybe even less good means for dealing with behavior that threatens public health. Bars now close between 9 and 10 pm, but private parties continue on into the night.

There are stronger responses in other college towns. In Amherst, Massachusetts (home to UMass), according to the local newspaper: "With the COVID-19 pandemic continuing, police have implemented a zero-tolerance standard in handing out the $300 tickets when there are gatherings and disturbances potentially jeopardizing public health and the safety of those at the parties. [https://www.gazettenet.com/More-tickets-issued-in-Amherst-for-violations-of-noise-bylaw-36242323](https://www.gazettenet.com/More-tickets-issued-in-Amherst-for-violations-of-noise-bylaw-36242323). That town is using a noise and nuisance ordinance to ticket unsafe gatherings. This is a model for Lawrence."

Thanks for listening.

John Pultz
937 Ohio Street, Lawrence
Dear City Commissioners,

I am writing to express my opposition to the proposed action of making violation of city health orders a municipal offense. While I agree that we, as a community, should work to promote compliance with health orders, I do not believe that criminalizing the behavior is the best way to do that.

I stand by the following comments from Mayor Ananda and Vice-Mayor Finkeldei that were printed in the LJWorld:

"However, Vice Mayor Brad Finkeldei and Mayor Jennifer Ananda said they were not sure that creating a municipal ordinance would be the best approach, and that perhaps stronger disciplinary action from KU, such as bans from campus, mandatory quarantines or suspensions, would be more effective. Finkeldei said he was not opposed to considering an ordinance, but that much like with underage drinking, he would expect some would disregard the law and that it would be difficult for police to enforce.

Ananda emphasized that preventing such events from occurring should be the commission’s focus, and she questioned how effective a potential misdemeanor issued after the fact would be at preventing future house parties. She also expressed concern about young people, whose brains are still developing, ending up with a criminal record because of such violations."

There must be a more thoughtful way to impress upon students and other community members the significance of the situation than by sending teenagers and young people to jail.

I am perplexed that this is even being considered when nationally and locally (https://www2.ljworld.com/news/ku/2020/sep/16/public-listening-sessions-announced-for-ku-task-force-on-local-policing-town-hall-to-take-place-sept-21/) many community leaders and citizens are discussing ways to reduce the role of police; making violation of health orders a municipal offense would only further empower the police. There is abundant evidence that police—even the best and most well-intentioned police—enforce laws inequitably to the detriment of our most vulnerable citizens: the unhoused, the mentally ill, people of color, people experiencing poverty.

I trust that a community as compassionate, thoughtful, and creative as Lawrence can find ways to encourage public health that do not resort to increased reliance on police intervention. Considering that the notable increase in non-compliance corresponds to the beginning of the KU semester, I would propose that the university needs to be held accountable for their decisions to continue in-person classes and they need to be part of the solution to the problem they have created.

Thank you for your time and for having this important discussion.

Sincerely,
Dear Commissioners,

If it is true that a municipal ordinance for COVID violations is under consideration, please know that I am in full support of such an ordinance. Large gatherings that do not follow health orders put Lawrence and our region at great risk. The KU students ignoring these health orders appear mostly to be members of the Greek (fraternity/sorority) community—meaning they are often privileged white kids from out of state. They should not be allowed to endanger the lives of Lawrence residents with impunity. It seems the threat of jail time is necessary in order to curb their dangerous behavior. KU administrators have shown that they are unwilling to legitimately deal with the bad actors in the Greek community. Therefore, it falls to the City Commission and to the residents of Lawrence to protect lives during this global pandemic. Please vote in favor of a municipal ordinance for COVID violations.

Sincerely,
Eleanor Gardner

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Dear Commissioners -

I am contacting you regarding tonight's special meeting agenda item on proposed Ordinance 9811 making it a municipal offense to maintain a public nuisance or to permit a public nuisance and establishing penalties therefore. COVID-19 has endangered our community's health, threatened our local economy, and continues to spread throughout our city as cases increase. Tonight's discussion is the result of the house parties and unsafe public health behavior exhibited last weekend, which was featured on the national news, and at other times in the last several weeks in the community.

My hope for the outcome of this meeting is that we develop a plan to assure that our community's health is the priority for everyone who lives, works and studies in Lawrence and Douglas County. This includes adopting a method of enforcement when safe behaviors are ignored and flaunted. As the parent of a high schooler and middle schooler we have to make acting responsibly a priority.

I also want to address the issue of the tight restrictions that have been placed on our local businesses because of the need to enforce behavior standards and safe public health practices throughout the community. The burden for adherence to the public health orders and mandates has been placed on the business community and they have stepped up and made drastic changes to their business models in order to stay open to serve their customers. We need to be assured that the general population will be held to those same standards so that our community can stay health and we can keep moving forward.

Thank you for your work on this and so many other issues -  
Sally Zogry

Sally Zogry, Executive Director
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