

TOWN OF BRISTOL  
Ord. No. 2018-13 – Adopted 8-1-18

IT IS HEREBY ORDAINED by the Town Council of Bristol, Rhode Island, that Chapter 17 of the Bristol Town Code be amended by adding Article III, Sections 17-100 to 17-105, which reads as follows:

CHAPTER 17  
OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE III. – UNRULY GATHERINGS

Sec. 17-100. - Public nuisance.

- (a) It shall be a public nuisance to conduct a gathering of five or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, illegal parking, public drunkenness, public urination, the service of alcohol to minors, fights, disturbances of the peace, and litter.
- (b) A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable ordinances and state statutes.

Sec. 17-101. - Notice of unruly gathering; effective periods.

- (a) When the police department intervenes at a gathering which constitutes a nuisance under this article, the premises at which such nuisance occurred shall be furnished with a notice stating that the intervention of the police has been necessitated as a result of a public nuisance under this article caused by an event at the premises, the date of the police intervention, and that any subsequent event within the period set forth below on the same premises, which necessitates police intervention, shall result in the joint and several liability of any guests causing the public nuisance, or any persons who own or are residents of the property at which the public nuisance occurred, or who sponsored the event constituting the public nuisance as more fully set forth below.
- (b) Any notice issued between September 1 and May 31 of any year shall remain in effect until May 31. Any notice issued between June 1 and August 31 of any year shall remain in effect until August 31.

Sec. 17-102. - Mailing of notice to property owner and occupants.

- (a) Notice of the intervention shall also be mailed to any property owner on the Town of Bristol property tax assessment records and the occupants of the premises and shall advise the property owner and the occupants that any subsequent intervention within the effective periods set forth in section 17-101(b) on the same premises shall result in liability of the property owner and of the occupants for all penalties associated with such intervention as more particularly set forth below.
- (b) Additionally, notice may be provided to an agent of the owner who controls or regulates the use of the premises, if known. Notice to the owner's agent may be provided by hand delivery or by certified or regular mail sent to the agent's last known address.

Sec. 17-103. - Persons liable for a subsequent response to a gathering constituting a public nuisance.

- (a) If the police department is required to respond to a gathering constituting a public nuisance on the premises more than once in any effective period set forth in section 17-101(b), the following persons shall be jointly and severally liable for fines as set forth in section 17-104(a):
  - (1) The person or persons who own the property where the gathering constituting the public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice.
  - (2) The person or persons residing on or otherwise in control of the property where such gathering took place.
  - (3) The person or persons who organized or sponsored such gathering.
  - (4) All persons attending such gatherings who engage in any activity resulting in the public nuisance.
  - (5) Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises, including landlords who are actively attempting to evict a tenant from the premises.
- (b) Where a person present with the express or implied consent of the resident or person in charge of the residential unit or the organizer or sponsor engages in conduct which the sponsor or resident or organizer could not reasonably foresee and the conduct is an isolated instance of a person at the event violating the law which the sponsor or resident or organizer is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual shall not be attributable to the sponsor or resident or organizer for the purposes of determining whether the event constitutes a public nuisance under this section.

Sec. 17-104. - Penalties for violation.

- (a) It shall be a Code violation punishable by a \$500.00 fine when intervention at the same location to abate a gathering constituting a public nuisance occurs within any effective period set forth in section 17-101(b) after the property was notified in accordance with section 17-101(a).
  - (1) The violation of this ordinance is punishable by a \$500.00 fine against each responsible person, as set forth in section 17-103(a)(1)–(4), including each lessee of the property who was present at the gathering.
  - (2) The person(s) who own the property where the unruly gathering took place will be assessed a \$500.00 fine, provided proper notice of a prior violation at the property was provided to the owner pursuant to Section 17-102 of this ordinance and the gathering occurs at least two weeks after the mailing of such notice.
- (b) In addition to the above, the municipal court shall be authorized to order the person or persons in violation to perform community service. For a first intervention, ordering community service shall be discretionary. For a second or third intervention, the municipal court shall, in addition to the monetary penalty set forth above, order the person or persons in violation to perform not less than 25 hours of community service for a second intervention and not less than 50 hours of community service for a third intervention.
- (c) In addition to the above, the Roger Williams University Dean of Students Office will be notified of any Roger Williams University student in violation of an unruly gathering.

Sec. 17-105. – Right to contest notice of unruly gathering.

- (a) An owner, occupant, or tenant of the cited premises may contest the issuance of the notice by filing a written petition for review with the Town Administrator requesting that the Town Administrator determine whether justification existed for issuing the notice under the provisions of this ordinance. The petition must be filed within ten (10) days after the issuance of the notice or, if the notice is given by mail, within fifteen (15) days after the date of the mailing of the notice, and not thereafter.
- (b) The Town Administrator shall set a time and date for a hearing to be held no later than thirty (30) days after receipt of the written petition and shall notify the petitioner and the solicitor's office of the hearing date.

Secs. 17-106—17-119. - Reserved.