

FREQUENTLY ASKED QUESTIONS ABOUT “NUISANCE PARTIES”

Q: What *is* the Nuisance Party Law in the City of Athens?

A: Sections 9.14.01 through 9.14.99 of the Athens City Ordinances are commonly referred to as the “Nuisance Party law” for the City of Athens.

9.14.01. - Definition.

Nuisance party: A social gathering or **party** which is conducted on premises within the city and which, by reason of the conduct of the persons in attendance, and results in any **one** or more of the following conditions or offenses occurring at the site of the said **party** or social gathering, or on neighboring public or private property: disorderly conduct; illegal open container; outdoor urination or defecation in a public place or on the property of another; unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person; possession or consumption of beer or intoxicating liquor by an underage person; illegal use of a controlled substance; 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; unlawfully loud noise; or any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public **nuisance**.

9.14.02. - Duty to control premises.

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 social gathering or **party** on said premises which is or becomes a **nuisance party**, as defined in Section [9.14.01](#), and which **nuisance** is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

9.14.03. - Order to cease and disperse.

A **party** or social gathering that is or becomes a **nuisance party**, as defined in Section [9.14.01](#), shall cease upon the order of the police chief, or the police chief's designee; and all persons not residing therein at the site of such social gathering or **party** shall leave the premises immediately. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section.

9.14.99. - Penalty.

Whoever violates this section is guilty of a minor misdemeanor; for a second offense committed within 18 months after the commission of the first offense, the person shall be guilty of a fourth degree misdemeanor.

Q: How is the law enforced in Athens?

A: Essentially, any police officer who witnesses, at (or related to) a social gathering, any **one** of the enumerated offenses in section 9.14.01 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 section 9.14.03.

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

A: Circumstances of each violation will dictate whether a resident is cited for section 9.14.02 (Duty to Control Premises). Certainly, when the police department issues an order to disperse, any person who fails to leave the party will, at minimum, be cited for violation of section 9.14.03 and may be subject to arrest for other violations, such as “Failure to Comply” or “Obstructing Official Business”.

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

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

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, what happens for a second violation?

A: If your second violation is within 18 months of the first violation, you can be arrested and taken to jail. It would be best not to host another party that has the potential to be declared a nuisance.

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

A: Our department shares arrest and criminal citation information with Ohio University Judiciaries. Any person cited or arrested for a nuisance party violation who is an OU student may face OU Judiciary action at the University's discretion.

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 both during and after the party. Keep your guests on your property; don't let them wander into the neighbor's property. 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 summon police for help.