

Introduction to Article 40 **Bylaw – Nuisance House**

As part of the Campus and Community Coalition's (CCC) initiative to reduce underage and dangerous drinking, including the serious and persistent problems associated with home drinking parties, the bylaw subcommittee reviewed existing town bylaws and ordinances with the goal of strengthening the current bylaws, and if necessary, recommending new bylaws.

After examining the effectiveness of the existing bylaws in relationship to the problems associated with underage/problem drinking and nuisance complaints, the committee came to the conclusion that while the current bylaws have been helpful in dealing with the problem, there are areas they do not effectively address. The two primary areas are underage drinking at home parties and the associated nuisance problem from such gatherings. Although the Unlawful Noise Bylaw addresses noise issues, it does not adequately address the associated behavioral aspects of the "gatherings".

With this in mind, the bylaw committee began to study social host bylaws and ordinances that have been enacted in many other college and resort communities. These bylaws are considered best practices in alcohol prevention. The proposed "Social Host and Party House Nuisance Bylaw" is based on similar bylaws being used in Narragansett, Rhode Island and the City of San Diego, California. Many of the model bylaws used in other communities particularly in Ventura County California are similar to this proposal. This bylaw was recently passed by the Hadley Town Meeting.

The highlights of the bylaw are:

- Recognizes that the occurrence of loud or unruly parties on private property where alcoholic beverages are served to, or consumed by, underage persons is harmful to the underage persons themselves, is a threat to public health, safety, quiet enjoyment of residential property and general welfare, and constitutes a public nuisance.
- Recognizes that persons responsible for the occurrence of loud or unruly parties on private property over which they have possession or control have a duty to ensure that alcoholic beverages are not served to, or consumed by, underage persons at these parties.
- Recognizes that landlords have a duty to attempt to remove tenants residing on their property who continually violate nuisance laws.
- Recognizes that law enforcement, fire, or other emergency responders often need to respond multiple times to disperse underage drinking parties, resulting in a disproportionate expenditure of the public safety resources on these parties, delaying police responses to regular and emergency call, and reducing police calls to the rest of a community.
- Recognizes that the town requires a variety of enforcement strategies to abate underage drinking parties under varying circumstances and that present law

constrains the ability of law enforcement to deter underage drinking parties and other gatherings.

- As a primary strategy for deterring underage drinking parties on private property, imposes a fine against social hosts and/or landowners for the recovery of specified costs associated with providing law enforcement, fire, or other emergency response services on multiple occasions to the scene of a loud or unruly party.

The committee believes the proposed bylaw could be used as an additional tool to compliment the existing bylaws. The idea of cost recovery in a time of fiscal constraints to local communities is an important factor in allowing towns the financial ability to respond to nuisances that are detrimental to local neighborhoods without further burdening the local budget. It is a more effective deterrent to offenders of the bylaw in that not only will they face a fine but also expensive response costs. A springtime weekend in Amherst cost the town's police department about \$15,000.00 in overtime dealing with nuisance gatherings.