

**AN ORDINANCE AMENDING CHAPTER 236 ENTITLED "NUISANCES"
OF THE CITY OF GENEVA MUNICIPAL CODE**

BE IT ORDAINED by the City Council of the City of Geneva, New York that Chapter 236, entitled "Nuisances" of the City of Geneva Municipal Code be amended as follows:

Section 1. That a new Article is hereby added to read as follows:

ARTICLE II

NUISANCE PARTY

236(13) **Definitions**

For the purposes of this Article, the following terms are defined as follows:

Nuisance Party - shall mean a social gathering which is conducted on premises within the City of Geneva 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 social gathering, or on neighboring public or private property:

- (1) disorderly conduct;
- (2) unlawful possession of an open container;
- (3) outdoor urination or defecation in a public place;
- (4) unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage;
- (5) sale or furnishing of an alcoholic beverage to an underage person;
- (6) possession or consumption of an alcoholic beverage by an underage person;
- (7) unlawful possession, sale or use of a controlled substance;
- (8) unlawful deposit of litter or refuse;
- (9) the damage or destruction of property without the consent of the property owner;
- (10) unlawful pedestrian or vehicular traffic;
- (11) 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;
- (12) unlawful loud noise.

Responsible Person - shall mean 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 on said premises.

236 (14) **Nuisance Parties Prohibited** - No responsible person shall sponsor, conduct, host, invite or permit a Nuisance Party.

236(15) **Notice** - The owner of any residence determined to be conducting a Nuisance Party shall be notified in writing by the City of Geneva Police Department and requested to take such

appropriate steps to prevent any recurrence.

236(16) **Authorized to Cease Nuisance Parties** - Any Police Officer or Peace Officer who observes a Nuisance Party occurring may order that the Nuisance Party be ceased and order all non-residents on the premises where the Nuisance Party has occurred to leave the premises immediately.

236(17) **Remaining on Premises Prohibited** - No person shall remain on the premises where a Nuisance Party has been ordered to be ceased by an officer of the City of Geneva Police Department unless the person resides at the premises where the Nuisance Party has occurred.

236(18) **Penalties** - Any violation of the provisions of this Article shall constitute an offense punishable by a fine not to exceed five hundred dollars (\$500.00) in amount, or imprisonment for fifteen (15) days or both such fine or imprisonment together with a civil penalty to be recovered by the City of Geneva in a civil action or proceeding to recover cost of law enforcement, fire or other emergency response to a loud or unruly gathering. All responsible parties shall be jointly and severally liable for such costs.

236(19) **Review** – City Council shall undertake a review of this ordinance no later than one year following adoption. At that time, the Chief of Police shall provide statistics relative to the number of complaints as they pertain to nuisance parties, as well as the number of citations issued under this ordinance.

236(19) **Severability** - In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of the Article shall be deemed severable from the Article and shall in no way affect the validity of the rest of the Article.

Section 2 That this Ordinance shall take effect immediately and in accordance with law.