



Due to COVID-2019 State of Emergency, the City Council will be holding its meetings remotely using the web-based program, Zoom. City Councilors will be participating in this meeting remotely. Members of the public will be able to assess this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To view the City Council meeting, please navigate to www.zoom.us and enter the Meeting ID# 884 9376 3916. To listen via telephone call 877-853-5257 and enter the Meeting ID # 884 9376 3916.

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE**

AGENDA

Council Chambers A

September 23, 2020

7:00 PM

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice Chair
Philip M. Jones
Gladys Johnsen
Catherine Workman

1. REPORT OUT: Let it Shine – Request for Use of City Property – Pumpkin Festival - Public Works Director/Emergency Management Director
2. Informational Update - Broadband For Unserved Keene Neighborhoods - ACM/IT Director
3. Social Host Ordinance - DRAFT

MORE TIME ITEMS:

- A. Relating to Social Service and Congregate Care Uses and License
Ordinance O-2019-13
Ordinance O-2019-14
- B. Darren Humphrey/Trax Club – Request to Use City Property – Railroad Square and Use of Railroad Square - Parks, Recreation, and Facilities Director
- C. Tad Schrantz/The Colonial Theatre Group – Various Licenses Needed for the Renovation and Addition to the Colonial Theatre

Non Public Session
Adjournment



City of Keene
Transmittal Form

September 21, 2020

TO: Planning, Licenses and Development Committee

FROM: Thomas P. Mullins, City Attorney

ITEM: 3.

SUBJECT: Social Host Ordinance - DRAFT

RECOMMENDATION:

The attached draft Social Host Ordinance is provided for review, discussion, and further recommendation.

ATTACHMENTS:

Description

Social Host Ordinance_Draft

BACKGROUND:

At the June 10, 2020, meeting of the Planning, Licenses and Development Committee, the Concerned East Side Neighbors presented the concept of a Social Host Ordinance to address large social gatherings that affect the quality of life of the residents who live in the vicinity of the college and the downtown areas. The attached draft Social Host Ordinance is provided at the request of the Committee for the Committee's review, discussion and further recommendation, either to the City Attorney, or to the City Council.

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CHAPTER 66

ARTICLE VIII - HOST RESPONSIBILITIES OF PARTIES IN RESIDENTIAL AREAS

Sec. 66-156 - Definitions:

Apartment means a room or a group of rooms constituting a Dwelling Unit within a structure containing at least one other Dwelling Unit, and includes a duplex, townhouse, or condominium.

Apartment Complex means a multi-family development containing one or more buildings that have at least four Apartments.

Dwelling Unit means a single unit providing complete independent living facilities for one or more Persons, including permanent facilities for sleeping, cooking, and sanitation.

Excessive Noise means any noise as more specifically defined in Chapter 66, Article V, of the City Code which annoys, disturbs, injures or is likely to endanger the comfort, repose, health, peace or safety of others that can be heard across property lines or enters a residence other than the residence from which the noise originated.

Guest means any Person who attends a party other than the Host, whether invited or not.

Host means a Person who invites or allows other Persons to gather or remain at his personally owned Residence, or at a Residence he has a lawful right to occupy or control, for a Party.

Lodging house means any dwelling for more than four unrelated persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

Owner means the owner of record of the Residence as recorded in the Cheshire County Registry of Deeds.

Party means a planned or unplanned gathering of Persons for any purpose, and includes a House Party defined by RSA 644:18.

Person means any natural person.

Residence means a single family residence containing one Dwelling Unit, or an Apartment or Lodging House, and encompasses the entire premises of a Residence, including the building, garage, carport, driveway and yard, and any immediately adjacent or internal common area, parking areas, sidewalks and streets.

Residential area means an area:

- (1) That is within any residential zoning district as defined by the City Zoning Ordinance; or
- (2) Within which, in a one-block area, a majority of the buildings are designed or used for residential purposes, such as one-family or two-family dwellings, apartments, townhomes and condominiums.

Unruly gathering means a gathering of five or more Persons which is conducted on or within a Residence and which, by reason of the conduct of those Persons in attendance, results in the occurrence of more than one of the following conditions or events on public or private property; rioting; the unlawful sale, furnishing, possession or consumption of alcoholic beverages or drugs; the destruction of property;

obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disorderly conduct; public urination or defecation; or violation of any applicable fire code or building code.

Sec. 66-157 - Responsibilities of hosts, guests, owners or managers of common areas at apartment complexes:

- (a) It is unlawful for a Host to fail:
 - (1) To ensure that Excessive Noise is not produced from the Host's party;
 - (2) To ensure that any alcoholic beverages provided or served at the Host's party are controlled in a manner that ensures the alcoholic beverage laws are not violated;
 - (3) To advise his Guests that streets and driveways cannot be blocked by vehicles of Persons attending the Host's party;
 - (4) To prevent the Party from becoming an Unruly Gathering.
- (b) It is unlawful for a Person attending a Party to participate in, or condone, conduct that arises to the definition of an Unruly Gathering
- (c) It is unlawful for the Owner or manager of an apartment complex to knowingly allow an Unruly Gathering to occur or continue in a common area.
- (d) It is not a defense to prosecution for violations of any law or ordinance that a security officer or officers hired for a Party failed to properly fulfill the Host's duties in subsection (a) of this section.
- (e) If a police officer determines that a Party has become an Unruly Gathering, the police officer may order all Persons not residing at the Residence to leave immediately. Any Person who fails or refuses to abide by such an order commits an offense under this Ordinance.

Sec. 66-158 - Notice of Unruly Gathering:

Within 3 business days after a police officer responds to a Residence on a complaint of an Unruly Gathering which results in the issuance of a written warning, the Keene Police Department shall send to the Owner by mail, or by email if known, a notice of the occurrence of the Unruly Gathering, and a summary report of the police response.

Sec. 66-159 – Penalty:

- (a) First Offense: Written warning by the police officer to the Host to cease immediately an Unruly gathering.
- (b) Second Offense: A fine of \$300.00 to be served on the Host after the issuance of a written warning, or served on any Person committing a violation of this Ordinance who continues to do so after a verbal warning to the Person to cease and desist.
- (c) Third offense: A fine of \$500.00 to be served on the Host.
- (d) Fourth and subsequent offenses: A fine of \$1,000.00 to be served on the Host.

The sequence of penalties that may be imposed under this section shall be in effect for one year from the date of the service of a written warning, after which date the sequence of penalties shall be reset annually each year thereafter; provided, however that the penalties designated in this section may be cumulative, and may be imposed sequentially by the police officer for an Unruly Gathering that the Host continues after a written warning to cease and desist, and after the imposition of the penalty for each subsequent offense if the police officer is required to respond to the same Unruly Gathering multiple times the same day of the Unruly Gathering.

Sec. 66-160 - Enforcement of other laws:

Nothing in this Article shall be deemed to restrict or limit a law enforcement officer's authority to enforce the criminal laws, including but not limited to rioting, disorderly conduct, littering, parking and alcohol-related offenses against any Person or Persons who violate the criminal laws.