

CHAPTER 2025-12

No. 191 AN ORDINANCE AMENDING CHAPTER 16, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL" SECTION 16-21 "LOUD OR UNRULY GATHERINGS - PUBLIC NUISANCE" AND SECTION 16-22 "CHRONIC NUISANCE PROPERTIES" OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE

Approved April 23, 2025

Be it ordained by the City of Providence:

Section 1. Chapter 16, "Offenses and Miscellaneous Provisions", is hereby amended as follows:

Sec. 16-21. – Loud or unruly gatherings – Public nuisance.

- (a) *Defined.* It shall be a public nuisance to conduct a gathering of five (5) 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 are 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) *Notice via posting.* When the police department intervenes at a gathering which constitutes a nuisance under this ordinance, law enforcement shall post a notice on the premises at which such nuisance occurred. The posted notice shall state: a) that police intervention has been required as a result of a public nuisance under this section caused by an event at the premises; b) the date of the police intervention; and c) that if within a six-month period from the date of the notice any subsequent event on the same premises requires police intervention, such subsequent event shall result in the joint and several liability of any guests causing a public nuisance, or any persons who own or are residents of the property at which the public nuisance occurred, or any persons who sponsored the event constituting the public nuisance as more fully set forth below. The residents and owner(s) of such property shall be jointly responsible for ensuring that such notice is not removed or defaced, but in the case of an owner, said owner shall not be responsible until fourteen (14) days after notice is mailed pursuant to section (c) below. It shall be an ordinance violation carrying a penalty of a minimum, mandatory one hundred dollar (\$100.00) fine in addition to any other penalties which may be due under this section if such notice is removed or defaced, provided, however, that the residents of the premises or sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.
- (c) *Notice via mailing.* Notice of the intervention shall also be mailed to any property owner on the city property tax assessment records to advise the property owner that any subsequent such intervention within six (6) months on the same premises shall result in liability of the property owner for all penalties associated with such intervention. In addition, such notices shall state that any removal or defacement of said notice from the property shall be an ordinance violation subject to fines pursuant to section (b) of this ordinance.
- (d) *Enforcement.* Every time that the police department is required to respond to a gathering constituting a public nuisance on the premises within six (6) months of the posting of the notice of police intervention, the following persons shall be jointly and severally liable for a mandatory minimum five hundred dollar (\$500.00) fine.

- (1) The person, persons, or entities that 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 fourteen (14) days after the mailing of such notice.
- (2) The person or persons residing on or otherwise in control of the property where such a 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. Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor or resident for the purposes of determining whether the event constitutes a public nuisance under this section.
- (6) Proceeds from these fines shall be deposited in a restricted receipts account designated for nuisance abatement in the city.

Sec. 16-22. – Chronic Nuisance Properties.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Abate means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the chief of police determines is necessary in the interest of the general health, safety and welfare of the community.

Chief of police means the chief of police or his or her designees.

Chronic nuisance property means:

- (1) A property on which two (2) or more nuisance activities exist or have occurred during any six-month period; or
- (2) A property on which a search warrant has been issued and/or executed two (2) or more times within a twenty-four-month period related to the illegal possession, manufacture or delivery of a controlled substance or related offenses as defined in R.I.G.L. 1956 § 21-28.

Control means the power or ability to direct or determine conditions, conduct, or events occurring on a property.

Nuisance activity includes the following:

- (1) Any homicide pursuant to R.I.G.L. 1956 § 11-23;
- (2) Any illegal possession, manufacturing or delivery of a controlled substance or related offense pursuant to R.I.G.L. 1956 § 21-28;
- (3) The service of alcohol to minors;
- (4) Any prostitution, permitting prostitution, or promoting, advancing or profiting from prostitution pursuant to R.I.G.L. 1956 § 11-34.1;
- (5) Any weapons violations pursuant to R.I.G.L. 1956 § 11-47;
- (6) Any organized criminal gambling pursuant to R.I.G.L. 1956 § 11-51; or

- (7) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a person's household or any guest or other individual under the person's control, shall not be considered "nuisance activity" for the purpose of declaring a property a "chronic nuisance property," if the person or immediate member of the person's family is a victim of that domestic violence, dating violence, or stalking.

Owner means any person who, alone or with others, has title or interest in any property.

Person means an individual, group of individuals, corporation, partnership, association, club, company, business trust, joint venture, organization, or any other legal or commercial entity or the manager, lessee, agent, officer or employee of any of them.

