

CHAPTER 7A-08. NUISANCE PARTIES, GATHERINGS OR EVENTS

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7A-08-010. Purpose.

The purpose of this Chapter is to impose liability on property owners and persons responsible for parties, gatherings and events occurring within the City, where illegal and/or nuisance activity is conducted to the detriment of the health, safety, welfare and morals of the citizens.

7A-08-020. Definitions.

The following words, phrases and terms as used in this Chapter shall have the meaning for this Chapter as indicated below:

(a) HOST:

- (1)** The person having an ownership, leasehold or other interest in the premises where the nuisance party, gathering or event is located, or any person acting as an agent on the owner's behalf; and/or
- (2)** A person who resides at the location or occupies, in any capacity whether for personal or business purposes, the property where the party, gathering or event takes place; and/or
- (3)** The person in charge of the premises; and/or
- (4)** The person who organized the event; and/or
- (5)** The person who gave permission to hold the party on the premises;
- (6)** If the party is hosted by an organization, either incorporated or unincorporated, the term "host" includes the officers of the organization.

(b) NUISANCE PARTY, GATHERING OR EVENT: An event where three (3) or more people have assembled or are assembling for a social activity in a manner which results in one or more of the following: disorderly conduct; illegal open container; 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 a minor; possession or consumption of beer or intoxicating liquor by a minor; illegal use of a controlled substance regulated by the Utah controlled substances act; public indecency; unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; 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; noise disturbance prohibited by Chapter 7 of this Title; or any other conduct or condition that threatens injury, inconvenience or alarm to persons or damage to property. A nuisance party, gathering or event is hereby declared to be an unlawful public nuisance.

7A-08-030. Nuisance Party, Gathering Or Event.

Any person hosting a nuisance party, gathering or event within the City shall be guilty of a class C misdemeanor.

7A-08-040. Notice Required.

When any police officer responds to any nuisance party, gathering or event which is hosted by a person other than the owner of the property, the police officer, in addition to any other action the situation requires, shall provide a written notice addressed to the owner(s) of the property, as shown on the most current assessment rolls of the county, as follows:

- (a) Initial Notice: The initial notice shall inform the owner(s):
 - (1) A nuisance party, gathering or event has occurred at the premises;
 - (2) The date of the nuisance party, gathering or event;
 - (3) Any subsequent nuisance party, gathering or event on the same premises within a thirty (30) day period shall result in a second notice;
 - (4) The owner(s) has the right to contest the notice given as provided in this Chapter.
- (b) Second Notice: The second notice shall inform the owner(s):
 - (1) A nuisance party, gathering or event has occurred at the premises;
 - (2) The date of the nuisance party, gathering or event;
 - (3) That any subsequent nuisance party, gathering or event on the same premises within a thirty (30) day period shall result in the issuance of a criminal citation to the owner(s) of the property;
 - (4) That the owner(s) has the right to contest the notice given as provided in this Chapter.

7A-08-050. Penalty For Hosting Nuisance Party, Gathering Or Event.

An owner who has received two (2) notices as provided by Section 7A-08-040 of this Chapter, and who is found to have hosted a party, gathering or event in violation of this Chapter within thirty (30) days subsequent to the second notice, shall be guilty of a class C misdemeanor, punishable by fine, imprisonment or both, as permitted by the applicable laws of the state of Utah and Fruit Heights City.

7A-08-060. Right To Contest Notice.

Any owner receiving a notice pursuant to Section 7A-08-040 of this Chapter may contest the notice by filing a written petition for review with the City Manager within fifteen (15) days of receipt of the notice. The City Manager may rescind a notice if it is shown that the person who received the notice was not the legal owner of the property on the relevant date, or that compliance with this Chapter would have presented an imminent and irreparable injury to persons or property, or similar mitigating circumstances.

7A-08-070. Other Appropriate Action Not Precluded.

Nothing in this Chapter shall be construed to prevent the arrest and/or citation of violators of the state penal code or other regulations, ordinances or laws, either in the initial or subsequent visits.