

**TOWN OF PITTSFIELD
NEW HAMPSHIRE**

DISORDERLY RESIDENCE ORDINANCE

1. PURPOSE

This chapter is adopted in accordance with RSA 31:39, RSA 31:39-c, and RSA 644:2, and all other relevant statutory authority. It is hereby declared a valid public purpose of the Town of Pittsfield that in order to promote and protect the health and general welfare of the Town of Pittsfield, its residents and its neighborhoods, a process needs to be in place to properly and adequately control and manage chronic and unlawful nuisance and disorderly activities that might occur in the neighborhoods of the Town. It is the public policy of the Town to utilize this chapter to control and manage the disorderly activities and properties described below, and to appropriately assign financial liability for enforcement actions to the owners of the property where such activities occur in repeated fashion. There is an obligation on the part of the property owners to take all appropriate actions to reduce or eliminate these types of events from occurring. Ongoing disorderly events consume time and energies of the Police Department, thus reducing the amount of time that can be spent on more significant crimes and community affairs. While fines and enforcement actions may be necessary, this chapter is not adopted to create a mechanism to solely impose punitive punishments on the property owners; instead the goal of this chapter is create a dialogue with property owners and engage them in a process of eliminating these disorderly activities to the greatest degree possible.

2. DEFINITIONS

As used in this chapter the following terms shall have the meanings outlined below:

A. DISORDERLY ACTIVITIES

Situations created within or in the immediate vicinity of a building by a building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant, which would have a tendency to unreasonably disturb the community, the neighborhood or an ordinary individual occupying property in or near the disorderly activity, including but not limited to loud music; boisterous parties; excessively loud or unnecessary noises emanating from within or near the building which are audible outside the building; fights within the building, or in its vicinity, involving occupants of the building or their invitees; occupants of the building or their invitees being intoxicated outdoors in the vicinity of the building; and other similar activities in

the building or in the vicinity of the building.

B. DISORDERLY EVENT

An activity to which the Police Department responds on the basis of a complaint and determines to be disorderly. Multiple responses to a single building that occur within a twelve-hour period may be deemed a single disorderly event at the discretion of the Police Department. The Police Department shall be the final arbiter on how events are classified and counted towards the enforcement procedures in this chapter. If the disorderly events occur at a multifamily property (more than two units) and the events are taking place at individual units on different dates and times, the Police Department, in consultation with the Town Administrator, shall determine how these events will be classified in reference to the notice and fine provisions of set below. The type and frequency of the events, and the degree of threat to public safety, will be factors in how the events are classified.

C. HABITUAL DISORDERLY RESIDENCE

A residence which has been identified and classified by the Police Chief or a designee as being either the subject of 8 or more police responses for any disorderly events in any twelve-month period; or the subject of 10 or more police responses for any disorderly events in any eighteen-month period.

D. OWNER

The person or persons having the right of legal title to, or the beneficial interest in, a building or parcel of land, as their interest is recorded in the tax records of the Town of Pittsfield. For the purpose of all notifications and related communications, the term "owner" shall also be defined as the landlord's agent, as provided to the Town by the owner of the property subject to the provisions of RSA 540.

E. RESIDENCE

Any type of residential unit or building, including but not limited to a single- or two-family dwelling, a multifamily dwelling unit, family apartment, boardinghouse, condominium, rooming house or unit, or leased units in a manufactured housing park (hereinafter jointly and severally "building"). The term "residence" also includes any property (yard, driveway or parking area, etc.) associated with the residence.

3. DOCUMENTATION AND CLASSIFICATION OF COMPLAINTS

The Police Department shall document all responses to complaints of disorderly activities and classify each complaint as either substantiated or unsubstantiated.