Person in charge of a property means the owner and, if different than the owner, any other person in actual or constructive possession of a property, including, but not limited to, a lessee, tenant, occupant, agent, or manager of a property under his or her control.


Property means any land and that which is affixed, incidental or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof.

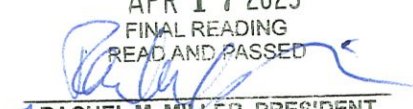
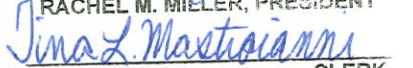
- (b) *Violation.* Any property within the City of Providence that is a chronic nuisance property is in violation of this section and subject to its remedies. Owners and other persons in charge who permit property to be a chronic nuisance property shall be in violation of this section and subject to its remedies. Any owner who fails to comply with subsection (d) is in violation of this section and is subject to penalties pursuant to subsection (f).
- (c) *Declaration of chronic nuisance property and procedure.*
- (1) The chief of police may declare that a property is a chronic nuisance property, as defined in this section. The chief of police will provide written notice of this declaration to the person in charge of the property. The notice shall be sent by first-class mail or personally served, and a copy shall be sent by certified mail. The notice will contain the following:
 - a. The street address or a legal description sufficient for identification of the property; and
 - b. A declaration that the chief of police has determined the property has become a chronic nuisance property with a concise description of the nuisance activities that exist or that have occurred; and
 - c. A notice that the persons in charge of the property are subject to monetary penalties as set forth in subsection (f); and
 - d. A demand that the owner and other persons in charge respond to the chief of police within seven (7) days of service of the notice to discuss a course of action to correct the nuisance; and
 - e. A notice that, if the person in charge does not respond to the chief of police as required in this section, or if the matter is not voluntarily corrected to the satisfaction of the chief of police, the city may file an action to abate the property as a chronic nuisance property pursuant to subsection (g) and/or take other action against the property or person in charge.
 - (2) When a notice is issued pursuant to this section to a person in charge, other than an owner or an owner's agent, who has permitted a property to become a chronic nuisance property, a copy of such notice shall also be sent by first-class mail or personally served on the owner of the property, and a copy shall be sent by certified mail.
 - (3) If the owner or person in charge responds as required by the notice and agrees to a course of action to abate the nuisance activities, a written correction agreement conforming to the requirements of subsection (e) shall be executed.


- (4) If the agreed course of action does not result in the abatement of nuisance activities to the satisfaction of the chief of police within thirty (30) days of issuance of the notice, or within such longer period as permitted by the chief of police in writing or the person in charge fails to respond as required by the notice, the chief of police may refer the matter to the city solicitor's office for initiation of proceedings pursuant to subsection (g).
- (d) *Owner cooperation.* An owner who receives a copy of a notice pursuant to subsection (c) shall promptly take all reasonable steps requested in writing by the chief of police to assist in abatement of the nuisance property. Such reasonable steps may include the owner taking all acts and pursuing all remedies, including pursuing eviction of the person in charge, that are (1) available to the owner pursuant to any lease or other agreement, and (2) consistent with state and local laws.
- (e) *Corrections agreement.* A correction agreement is a contract between the City of Providence and the owner and/or person in charge of the chronic nuisance property in which the owner and/or person in charge agree(s) to promptly take all lawful and reasonable actions, which shall be set forth in the agreement to abate the nuisance activities within a specified time and according to specified conditions. The agreement will be signed by the person in charge and, if different, the owner. The agreement will include the following:
- (1) The name and address of the owner and/or person in charge of the property;
 - (2) The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;
 - (3) A description of the nuisance activities;
 - (4) The necessary corrective action to be taken, and a date or time by which correction must be completed;
 - (5) An agreement by the owner and/or person in charge that the city may inspect the property as may be necessary to determine compliance with the correction agreement;
 - (6) An agreement by the owner and/or person in charge that the city may abate the nuisance and recover its costs and expenses and monetary penalties pursuant to this section from the person in charge for the nuisance if the terms of the correction agreement are not met; and
 - (7) When a person in charge, other than an owner or an owner's agent, has permitted a property to be a chronic nuisance property, an agreement by the owner to promptly take all acts and pursue all remedies requested by the chief of police pursuant to subsection (d).
- (f) *Fines.* Except as provided in this section, in addition to any other sanction or remedial procedure that may be available, from the time that notice is issued pursuant to subsection (c)(1), the person in charge will be subject to a penalty for the violation of this section of up to five hundred dollars (\$500.00). Each and every day subsequent to the notice issued pursuant to subsection (c)(1) will constitute a new violation of this section until the chief of police confirms that the property is no longer a chronic nuisance. If the agreed course of action results in the abatement of nuisance activities to the satisfaction of the chief of police within thirty (30) days of the notice issued pursuant to subsection (c)(1), or such longer period allowed by the chief of police pursuant to subsection (c)(4), the matter will not be referred to the city solicitor's office and the person in charge will not be subject to any penalty pursuant to this section. An owner who fails to comply with subsection (d) is subject to a civil penalty of up to twenty-five thousand dollars (\$25,000.00). All parties found to be in violation of this section shall be jointly and severally liable for all monetary penalties and/or fines. Proceeds from these fines shall be deposited in a restricted receipts account designated for nuisance abatement in the city.
- (g) *Enforcement.* Upon referral pursuant to subsection (c), the city solicitor may initiate an action in any court of competent jurisdiction to abate a chronic nuisance property, to impose penalties pursuant to this section, to seek alternative remedies under city or state laws and seek any other relief authorized by law.

