

Frequently Asked Questions About the Nuisance Party Ordinance for the Village of New Concord – 9/7/17

Q: What is the Nuisance Party Law in the Village of New Concord?

A: Ordinance C-06-17-1 is the legislation passed by Village Council establishing the Nuisance Party law.

Definition

A Nuisance Party is defined as a social gathering or party which is conducted or held on premises within the village and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or offenses occurring at the site of the party or social gathering, or on neighboring public or private property:

Disorderly conduct; Illegal open container of alcohol in public; Public indecency, outdoor urination or defecation in a public place; Unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; Sale or furnishing of beer or intoxicating liquor to, or use of by, an underage person; Illegal use of a controlled substance; Unlawful deposit of litter or refuse; Criminal damaging or the damage or destruction on property without the consent of the property owner; Unlawful pedestrian or vehicular traffic; Criminal mischief; Unlawful loud noise; 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; Any conduct that threatens injury, inconvenience, or alarm to persons or damage to property nearby which is hereby declared to be an unlawful public nuisance.

Permit

To permit a social gathering or party the host/homeowner/tenant is giving permission, allowing by silent consent or by not prohibiting the event to take place or failing to exercise control over said event.

Q: What is the consequence of a Nuisance Party Citation?

A: Whoever violates this ordinance is guilty of a minor misdemeanor. For a second offense, within six (6) months of the first offense, the person shall be guilty of a 4th degree misdemeanor.

The fine amount for a first offense is \$153.00. The fine for a second offense, within six (6) months of the 1st offense, is \$220.00.

Q: How is this enforced in the Village of New Concord?

A: Any Police Officer who witnesses, at (or related to) a social gathering or party, any one of the offenses listed in Ordinance C-06-17-1 or any other conduct or condition that threatens injury, inconvenience, or alarms to persons or damage to property, is authorized to declare the gathering a nuisance party.

The officer will stop at the house and issue an order to disperse pursuant to Ordinance C-06-17-1.

Q: Will I be cited for a violation of the nuisance party ordinance?

A: Circumstances of each violation will dictate whether a resident is cited for violation of the Nuisance Party Ordinance. Certainly, when the Police Department issues an order to disperse, any person who fails to leave the party will, at minimum, will be cited and potentially arrested for other violations such as Failure to Comply or Obstructing Official Business.

Q: What are the typical violations that would cause a party to be declared a nuisance?

A: Noise violations, litter violations, disorderly conduct, underage consumption or possession of alcohol, throwing items beyond the property line, etc.

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Q: What should I do if an officer appears at my house to enforce the nuisance party ordinance?

A: Comply with the officer's requests. Failure to comply with the officer's requests to shut down the party will result in citation and/or arrest.

Q: I have already been cited for a violation of the nuisance party ordinance, what happens for a second violation?

A: If your second violation is within six (6) months of the first violation, you will be guilty of a 4th degree misdemeanor that comes with a higher fine amount than a 1st offense.

Q: If I am a student, will Muskingum University find out about my nuisance party violation?

A: Yes. The New Concord Police Department works closely with the Muskingum University Police Department. All student citations are passed along to the University for review and potential action by the University Judicial Board.

Q: Will there be a grace period for enforcement of this new ordinance in 2017?

A: Yes, the grace period will end on September 30th, 2017. This is only for the Nuisance Party Ordinance and does not pertain to any other citations already utilized by the New Concord Police Department.

The grace period allows up to three (3) warnings or 30 days, whichever comes first, per household address for occurrences of nuisance parties. If a household receives three (3) warnings in one day the New Concord Police Department will issue a nuisance party citation, if necessary and based on officer discretion, for any additional parties held at this address.

Q: What should I do if I host a social gathering or party and it gets out of my control?

A: Contact the New Concord Police Department immediately and request assistance. Officers are happy to work with residents/homeowners/tenants who choose to report these issues.

The best phone number to reach the New Concord Police Department is (740) 826-7671 and chose the Police Duty Phone option when prompted if you are calling on the weekend or after business hours.

Q: What do I do if there is a party occurring in my neighborhood and I believe it is a Nuisance Party?

A: Contact the New Concord Police Department at the number listed above. Officer(s) will respond to the complaint and handle the situation appropriately.

Q: What is the best way to avoid violating the nuisance party ordinance?

A: Keeping control of your party is the short answer. Keep noise to a minimum and respect your neighbors. Keep litter cleaned up during and after your party. Keep guests on your property; don't let them wander. Don't let anyone leave with an open container. Don't allow underage persons to consume or possess alcohol at your party. Don't allow anyone to throw items beyond your property line. Don't allow "crazy" or "off the hook" behavior at your party. Ask belligerent guests to leave; don't hesitate to ask the police for help.

New Concord Police Department

2 West Main Street

New Concord, OH 43762

(740) 826-7671

Call 9-1-1 in case of emergency