



October 6, 2014

York's Nuisance Abatement Ordinance Punishes Sufferers of Domestic Abuse

**Via Electronic Mail**

The Honorable Mayor and Members of the City Council  
City of York  
101 S. George St.  
York, PA 17401

**Re: ARTICLE 1751 Nuisance Abatement**

Dear Mayor Bracey and Members of the City Council:

In the spirit of Domestic Awareness Month, we write to you with the following concerns regarding York's Nuisance Abatement Ordinance and its impacts on individuals, primarily women, seeking relief or emergency assistance from domestic abuse by calling the police.

The City of York is one of 19 municipalities<sup>1</sup> statewide identified by the Pennsylvania Coalition Against Domestic Violence as having enacted nuisance ordinances which penalize sufferers of domestic abuse for seeking police assistance.

The York County Libertarian Party (York LP) is opposed to nuisance ordinances that punish victims of domestic abuse and urges City Council to repeal ARTICLE 1751 Nuisance Abatement of the Codified Ordinances.

The following is a summary of our concerns regarding ARTICLE 1751 Nuisance Abatement in the context of domestic abuse and the penalization of victims seeking emergency assistance.

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<sup>1</sup> [Pennsylvania Coalition Against Domestic Violence, Nuisance Ordinance Chart](https://docs.google.com/file/d/0B8dQrWGRKmYdVTJNcXNyWmFadVE/edit?pli=1) - <https://docs.google.com/file/d/0B8dQrWGRKmYdVTJNcXNyWmFadVE/edit?pli=1>

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ARTICLE 1751 Nuisance Abatement (nuisance abatement ordinance) violates Article 183 “Fair Housing” and Article 185 “Human Relations” of the City of York Codified Ordinances.

***York’s nuisance abatement ordinance disproportionately impacts women.***

85% of domestic violence victims are women.<sup>2</sup>

Women are far more likely than any other group to experience differential treatment and be impacted by the nuisance ordinance.

More than 60% of domestic violence incidents happen at home.<sup>3</sup>

York’s ordinance only applies to offenses occurring in the home, again making it more likely to result in differential treatment towards women survivors of domestic abuse.

York’s nuisance abatement ordinance violates the First Amendment right to petition government and summon law enforcement.

***Individuals’ First Amendment right to petition government***

Includes the right to call the police; it has been upheld by the U.S. Supreme Court, characterized as “essential to freedom.”<sup>4</sup>

The ACLU recently reached a \$495,000 settlement<sup>5</sup> in a case brought against the Borough of Norristown which challenged a nuisance ordinance similar to the one on the books in York. The York LP urges members of city council to act immediately to remove this detrimental ordinance from its books; gaining from the wisdom of recent events in Norristown may potentially guard against costly litigation being brought forth in York.

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2-3 [Intimate Partner Violence in the United States](#) - Bureau of Justice Statistics

4 [Borough of Duryea v. Guarnieri](#), 131 S. Ct. 2488, 2491 (2011)

5 [Briggs v. Borough of Norristown et al.](#) - Victory! Town Will No Longer Treat Domestic Violence Victims as Nuisances

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Representatives of the York LP will be present at council during the October 7, 2014 public comment period to address members of council and make a formal call for repeal of ARTICLE 1751 Nuisance Abatement of the Codified Ordinances.

We look forward to city council taking action to ensure all citizens have equal access to law enforcement and emergency assistance in the City of York.

Thank you for your consideration on this issue. Please do not hesitate to contact us if you have any questions.

For more info please visit the York County Libertarian Party website - [York's Nuisance Abatement Ordinance Punishes Sufferers of Domestic Abuse](#)

Sincerely,

Manuel Gomez - Spokesperson

Dave Moser - Chair  
York County Libertarian Party

cc: Members of the Nuisance Abatement Board of Appeals  
City Clerk  
York City Chief of Police, Wes Kahley  
York City Police Officers:  
P.O. Wentz  
P.O. Aderhold  
P.O. Pelton