- (h) *Burden of proof.* In an action against a person in charge to abate a chronic nuisance property or to recover penalties authorized by this section, the city will have the burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property pursuant to this section. In an action against an owner or person in charge to recover penalties authorized by subsection (f), the city will have the additional burden to prove by a preponderance of the evidence that the owner failed to comply with subsection (d). Copies of police incident reports and reports of other city departments documenting nuisance activities shall be admissible in such actions. Additionally, evidence of a property's general reputation and the reputation of persons residing in or frequenting the property shall be admissible in such actions.
- (i) *Remedies.* If the court determines a property is a chronic nuisance property pursuant to this section, the court will order the person in charge to immediately abate nuisance activity from occurring on the property. The order may include damages as provided in this section and may include any of the following: Any order that will reasonably abate nuisance activities from occurring on the property, including authorizing the city to take action to abate nuisance activities from occurring upon the property if other court orders are not complied with or do not abate nuisance activity on the property and providing that the costs of such city action are to be paid for by the person in charge of the property; ordering the owner to make reasonable expenditures upon the property, including the installation of secure locks, hiring private security personnel, increasing lighting in common areas, and using videotaped surveillance of the property and adjacent alleys, sidewalks, or parking lots; ordering all rental income from the property to be placed in an escrow account with the court for up to ninety (90) days or until the chronic nuisance is abated; ordering the property transferred to a receiver, to be appointed by the court, who will be empowered to use the rental income to make reasonable expenditures related to the property in order to abate the chronic nuisance; ordering the property vacated, sealed, or demolished; ordering that the chief of police shall have the right to inspect the property to determine if the court's orders have been complied with; or any other appropriate remedy. The following damages may be included in order to effectuate the equitable remedy of abatement. A penalty for the violation of this section of up to five hundred dollars (\$500.00) for each and every day subsequent to the notice issued pursuant to subsection (c)(1) until the chief of police confirms that the property is no longer a chronic nuisance. If the court finds that an owner failed to take all reasonable steps requested in writing pursuant to subsection (d), the court may impose a civil penalty up to twenty-five thousand dollars (\$25,000.00). Assessment of reasonable attorney fees and costs to the City of Providence.
- (j) *Additional remedies.* In addition to the remedies authorized by subsection (i), if, as part of its order abating a chronic nuisance property, the court orders a person in charge to cease renting or leasing a property, the court may order the person in charge to pay relocation assistance not to exceed three thousand three hundred dollars (\$3,300.00) to any tenant (1) who must relocate because of the order of abatement, and (2) the court finds not to have caused or participated in nuisance activities at the property.
- (k) *Suspension of business license.* In addition to any other remedy that is authorized by this section or other laws, upon the finding by a court that a property is a chronic nuisance property pursuant to this article, the person in charge is subject to the suspension or revocation of a business license or other license at such property issued by the City of Providence.

Section 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
 APR 03 2025
 FIRST READING
 READ AND PASSED

 CLERK

IN CITY COUNCIL
 APR 17 2025
 FINAL READING
 READ AND PASSED

 RACHEL M. MILLER, PRESIDENT

 CLERK

I HEREBY APPROVE.

 Mayor
 Date: 4/23/25