



Due to the COVID-2019 State of Emergency, the Planning, Licenses and Development Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access 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 access the meeting online navigate to *Zoom.us* and enter the Webinar ID #872 1618 6119. To listen via telephone call 877 853 5257 and enter the Meeting ID: 872 1618 6119. When the meeting is open for public comment, callers may press \*9 if interested in commenting or asking questions.

City of Keene

*New Hampshire*

**PLANNING, LICENSES AND  
DEVELOPMENT COMMITTEE**

**AGENDA**

**Council Chambers A**

**October 21, 2020**

**7:00 PM**

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

1. Relating to Social Hosting  
Ordinance O-2020-12

**MORE TIME ITEMS:**

- A. Relating to Social Service and Congregate Care Uses and License  
Ordinance O-2019-13  
Ordinance O-2019-14
- B. City of Keene Land Development Code and Downtown Zoning Update  
Ordinance O-2020-10  
Ordinance O-2020-11

Non Public Session  
Adjournment



City of Keene  
*Transmittal Form*

October 13, 2020

**TO:** Mayor and Keene City Council

**FROM:** Thomas P. Mullins, City Attorney

**ITEM:** 1.

**SUBJECT:** Relating to Social Hosting

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**COUNCIL ACTION:**

In City Council October 15, 2020.  
Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

That the attached Ordinance O-2020-12, Relating to Social Hosting, be read for the first time and referred to the Planning, Licenses and Development Committee for review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2020-12

**BACKGROUND:**

A draft Ordinance relating to Social Hosting of parties in residential areas was reviewed at the Planning, Licenses and Development Committee meetings of September 23, 2020, and October 7, 2020. The attached Ordinance O-2020-12, is submitted for a first reading in response to the discussions and input received from the Committee, City staff, and public.



## CITY OF KEENE

Ordinance O-2020-12

Twenty

In the Year of Our Lord Two Thousand and .....

AN ORDINANCE .....  
Relating to Social Hosting*Be it ordained by the City Council of the City of Keene, as follows:*

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding a new Article VIII, "Host Responsibilities of Parties in Residential Areas", to Chapter 66, entitled "PUBLIC CONDUCT" as follows;

## CHAPTER 66 – PUBLIC CONDUCT

## 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.

*Common Area* means the land on which the building is located; roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, areas or rooms intended for communal gatherings, and entrances and exits of the building; the basements, yards, gardens, decks, patios and parking areas; and all other parts of the property normally in common use.

*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.

*Manager* means a person or entity other than an Owner charged with the duty and the responsibility of managing the day to day operation of an Apartment or Apartment Complex.

*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 a residential zoning district as defined by the City Zoning Ordinance in which a Residence is permitted; 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 in a Residential Area 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 a Residence, including Apartments and 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 or 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 penalty for a first offense, or the issuance of any subsequent penalty, 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: A fine of \$300.00 to be served on the Host , 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.
- (b) Second offense: A fine of \$500.00 to be served on the Host.
- (c) Third 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 against the Host or the Person for one year from the date of the service of a penalty for a first offense, 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 first offense, 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.

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George S. Hansel, Mayor

In City Council October 15, 2020.  
Referred to the Planning, Licenses  
and Development Committee.

City Clerk