

ORDINANCE NO. 2007- 23

AN ORDINANCE AMENDING THE CITY OF KENT CODIFIED ORDINANCES TO ADD A NEW SECTION 509.13 PROHIBITING NUISANCE PARTIES.

WHEREAS, the City of Kent has continued to receive complaints of excessive noise and other violations of the law from large parties and gatherings in the City; and

WHEREAS, the City of Kent would like to prohibit unruly, nuisance parties within the City limits in order to preserve the peace and tranquility of the City and neighborhoods.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority (5) of all members elected thereto concurring:

SECTION 1. The Codified Ordinances of the City of Kent are hereby amended to include new Section 509.13 as shown on Exhibit A, attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 3/7/07 _____
DATE

PRESIDENT PRO TEM

ATTEST: _____
ACTING CLERK OF COUNCIL

I hereby certify that Ordinance No. 2007 -22 was duly enacted this 7th day of
March , 2007, by the Council of the City of Kent, Ohio.

ACTING CLERK OF COUNCIL

EXHIBIT A

509.13 NUISANCE PARTY REGULATIONS.

(A) *Nuisance party defined.* A social gathering or party which is conducted on premises within the city 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 said party or social gathering, or on neighboring public or private property:

- (1) disorderly conduct;
- (2) illegal open container;
- (3) outdoor urination or defecation in a public place, or on the property of another;
- (4) unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person;
- (5) possession or consumption of beer or intoxicating liquor by an underage person; illegal use of a controlled substance;
- (6) public indecency;
- (7) unlawful deposit of litter or refuse;
- (8) damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic;
- (9) standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise;
- (10) any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.

(B) *Duty to control premises.* Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any premises, who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or becomes a nuisance party, as defined in division (A), and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

(C) *Order to cease and disperse.* A party or social gathering that is or becomes a nuisance party, as defined in division (A), shall cease upon the order of the Police Chief, or the Police Chief's designee; and all persons not residing therein at the site of such social gathering or party shall leave the premises immediately. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section.

(D) *Retaliation.* No person shall direct a verbal, physical or electronic act against the person, family or property of any individual who complains of or witnesses a violation of the Nuisance Party regulations for the purpose of intimidating or retaliating against that person for the exercise of the right to complain or testify to a violation of this Code.

(E) *Penalty.* Whoever violates this section is guilty of an unclassified misdemeanor offense, punishable by a fine of at least \$500 and not exceeding \$1,000 **and up to thirty (30) days in jail**. For a second offense committed within twelve months after the commission of the first offense, the person shall be guilty of a misdemeanor offense, punishable by a fine of at least \$750 and not exceeding \$1,000.