
CITY COUNCIL REPORT

Public

DATE: July 7, 2015
TO: Mayor and Councilmembers
FROM: Walt Miller, Deputy Police Chief
CC: Jeff Meilbeck, Josh Copley, Jerene Watson, Leadership Team
SUBJECT: Nuisance Party Ordinance-Public Outreach

On May 19th 2015 the Nuisance Party Ordinance was adopted. Since that time the Flagstaff Police Department has spent many hours planning, preparing and training.

We have also continued with our efforts in the area of public outreach. To this end, an information sheet was developed which serves as a quick summary guide to the new ordinance. When this sheet was emailed, we advised property owners and managers that they may want to evaluate the benefits of a crime free lease addendum which would allow them to evict tenants involved in parties. We also encouraged them to evaluate whether their lease could reflect the ability to recoup from the tenant any fees assessed to the property owner may incur in the event of a second or subsequent party. Because these are legal considerations, we made no recommendations, rather just suggested that property owners might evaluate on their own these options.

Also developed was an "Owner Notice of Nuisance Party." This notification sheet will be sent to the property owner in the event that one or more of their tenants has a "Nuisance Party". Once receiving this notice, the owner has a 30 day grace period allowing them time to take action. This Notice also provides detailed information on the ordinance to property owners. In the event that a second or subsequent nuisance party occurs the "Notice to Owner of Violation" form was also developed.

There is no current database listing all property owners in Flagstaff who may lease property to others. There are however, several databases maintained by property management groups and HOAs that maintain databases of property managers and property owners in Flagstaff.

The attached information sheet was sent out via e-mail to the following property management companies: Flagstaff Property Management, Pollock Properties, Sterling Real Estate Management, Bella Investment Group, American Property

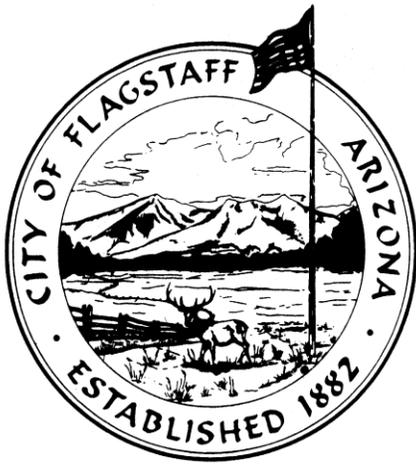
Management, and Levitan Properties. The information sheet was also sent to the General Managers at the Grove/Campus Crest and to Brian Lee Wilson who represents the HOA board at Rio Homes. Additionally, the Flagstaff Police Department maintains a contact list with all multi-housing properties that are currently or have been previously certified in Crime Free Multi-housing. The information sheet was sent to those properties as well.

The information sheet was also provided to Rick Brandel-Special Advisor for Student & Community Issues at Northern Arizona University. NAU has prepared the packet for distribution via their electronic guide book and has created other documents for the incoming freshmen class as well.

I also had a conversation with Amy Smith, Managing Partner with Bella Investment Group and she has forwarded the information sheet to the members of the Arizona Multihousing Association.

RECOMMENDATION / CONCLUSION

This report is for information only.



FLAGSTAFF POLICE DEPARTMENT

911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001 • (928) 779-3646

FAX (928)213-3372

TDD 1-800-842-4681



Chief of Police
Kevin Treadway

Nuisance Party Ordinance Flagstaff City Code 6-08-001-0005 Effective Date June 18, 2015

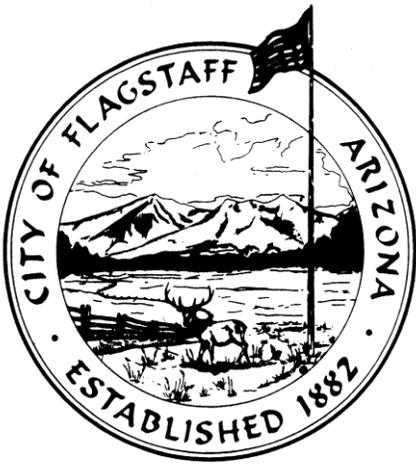
Nuisance Party is defined as a gathering of 5 or more persons on any private property, including property used to conduct business, *in a manner which caused a disturbance of the quiet enjoyment of private or public property by any person or persons*. Such disturbances may include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

- The following people CAN be cited for a civil violation if at the party:
 - (1) ANY Persons attending the party *who engage in any conduct that causes the party to be a nuisance* i.e. causing the excessive noise, littering, drinking in public etc. (see definition above)
 - (2) An occupant or tenant
 - (3) Guest of a tenant
 - (4) Any sponsor or host or organizer of the event
 - (5) Any owner of the property who is attending the party

- Civil Penalties for a violation of the statute for the persons listed above are as follows:
 - 1st Offense \$250.00 fee
 - 2nd Offense \$500.00 fee
 - 3rd or more Offense \$1000.00

- If criminal activity is occurring at the nuisance party in addition to the nuisance party itself such as minors in possession of alcohol or consuming alcohol, possession or use of illegal drugs, weapons misconduct or any felony offenses then fines are as follows:
 - 1st Offense \$500.00
 - 2nd Offense \$1000.00
 - 3rd Offense \$2000.00

- Owners of a property who do not have notice of the fact a nuisance party has occurred on their property will not be held civilly liable under the ordinance.



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Chief of Police
B. F. Cooper

- Notice there has been a nuisance party will be mailed to the owner of the property at the address shown on the Coconino County Property Tax assessment records via certified mail. Once a return receipt for that certified mail is received the owner can be held civilly liable under this ordinance for any additional Nuisance parties that occur on the property 30 days after receipt of the notice. If a nuisance party occurs any time after the 30 day notice is received Notice of Violation will be sent to the owner via certified mail informing the owner they are now civilly liable under the ordinance and how they can apply to have any fees waived.
- An owner can apply to the Chief of Police within 10 business days of receipt of a Notice of Violation to waive the civil penalty if the owner has taken steps reasonably necessary to prevent other parties, agrees to actively participate in the Flagstaff Police Department's Crime Free Multi-Housing Program, or if over 100 individual units obtains private security on the property.