

Chapter 114. Disorderly Houses

**§ 114-1. Purpose.**

The City Council has determined that it is in the public interest to address the problems surrounding real properties whose owners, occupants, or visitors disturb the peace and tranquility of the community, and the ability of residents of reasonable sensibilities to peacefully enjoy their own premises in a manner that is free from loud, offensive, riotous, or otherwise disruptive behavior or nuisance. The City Council has determined that, in its judgment, failure to address this problem through reasonable regulation and enforcement will be detrimental to the public health, safety, and welfare. Therefore, in the exercise of its Home Rule Authority under the laws of Maine, the City Council hereby enacts this ordinance as a determination of local needs and preferences, and out of concern for the health, safety, and welfare of the City of Sanford.

**§ 114-2. Disorderly houses prohibited.**

- A. No person shall occupy as owner-occupant or shall allow another to occupy a dwelling, dwelling unit, rooming house, or rooming unit (hereinafter jointly and severally “building”) which is a disorderly house as defined herein.
- B. A “disorderly house” is any building which:
  - (1) The police have visited a minimum number of times in any thirty (30) day period, as set forth in paragraph (3) below, in response to situations which are created by the owner, tenants, or owner's or tenants' cohobitees, guests or invitees and which would have a tendency to unreasonably disturb the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are audible outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; other similar activities in the building or outside the building itself; or
  - (2) The police have visited three (3) or more times in any thirty (30) day period in response to situations which are created by the owner, tenants, or owner's or tenants' cohobitees, guests or invitees and involve the arrest of the owners or tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law, or create a reasonable suspicion that illegal drug use or sales under 17-A M.R.S.A., Chapter 45, or prostitution or public indecency under 17-A M.R.S.A., Chapter 35, has occurred.
  - (3) The following table delineates the number of police visits per dwelling size which create a disorderly house under paragraph (1) above:

Units per Building	Number of Visits by Police in Any 30-Day Period
5 or fewer	3
6 to 10	4
11 or more	5

- (4) The situations to which the visit pertains shall be documented by the Police Department. Such documentation may include sworn affidavits by named citizens which may be sufficient to create a reasonable suspicion said illegal activity has occurred.

**§ 114-4. Notice of hot spot designation.**

Whenever a building has been visited by the police two (2) or more times in a thirty (30) day period in response to situations as described in § 114-2 , the Police Department or any other agent designated by the City Manager shall notify the owner of the said visits, at the address listed on the City's tax rolls. The City is under no obligation to provide a notice of hot spot designation prior to notice of disorderly house designation.

**§ 114-5. Notice of disorderly house designation.**

- A. Whenever a building has been identified as a disorderly house by the City, the City shall send written notification of the events which form the basis for that designation to the owner at the address listed on the City's tax rolls. Such notice shall be sufficient for all legal purposes. The notice shall require the owner to meet with representatives of the City (including the Police Department) within five business days from the date of the written notification, or such other time as is agreed upon by the Police Chief or his or her designee, to identify ways in which the problems which have been identified will be eliminated.
- B. At the time of said meeting, the owner shall be obligated to provide to the City the following documentation:
  - (1) A copy of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy.
  - (2) Copies of all leases with tenants residing in the building.
  - (3) Contracts with any property manager or other person responsible for the orderly operation of the building.
  - (4) Accurate and up-to-date disclosure of documentation of building ownership.
- C. During the owner's meeting with the City, the owner shall agree to take effective measures to address the disorderly house, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one week of said meeting unless another date is agreed upon by the City or its representatives. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this chapter, and the City may file a complaint in the district court seeking all compensatory and equitable relief permitted by law and may suspend or revoke rental housing licenses held by the owner as set forth in §149-5.
- D. Designation as a disorderly house will continue until such time measures taken have been deemed completed by the Police Chief.
- E. If the same building should be designated as a disorderly house on a subsequent occasion within the three (3) years, then the City is under no obligation to meet with the owner, but may condemn and post the building or any units therein, and/or proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law.

**§ 114-6. Enforcement.**

- A. Authority to enforce. If the owner refuses to agree to take effective measures to address the

disorderly house; takes ineffective measures to address the disorderly house as determined by the City; fails to implement the agreement reached with the City to address the disorderly house; or if, in the discretion of the city, the disorderly house requires immediate posting, the City may condemn and post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.

- B. Notice of suit. If the City pursues legal action against an owner or landlord for a disorderly house violation, notice shall be provided to the tenants by the City. Notice shall be made within a reasonable time following the service of the complaint upon the property owner. If a tenant list has been previously provided by a landlord, notice shall be made by regular mail to all known tenants in the building. If no tenant list has been provided, notice shall be made by regular mail to all occupants in each unit of the building.
- C. Condemnation. In the event that condemnation is required to address one or more disorderly house violations, the City shall provide notice to tenants of the building. Notice shall be made within a reasonable time following the City's election to condemn the building. Notice shall be made by regular mail to all known tenants or to all occupants in each unit in the building; and by posting a copy of said notice at the premises.

**§ 114-7. Cost of service for responses to disorderly houses.**

- A. Whenever the Police Department is required to respond to situations at a disorderly house in excess of the number of times described in § 114-2, in any one-year period, the owner of the disorderly house shall pay the cost of service for each such response as follows:
  - (1) For each such response for service, the owner shall pay \$100, which shall be in addition to any penalty to which the owner may be subject.
- B. Failure to pay the cost of service within 30 days after demand therefor shall subject the owner to the penalties provided by state and local laws.
- C. Charges which become payable hereunder shall be treated as liens on the property in question and shall be enforced in accordance with the provisions of state and local laws.

**§ 114-8. Violations and penalties.**

Any person violating any of the provisions of this chapter or failing or neglecting or refusing to obey any order or notice of the Police Department issued hereunder shall be subject to penalties as provided by state and local laws. In addition, violation of the provisions of this chapter is a civil penalty pursuant to 30-A M.R.S.A. § 4452, enforced by the Police Department or Code Enforcement Officer. In any such proceeding, the City may order that the activity in violation of the code abate, pay a penalty between \$100 and \$2,500 per violation, per day, and pay the court costs, attorneys and expert witness fees incurred by the City.

**§ 114-9. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this chapter now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly

involved in the controversy in which such judgment shall have been rendered.