

SECTION 724 DISORDERLY HOUSES

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

Disorderly house means any building, dwelling, place, establishment or premises in which actions or conduct occurs in violation of any law or ordinance relating to the following:

- A. Sale or regulation of an intoxicating liquor or 3.2 percent malt liquor.
- B. Gambling.
- C. Prostitution, acts relating to prostitution, solicitation to vice, or lewd and indecent behavior.
- D. The sale, possession or use of drugs or controlled substances as defined by state law.
- E. Disorderly conduct as defined by state law.
- F. Assault as defined by state law.
- G. Public nuisance as defined by state law.
- H. Any other unlawful conduct or pattern of unlawful conduct pursuant to city ordinance or state law.

724.02 Process and Penalty for Violation of Chapter.

A. Process following violation:

1. First Strike - Upon a violation the police department will inform the property owner by sending a written notice of violation to the tenant and the property owner or their agent as appropriate. The property owner will be responsible to terminate the disorderly use immediately or within the timeframe required by the police department. Unless the violation is overturned, the property owner will receive a First Strike

2. Second Strike - If another violation takes place on the same property or in the same unit, within a twelve (12) month

timeframe for which an incident was given as "First Strike" the police department will inform the property owner by sending a written notice of the violation to the tenant and the property owner or their agent as appropriate. The property owner will be responsible to terminate the disorderly use immediately or within the timeframe required by the police department. Unless the second violation is overturned the property owner will receive a "Second Strike" and incur a \$300.00 police response charge which will be waived unless a third instance occurs within the twelve (12) month period.

3. Third Strike - If the third violation take place on the same property or in the same unit, within a twelve (12) month timeframe for which a property owner was given a "Second Strike" the police department will notify the property owner by mail of the violation and will require the property owner terminate the disorderly use immediately or within the timeframe required by the police department.

B. Upon the third violation being sustained, the property owners' violation constitutes a misdemeanor. In addition, the property owner will be charged the police response fee that has been waived plus an additional \$300.00 for each and every violation that occurs beyond the second strike. Each violation and every day in which a violation occurs or continues, shall constitute a separate violation.

724.03 Evidence.

Evidence of unlawful sales or free distribution of intoxicating liquor or 3.2 percent malt liquor or of gambling shall be prima facie evidence of the existence of a disorderly house. Evidence or possession, sales or use of drugs or controlled substances shall be prima facie evidence of the existence of disorderly house. Evidence or possession, sales or use of drugs and/or controlled substances may include, but is not limited to, the presence in the house of devices for smoking cocaine or marijuana, scales, sieves or sifters or any other drug paraphernalia, shall be prima facie evidence of the existence of a disorderly house. Evidence of the occurrence of any incident of disorderly conduct, assault, or public nuisance shall be prima facie evidence of the existence of a disorderly house. Evidence of a violation of this Code shall be prima facie evidence of the existence of a disorderly house. Evidence of

any weapon violation shall be prima facie evidence of the existence of a disorderly house. Evidence of a pattern of vandalism and/or theft by the occupants of a disorderly house shall constitute prima facie evidence that such occupants reside in a disorderly house.

724.04 Operation.

No person shall, lease, operate, manage, reside in, maintain or conduct a disorderly house, or invite or attempt to invite others to visit or remain in such disorderly house until the Police Chief determines and the City Administrator certifies that the property no longer contains a disorderly house.

724.05 Presence In, Leasing or Visiting.

No person shall be present in, visit, lease or remain in a disorderly house.