

CHAPTER 45
DISORDERLY HOUSE

[HISTORY: Adopted as Ordinance #2010-08 on September 27, 2010 by the Durham Town Council. All amendments included at time of adoption of Code].

45-1. Purpose and Intent

The purpose of this chapter is to protect the health, safety, and welfare of the Town of Durham by identifying as disorderly houses those residences that harbor occupants who disturb the peace and tranquility of their neighborhood.

45-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING--Any building, dwelling, dwelling unit, fraternity house, sorority house, rooming house, rooming unit, tent, trailer, recreational vehicle, camping site or other structure or place occupied either temporarily or permanently by human beings.

CHIEF--The Chief of Police of the Town of Durham or his/her designee.

DISORDERLY ACTIVITIES--Situations created within or in the immediate vicinity of a building by a building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant, which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual occupying property in or near the disorderly activity, including but not limited to loud music; boisterous parties; excessively loud or unnecessary noises emanating from within or near the building which are audible outside the building; fights within the building or in its vicinity involving occupants of the building or their invitees; occupants of the building or their invitees being intoxicated outdoors in the vicinity of the building; and other similar activities in the building or in the vicinity of the building.

DISORDERLY EVENT-- An activity to which the police department responds on the basis of a complaint and determines to be disorderly. Multiple responses to a single building that occur within a twelve-(12-)hour period shall be deemed a single disorderly event.

DISORDERLY HOUSE--Any building at which the police department has substantiated two (2) disorderly events within the period of July 1st through June 30th of a given year.

OWNER--The person or persons having the right of legal title to, or the beneficial interest in, a building or parcel of land, as their interest is recorded in the tax records of the Town of Durham.

TOWN ADMINISTRATOR –The Town Administrator of the Town of Durham.

45-3. Documentation of Complaints

The police department shall document all responses to complaints of disorderly activities and classify each complaint as either substantiated or unsubstantiated.

45-4. Notice of Disorderly House

Whenever the police department responds to a disorderly event, the owner shall be notified as provided below:

First disorderly event: No later than five (5) calendar days after the first disorderly event, the police department shall deliver by hand or first class mail a copy of this chapter and a notice advising the owner that the police department has responded to a disorderly event.

Second disorderly event: No later than five (5) calendar days after the second disorderly event, the police department shall deliver by hand or first class mail a copy of this chapter and a notice advising the owner that the police department has responded to a second disorderly event. The owner of the disorderly house shall be subject to a fine of \$500.00. The owner or his or her representative, designated in writing, shall meet with the Chief, or the Chief's designee, within ten (10) days of the date of the written notification, or at such other time as agreed by the Chief, to identify ways to prevent future disorderly events. If this meeting occurs within the agreed time period, the fine of \$500.00 shall be waived.

Third disorderly event: No later than five (5) calendar days after the third disorderly event at a building, the police department shall deliver by hand or first class mail a copy of this chapter and a notice advising the owner that the police department has responded to a third disorderly event. The owner of the disorderly house shall be subject to a fine of \$1000.00. In addition, the notice shall advise the owner or his or her representative, designated in writing, that he or she shall meet with the Chief, or the Chief's designee, and three representatives from the Rental Housing Commission within ten (10) days of the date of the written notification, or at such other time as agreed by the Chief, to identify ways to prevent future disorderly events. The fine(s) may be waived if, in the discretion of the Town Administrator, the owner has undertaken good faith efforts to prevent the disorderly events. At the time of the meeting with the Chief and the three representatives from the Rental Housing Commission, the following shall occur:

- The owner must agree to take effective and immediate measures to prevent future disorderly events, with the initiatives memorialized in a written agreement. The plan must be implemented within one week of the meeting, unless the Chief and the representatives from the Rental Housing Commission agree to another date.

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- The owner and the Chief shall sign said written agreement. If the owner fails or refuses to enter into such an agreement, the Chief shall refer the matter to the Town Administrator for further legal action.

Fourth and subsequent disorderly events: No later than five (5) calendar days after the fourth and each subsequent disorderly event, the police department shall deliver by hand or first class mail a copy of this chapter and a notice advising the owner that the police department has responded to a fourth, or subsequent, disorderly event. The owner of the disorderly house shall be subject to a fine of \$1,000.00 for the fourth and each subsequent event. The fine may be waived if, in the discretion of the Town Administrator, the owner has undertaken good faith efforts to prevent future disorderly events.

DELIVERY OF NOTICES-- Any notice mailed or delivered to any owner as provided in this chapter shall be effective as to the owner identified in the notice, notwithstanding such owner's refusal to accept delivery of the notice and notwithstanding any failure of any other owner to actually receive notice.

45-5. Penalty

Anyone who violates this chapter shall be subject to fines in accordance with the provisions of Chapter 1 "General Provisions", Article II "General Penalty", Section 1-16 (B) "Violations and Penalties" of the Durham Town Code.