4. NOTICE AND ENFORCEMENT PROCEDURES; FINES, VIOLATIONS AND PENALTIES

- A. When the Police Department determines that the first incident at a property will be subject to the provisions of this chapter, it shall notify the owner of the property and provide a copy of this chapter. The owner may voluntarily contact the Police Chief and/or Town Administrator to schedule a meeting to discuss the violation; if such a meeting is scheduled, the owner may, if he or she so chooses, present the Town with a plan to take proactive steps to prevent future events.
- B. Whenever a residence has been visited by the police two times in any thirty-day period, in relation to incidents involving a disorderly event, the Police Chief, the Town Administrator, or any other agent designated by the Town Administrator (hereinafter referred to as the "Town") shall send a notice to the owner. The owner shall be provided with a copy of this chapter and shall be informed that a fine of \$100.00 shall be imposed for the event. If the owner contacts the Police Chief and/or the Town Administrator and schedules a meeting, within 10 calendar days of the receipt of the notice, to discuss the events, and said owner satisfactorily outlines a mechanism to prevent future disorderly events, then the fine may be waived.
- C. Whenever a residence has been visited by the police for a third event in any sixty-day period, in relation to incidents involving a disorderly event, the Police Chief, the Town Administrator, or any other agent designated by the Town Administrator (hereinafter referred to as the "Town") shall send a notice to the owner. The owner shall be subject to a fine of \$1,000.00. If the owner contacts the Police Chief and/or the Town Administrator and schedules a meeting, within 10 calendar days of the receipt of the notice, to discuss the events, and said owner satisfactorily outlines a plan to prevent future disorderly events, then the fine may be waived. The plan shall demonstrate that the owner agrees to take effective and immediate measures to prevent future disorderly events. The implementation of the plan shall begin within one week of the meeting. The plan shall be in writing and shall be signed and acknowledged by the Town and the owner. The owner shall submit a report to the Police Chief and the Town Administrator, no later than three weeks after the meeting, reporting the steps taken to prevent future events. If the Town determines that the plan is not being implemented in good faith, then the full fine of \$1,000.00 shall be reinstated.
- D. For any fourth disorderly event within any 60 days from the third event, or for any subsequent event within 180 days from the date of the first event, the Police Chief, the Town Administrator, or any other designated agent shall send a notice to the owner. The owner shall be subject to a fine of \$1,000.00 for the fourth event and for

each subsequent event. The fine for the fourth event may be reduced or waived by the Town Administrator if the owner demonstrates a good-faith effort to prevent future disorderly events.

- E. The notices described above shall include a brief narrative outlining the circumstances of the disorderly events [date, time, and nature of the event(s)]. The notice shall be delivered to the owner or the appropriate representative by hand or by first-class mail. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- F. At the time of any meeting between the owner and the Town, the Town may request documentation including but not limited to:
 - a. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy;
 - b. Management contracts with any building supervisor or other person responsible for the orderly operation of the building.
- G. Failure to meet with Town officials or enter into such an agreement at the conclusion of said meeting will be deemed a violation of this chapter, and the Town shall file a complaint in a court of competent jurisdiction seeking all compensatory and equitable relief permitted by law.
- H. If a residence that has been the subject of enforcement action under the provisions outlined above becomes subject to a second round of enforcement under this chapter, then the Town is under no obligation to meet with the owner but may proceed directly with a complaint to a court of competent jurisdiction, seeking all compensatory and equitable relief permitted by law.
- I. The provisions of Subsections B through H above notwithstanding, if a specific residence becomes identified as being a habitual disorderly residence by the Chief of Police or a designee, then the Town is under no obligation to issue any notices or meet with the property owner. The Town may, in these cases, issue a notice of violation and assess fines of \$1,000.00 for each event.

5. LEGAL ACTION AGAINST OWNER FOR COST RECOVERY; ALTERNATE ENFORCEMENT ACTIONS

In addition to any notice or enforcement provision outlined above, the Town may file a legal action against the owner seeking court costs, response charges, and all damages

and remedies to which it is entitled pursuant to state and local laws. The Town of Pittsfield also reserves the right to take any other enforcement action allowed by any other local ordinance or state statute as an alternative to this Disorderly Residence Ordinance.

ADOPTED: _____

Larry Konopka, Chairman

Gerard LeDuc, Vice Chairman

Carl Anderson

Carole Richardson

James Allard

Board of Selectmen

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