

# Nuisance Party Ordinance

Amends FCC 6-08-001-0005

# Definitions

- Owner
- Premises
- Nuisance Party
- Responsible Person
- Minor

# Nuisance Party

- Gathering of five (5) or more persons
- On private property (including a business)
- Which causes a disturbance
- May include excessive noise or traffic, blocking streets, drinking in public, minors drinking fighting or littering.

# Responsible Person

- Owner (at the party)
- Occupant or tenant
- Guest
- Sponsor, host, or organizer of the event
- Persons at the party who are engaged in conduct causing the nuisance
- DOES NOT include owner or person in charge, if the persons illegally entered the premises

# Violations

6-08-001-0005(D)

- (D)(1) First Nuisance Party
- (D)(1)(a) First Nuisance Party with additional criminal violations
- (D)(2) Second Nuisance Party
- (D)(2)(a) Second Nuisance Party with additional criminal violations
- (D)(3) Third or Subsequent Nuisance Party
- (D)(3)(a) Third or Subsequent Nuisance Party with additional criminal violations

# Options for 2<sup>nd</sup> and 3<sup>rd</sup> Offense

- Time frames between Violations
- Current time frame is 90 days
- Proposed Options
  - 90 days
  - 120 days
  - 180 days

# Notification

6-08-001-0005(D)(4)

- (D)(4)(a) Personal service to the responsible person at the party.
- (D)(4)(b) For the Residents posting of the notice on the door of the premises.
- (D)(4)(c) Owner shall be notified via certified mail to address on record with county tax assessors.  
(Courtesy copy to property manager)

# Civil Penalties

6-08-001-0005(E)

## Responsible Persons

1<sup>st</sup> Offense = \$250.00

1<sup>st</sup> Offense with additional crimes =  
\$500.00

2<sup>nd</sup> Offense = \$500.00

2<sup>nd</sup> Offense with additional crimes =  
\$1000.00

3<sup>rd</sup> Offense = \$1000.00

3<sup>rd</sup> Offense with additional crimes =  
\$2000.00

# Civil Penalties

6-08-001-0005(E)

## **If Owner is at the Party**

1<sup>st</sup> Offense = \$250.00

1<sup>st</sup> Offense with additional crimes =  
\$500.00

2<sup>nd</sup> Offense = \$500.00

2<sup>nd</sup> Offense with additional crimes =  
\$1000.00

3<sup>rd</sup> Offense = \$1000.00

3<sup>rd</sup> Offense with additional crimes =  
\$2000.00

# Civil Penalties

## 6-08-001-0005(E)

### **Owner is not at the Party**

1<sup>st</sup> Party prior to notification to owner  
= NO Fine

1<sup>st</sup> Party after notification to owner  
= \$250.00

2<sup>nd</sup> Party after notification to owner  
= \$500.00

3<sup>rd</sup> Party after notification to owner  
= \$1000.00

# Notification Options

- Options in terms of how soon after notification the Owner can be fined.
- 2 weeks, 20 days, or 30 days
- Landlord tenant act
  - Breach of rental agreement is 10 day notice
  - For specific criminal activity 5 days
  - Termination of month to month 30 days
  - Termination of weekly is 10 days
  - Immediate termination under some circumstances

# Waivers for Owners

## 6-08-001-0005(E)(2)(b)

- Owners may petition to Chief of Police for waiver of the fee within 10 Business Days of Receipt of Notice of violation if:
  - (1) Owner has taken steps reasonably necessary to prevent subsequent nuisance party or started eviction process
  - (2) Agrees to actively participate in Crime Free Multi-Housing Program
  - (3) If over 100 units gets private security

# Special Provisions

- 6-08-001-0005(E)(2)(d) If owner evicts tenant that had party and new tenant comes in and also has a party owner must be provided notice all over again.
- 6-08-001-0005(E)(3) Limits the liability of the owner or responsibility for actions of people present without their consent or for actions that were not foreseeable.
- 6-08-001-0005(F) Allows for law enforcement to still use other criminal state statutes if necessary as well.
- 6-08-001-0005(G) Provisions for Hearings

# Implementation

- Community Outreach
- Information sheet for members of public
- Met with Court administration
- Department In-service training on new Ordinance
- Assigned to Special Enforcement Squad

# Department Policy

- Focus will be on tenants and those individuals causing the disturbance
- Goal to partner with managers and property owners
- Notice to owners of the first nuisance party to include information sheet
- Notice of violation to owners provides information about waiver process