

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2006-32

No. 244

AN ORDINANCE

IN AMENDMENT OF THE

PROVIDENCE CODE OF ORDINANCES, CHAPTER 13, ENTITLED "HOUSING," ARTICLE X, "RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS," TO ADD SECTION 13-212, ENTITLED "LANDLORD'S LIABILITY FOR NUISANCE" AND CHAPTER 16, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE I, "IN GENERAL," TO ADD SECTIONS 16-21 THROUGH 16-24.

Approved June 12, 2006

Be it ordained by the City of Providence:

SECTION 1. Chapter 13, Article X of the Providence Code of Ordinances is hereby amended to add Section 13-212, as follows:

Section 13-212. Landlord's liability for nuisance; limitation on collections from tenant or occupant.

(a) Every person who lets a building or tenement under his or her ownership or control for any of the purposes defined as nuisances in chapter 16, or who knowingly permits any building, tenement, or part thereof to be used in furtherance of a nuisance while under his or her control, shall be subject to the penalties described below. ~~Such penalties shall go into effect if said person fails to take all reasonable measures to eject the tenant(s) or occupant(s) from the premises as soon as may be lawfully done after five (5) days' notice from any officer or magistrate of the improper use of a building or tenement:~~

~~The landlord shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) or be imprisoned in the adult correctional institutions not less than sixty (60) days nor more than one year.~~

Any landlord whose property requires an intervention by the police department to abate a gathering constituting a public nuisance within sixty (60) days after the property is posted pursuant to section 16-22 shall incur:

1. For the first intervention in the sixty (60) day period, a mandatory minimum fine of two hundred fifty dollars (\$250.00);

No.

CHAPTER
AN ORDINANCE

IN CITY COUNCIL

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

CLERK C

THE COMMITTEE ON

Recommends

CLERK

1-26-06 Cr 7

3-15-06 Cr 4

4-13-06 Cr 4

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance

Clerk

5-9-06

New Ord. Submitted

Amended Segal. (By Request).

2. For the second such intervention in the sixty (60) day period, a mandatory minimum fine of three hundred fifty dollars (\$350.00);
3. For any further such responses in a sixty (60) day period, a mandatory minimum fine of five hundred dollars (\$500.00);
4. Upon the third such intervention and thereafter, the landlord will be fined an additional two hundred dollars (\$200.00) for each tenant cited for a nuisance violation.

(b) Landlords may not avoid liability under this section by including a provision in a lease which would transfer the penalty obligation to the tenant. Landlords may not withhold the amount of any fines assessed under this section from a security deposit.

SECTION 2. Chapter 16, Article I of the Providence Code of Ordinances is hereby amended to add Sections 16-21 through 16-24, as follows:

Section 16-21. Loud or unruly gatherings-public nuisance.

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 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.

Section 16-22. Notice of unruly gathering-posting; mailing.

(a) When the police department intervenes at a gathering which constitutes a nuisance under this ordinance, the premises at which such nuisance occurred shall be posted with a notice stating that the intervention of the police has been necessitated as a result of a public nuisance under this ordinance caused by an event at the premises, the date of the police intervention, and that any subsequent event within a sixty (60) day period therefrom on the same premises which necessitates police intervention, 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 who sponsored the event constituting the public nuisance as more fully set forth below.

(b) The residents of such property shall be responsible for ensuring that such notice is not removed or defaced. 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.

Section 16-23. Mailing of notice to property owner.

Notice of the intervention shall also be mailed to any property owner on the City of Providence property tax assessment records to advise the property owner that any subsequent such intervention within sixty (60) days on the same premises shall result in liability of the property owner for all penalties associated with such intervention.

Section 16-24. Persons liable for a subsequent response to a gathering constituting a public nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than once in sixty (60) day period, the following persons shall be jointly and severally liable for fines.

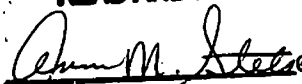
1. The person or persons who own the property where the gathering constituting the public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice.
2. The person or persons residing on or otherwise in control of the property where such 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.

SECTION 3. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
MAY 18 2006
FIRST READING
READ AND PASSED

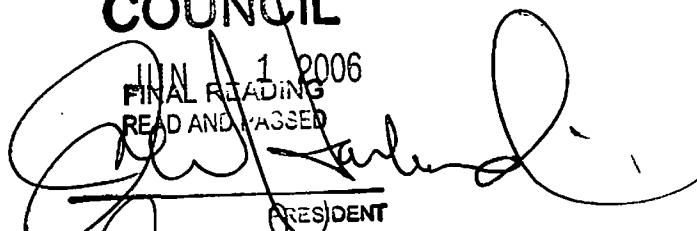
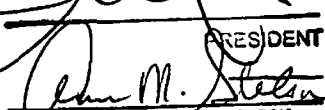
 CLERK

APPROVED

 6/12/06
MAYOR

IN CITY
COUNCIL

JUN 1 2006
FINAL READING
READ AND PASSED


PRESIDENT

CLERK