

Nuisance Party/ Nuisance Party Location Ordinance

Definition:

Nuisance party: A social gathering or party which is conducted on any premises within the County 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; 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; littering; 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.

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 XXXXXX, 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.

Any property owner, overseer, or other person having direct or indirect control of any property and who keeps and maintains, either by himself or others, a common, ill-governed, and disorderly house or property, to the encouragement of gaming, drinking, or other misbehavior, or to the common disturbance of the neighborhood or orderly citizens, after having been placed on notice and made aware of such activity, either by officials of County Government or by Law Enforcement, is deemed to be in violation of this code section.

Order to cease and disperse.

Any Law Enforcement Officer who witnesses, at (or related to) a social gathering, any one of the enumerated offenses in section XXXXXXXX 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 issue an order to disperse pursuant to section XXXXXXXX.

A party or social gathering that is or becomes a nuisance party, as defined in Section XXXXXXXX, shall cease upon the order of the Sheriff, or the Sheriff'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.

When the Sheriff's Office issues an order to disperse, any person who fails to leave the party will, at minimum, be cited for violation of section XXXXXXXX and may be subject to arrest for other violations, such as "Disorderly Conduct" or "Obstruction of an Officer".

Penalty.

Whoever violates this section is guilty of misdemeanor.

Continuation of any of the above actions on each new day constitutes a new and separate offense and the Magistrate Judge of the County shall impose such sentence as the circumstances may require.

Any person who pleads guilty, nolo contendere, or is convicted for violation of this article, shall be punished as provided under OCGA 36-1-20 or such other general laws as may in the future be enacted to provide for the punishment and penalties that may be imposed by the Magistrate Courts of the State with the maximum fine of \$1000.00 and/or 60 days in jail. In addition to the fine or confinement, the Judge may impose community service.