

§ 96.04 NUISANCE GATHERING.

(A) *Nuisance gathering defined.* A gathering which is conducted on premises within the city and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or occurrences: public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consumption of intoxicating beverages; the unlawful deposit of trash or litter on public or private property; the destruction of public or private property; the generation of pedestrian or vehicular traffic which obstructs the free flow of residential traffic or interferes with the ability to render emergency services; excessive, unnecessary or unusually loud noise which disturbs the comfort and quiet repose of the neighborhood; public disturbances, brawls, fights or quarrels; or which results in any similar conduct or conditions which annoys, injures, or endangers the safety, health, comfort, or repose of the neighboring residents, or results in any indecent or obscene conduct, or results in any immoral exhibition or indecent exposure by persons at the gathering, is hereby declared to be an unlawful public nuisance.

(B) *Nuisance prohibited.* Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a gathering which is or during the course thereof becomes a public nuisance as defined by division (A) above is hereby deemed to have committed a violation of this Code of Ordinances, and upon conviction shall be subject to the penalties as provided by § [96.99](#). In any prosecution for a violation of this section, proof of specific of intent shall not be required as a necessary element.

(C) *Persons attending nuisance gathering.* Any person in attendance at a nuisance gathering as defined by division (A) above whether or not such person has any possessory control shall be deemed to have committed a violation of this section and upon conviction, shall be punished as provided in § [96.99](#).

(Ord. 619, passed 10-1-84; Am. Ord. 738, passed 4-13-92; Am. Ord. 852, passed 3-26-01) [Penalty, see § 96.99](#)

PENALTY

(2) *Criminal misdemeanor.* In addition to any penalty or remedy prescribed by this chapter, any person violating any provision of this chapter, with the exception of those specifically set forth in division (1) above or division (B) below, shall be guilty of a misdemeanor and shall be punished as provided in § [10.99](#).

(Ord. 776, passed 10-9-95; Ord. 785, passed 5-13-96; Am. Ord. 902, passed 9-13-04)

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code or any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision by any person shall, upon conviction, be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days, or both, except whenever a specific penalty is otherwise provided.

(B) Any minor who violates any provision of this code or any ordinance of the city shall be dealt with by the juvenile division of the probate court or as prescribed by the laws of the state.

(C) Unless a violation of this code or any ordinance of the city is specifically designated in the code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.(Ord. 763, passed 8-14-95)

(D) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code or any ordinance shall be deemed a new and separate offense for each day that such condition continues to exist.