

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Poughkeepsie

Local Law No. 12 of the year 2014

A local law to adopt Town Code Chapter 144, entitled "Nuisance Parties"
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Poughkeepsie

as follows:

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearing held on August 6, 2014 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt Town Code Chapter 144, entitled "Nuisance Parties", as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 2014 of the ~~(County)(City)~~(Town)(Village) of Poughkeepsie was duly passed by the Town Board on August 6, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2014, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Town of Poughkeepsie Nuisance Party Law

Chapter 144 . NUISANCE PARTIES

§ 144-1. Findings; Legislative Authority.

The proliferation of unreasonably loud and disruptive parties in the Town of Poughkeepsie, which are of such character, intensity, duration and repetition as to be detrimental to the life, health, repose and safety of the public, has reached such proportions that the Town Board, pursuant to the authority of Section 10 of the Municipal Home Rule Law of the State of New York and New York Constitution, Article IX, in order to preserve, protect and promote the public health, safety and welfare, has adopted a Nuisance Party Law.

§144-2. Definitions.

A. Nuisance Party - A gathering which is conducted on property or premises within the Town of Poughkeepsie and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the gathering or on neighboring public or private property:

1. Disorderly Conduct.
2. Unlawful Possession of an open container of alcoholic beverage.
3. Public urination or defecation.
4. Unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage.
5. Sale or furnishing of an alcoholic beverage to an underage person.
6. Unlawful sale or possession or use of a controlled substance.

7. Unlawful deposit of litter or refuse.
8. The damage or destruction of real or personal property.
9. Unlawful pedestrian or vehicle traffic.
10. Standing or parking of vehicles that obstruct the free flow of traffic on the public streets or sidewalks, or that impedes the ability to render emergency services.
11. Violation of any section of Chapter 139. Noise, of the Town of Poughkeepsie Code.
12. Trespassing.
13. Exposure of a Person or Public Lewdness.

B. Responsible Person - (1) Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any property or premises, who either sponsors, conducts, hosts, invites or permits a gathering on said property or premises.

(2) A Property Owner who has been notified by the Town of Poughkeepsie Police Department of two (2) prior convictions for violation of this Chapter occurring within two years at a property or premises shall be considered a Responsible Person for purposes of future violations of this Chapter occurring at that property or premises. Alternative proof of a Property Owner's Responsible Person status maybe offered.

C. Person Attending - Any person in attendance at a Nuisance Party, whether or not such person has any possessory control of the property or premises where it occurs.

D. Property Owner - Any person or legal entity which is an owner, lessor or licensor of property or premises in the Town of Poughkeepsie who allows another individual(s) or legal entity to reside at or occupy said property or premises.

§144-3. Violations; Nuisance Parties and other actions prohibited.

1. No Responsible Person shall sponsor, conduct, host, invite, allow or permit a Nuisance Party.
2. No Person Attending a Nuisance Party who has been ordered to leave such Nuisance Party by a competent authority shall stay at the Nuisance Party property or premises unless they are an owner or tenant residing at that property or premises.
3. No Person Attending a Nuisance Party who has been ordered to leave a Nuisance Party by a competent authority shall leave a Nuisance Party and attend another Nuisance Party within 72 hours.

§144-4. Police authorized to cease nuisance parties.

Any police officer, peace officer, or code enforcement officer who observes a Nuisance Party occurring may order that the Nuisance Party be ceased and order all non owners and non residents on the property or premises where the Nuisance Party has occurred to leave the property or premises immediately.

§144-5. Police authorized to seize evidence, including alcoholic beverages.

Any police officer who observes a Nuisance Party occurring and who finds a violation of any provision of Section 3 above may seize any and all evidence of such violation and any and all evidence of the conditions or events listed at Section 2(A) 1-13 above, including where appropriate alcoholic beverages at the property or premises which are available to Persons Attending the Nuisance Party.

§144-6. Penalties for offenses.

1. A. Any person violating any provision of this Chapter shall be guilty of an offense punishable by a fine of not less than \$250.00 but not to exceed \$ 1,000.00 in amount, or imprisonment not to exceed 7 days, or any combination of such fine and imprisonment.
B. Any person violating any provision of this Chapter for a second time within one calendar year from the date of their first offense shall be guilty of an offense punishable by a fine not less than \$ 1,000.00 nor more than \$ 2,500.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.
C. Any person violating any provision of this Chapter for a third time within one calendar year from the date of their first offense shall be guilty of an offense punishable by a fine not less than \$ 2,500.00 nor more than \$ 5,000.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.
2. Nothing herein contained shall prevent the Town of Poughkeepsie from taking such other lawful action as is necessary to prevent or remedy a violation of this Chapter.

§144-7. Severability.

In the event that any section, paragraph, sentence, clause or phrase of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this Chapter shall be deemed severed from the Chapter and shall in no way affect the validity of the rest of this Chapter.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Felicia Sacratore Town Clerk
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/7/2014

(Seal)