

# **Local Law 2-2024-NUISANCE PARTIES**

## **1. Title**

This will be known as the “Nuisance Party Law.”

## **2. Definitions**

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

### **NUISANCE PARTY**

A gathering which is conducted on premises within the Village of Allegany 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:

- A. Disorderly conduct.
- B. Unlawful possession of an open container of alcoholic beverage.
- C. Outdoor urination or defecation in public view.
- D. Unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage.
- E. Sale or furnishing of an alcoholic beverage to an underage person.
- F. Unlawful possession, sale or use of a controlled substance.
- G. Unlawful deposit of litter or refuse.
- H. The damage or destruction of real or personal property.
- I. Unlawful pedestrian or vehicular traffic.
- J. 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.
- K. Unlawfully loud noise

### **RESPONSIBLE PERSON**

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 gathering on said premises.

## **3. Nuisance Parties Prohibited**

No responsible person shall sponsor, conduct, host, invite, allow or permit a nuisance party.

## **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 nonresidents on the premises where the nuisance party has occurred to leave the premises immediately.

## **5. 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 Village of Allegany Police Department unless the person resides at the premises where the nuisance party has occurred.

## **6. Penalties for Offenses**

Any person violating any provisions of this chapter shall be guilty of an offense punishable by a fine not less than \$150 and not to exceed \$500 in amount, or imprisonment not to exceed 15 days, or both such fine and imprisonment, or a civil penalty of \$500 for each offense. Nothing herein contained shall prevent the Village of Allegany from taking such other lawful action as necessary to prevent or remedy a violation.

**1<sup>ST</sup> VIOLATION** – Tickets will be issued to the tenants

**2<sup>nd</sup> VIOLATION** (within 3 months)– Tickets will be issued to the tenants and the property owners

**3<sup>rd</sup> VIOLATION** (within 3 months)– Tickets will be issued to the tenants and the property owners and The Board of Trustees at this point will be notified and may declare the property a nuisance property. If the Board of Trustees declares a nuisance property the following will happen:

- a. The property owner will have a public hearing to address the nuisance allegation.
- b. The Board of Trustees will make a decision as to whether it's officially declared a nuisance property
- c. The Village Attorney shall bring and maintain a civil proceeding in the name of the Village of Allegany in the Supreme Court of Cattaraugus County, or any other court of competent jurisdiction, to revoke a certificate of occupancy which will result in the capability of renting out such property for 1 year.

## **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 the chapter shall be deemed severable from the chapter and shall in no way affect the validity of the rest of the chapter.

### **EFFECTIVE DATE**

This law becomes effective when filed with the Secretary of State of New York State.