

Town of Poughkeepsie Police Department

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.