

TOWN OF STONY POINT

LOCAL LAW NO. ____ OF 2018

**ADDING CHAPTER 150 TO THE TOWN CODE
OF THE TOWN OF STONY POINT, NEW YORK**

A LOCAL LAW to add Chapter 150 to the Town Code of the Town of Stony Point, Rockland County, New York, pursuant to Section 10 of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law of the State of New York.

Section 2. Title and Purpose

This Local Law shall be known as the “Nuisance Party Ordinance.”

The purpose of the proposed Local Law is to regulate nuisance parties in the Town of Stony Point. The Town Board finds that there are parties or gatherings on premises in the Town that are unsafe and of such character, intensity, duration, and repetition so as to create a public nuisance. These parties or gatherings often result in excessive noise and traffic, excessive consumption of alcohol, overcrowding, the selling of alcohol illegally, and other ordinance and state law violations. The Town Board desires to protect the public from such unreasonable interference with the health, safety and general welfare of the Town residents.

Section 3. Amendment.

The Town of Stony Point Town Code is hereby amended to add Chapter 150 entitled “Nuisance Party Ordinance” as follows:

§ 150-1. 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 Town of Stony Point and which, by reason of the conduct of the persons in attendance or other responsible person for the occurrence of the party, 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 obstruct the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services.
- (k) Loud noise in violation of Chapter 148 of the Town Code.
- (l) Trespassing.
- (m) Advertising, selling or otherwise offering admission to an event at a residential location in a manner that constitutes a commercial use of the premises.

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.

§ 150-2. Nuisance parties prohibited.

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

§ 150-3. Persons 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.

§ 150-4. Remaining on premises prohibited.

No person shall remain on the premises where a nuisance party has been ordered to be ceased by any persons authorized to cease nuisance parties unless the individual resides at the premises where the nuisance party has occurred.

§ 150-5. Penalties for offenses.

Any person violating any provision of this Chapter shall be guilty of an offense punishable by a fine not to exceed \$1,000.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment, or a civil penalty of \$1,000.00 for each offense.

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 \$750.00 nor more than \$2,000.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

Any person violating any provision of this Chapter for a third time within one calendar year from the date their first offense shall be guilty of an offense punishable by a fine not less than \$1,500.00 nor more than \$3,000.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

Nothing herein contained shall prevent the Town of Stony Point from taking such other lawful action as necessary to prevent or remedy a violation.

Section 4. Repeal, Amendment, and Supersession of Other Laws

All other Resolutions, Ordinances or Local Laws of the Town of Stony Point, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 5. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (20) and (27), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.