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## Proposed Amendments to Fayetteville City Code, Chapter 17, Section 17-33 et seq.

### 1. NUISANCE PARTY.

#### (a) Definition.

A nuisance party is a party or other social gathering conducted in the *City* and which, by reason of the conduct of those *persons* in attendance, results in any one (1) or more of the *following* conditions or occurrences: unlawful public possession or consumption of alcohol, unlawful drunken and disruptive conduct; public urination or defecation; the unlawful sale, furnishing, or consumption of alcoholic beverages; the unlawful deposit of trash or litter on public or private *property*; the unlawful destruction of public or private *property*; the generation of pedestrian or vehicular traffic caused by those invited to or allowed to attend which obstructs the free flow of residential traffic or interferes with the ability to provide emergency services; excessive, unnecessary or unusually loud noise which disturbs the repose of the neighborhood; public disturbances, brawls, fights or quarrels; or any other activity resulting in conditions that annoy, injure or endanger the safety, health, comfort or repose of the neighboring residents, or results in any obscene conduct, or results in any immoral exhibition or indecent exposure by *persons* at the gathering.

- (b) Any *person* being the *owner*, occupant, tenant, or otherwise having any possessory control of any degree of any premises who either sponsors, conducts, hosts, invites, suffers, permits, or continues to allow a gathering to continue which is or becomes a nuisance as described in subsection (a) above is in violation of this section and *may* be punished by any of the criminal or civil enforcement penalties available to municipalities. Any person who remains in attendance at a nuisance party after being directed by an officer to leave is also in violation of this section.
- (c) This section *shall* not apply to a gathering held at locations holding valid entertainment center permits or any other gathering authorized by this Code.
- (d) Civil penalties: Any *person* violating any of the provisions of this section *shall* be subject to a civil penalty of one hundred dollars (\$100.00). The Police Department is authorized to issue civil penalty citations to enforce this Section. Each calendar day on which a continuing violation occurs *shall* constitute a separate violation under this subsection. For each subsequent violation occurring within twelve (12) months of any other violation, the violator *shall* be subject to a civil penalty of three hundred dollars (\$300.00) per violation. If a *person* fails to pay any civil penalty within thirty (30) days after it is assessed, the *City* *may* recover the penalty, together with all costs allowed by law, by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.
- (e) Appeal of civil penalties: Any *person* issued a civil penalty under the provisions of this section *may* appeal by filing an appeal in writing with the City Attorney's Office within ten (10) business days after the civil penalty is issued, pursuant to Section 1-9 of this Code.
- (f) Injunctive and other equitable relief: This section *may* be enforced by injunction or any appropriate equitable remedy. The institution of an action for injunctive or equitable relief *shall* not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this section.
- (g) Criminal penalties: Any *person* who violates any provision of this section *shall* be deemed guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days or by fine not to exceed five hundred dollars (\$500.00). Each day of a continuing violation *shall* constitute a separate violation under this subsection.
- (h) This section *may* be enforced by any one, all, or a combination of the remedies set out herein.