

COUNCIL ACTION FORM

SUBJECT: ENHANCED PENALTIES FOR NUISANCE PARTY VIOLATIONS ON DATES DESIGNATED BY CITY COUNCIL

BACKGROUND:

For several years, the Police Department has observed an increase in alcohol consumption, illegal parking, nuisance parties, and other high-risk activities on the Saturday before Iowa State University classes begin. This phenomenon began many years ago when alcohol was prohibited in fraternities and sororities during the week leading up to the start of classes. The prohibition ended at 8:00 A.M. on the Saturday before classes began. At 8:01 A.M. (801 day), some students chose to begin drinking.

In the late 2010s, these behaviors on the Saturday before classes began to grow beyond a small segment of the ISU population. The date has increasingly become a destination for people from outside Ames and is no longer limited to ISU students. Complaints from residents in the area have also grown.

In 2021, City leadership, ISU leadership, and both the Ames and ISU Police Departments began to discuss ways to refocus the event in a way to reduce harm, reduce noise complaints, reduce parking complaints, etc. The unofficial event of 801-day is being transitioned to an official ISU event, **Cyclone Welcome Weekend**. The University has created several activities to take the focus off alcohol use and overuse and steer activities towards community events and safer alternatives.

An additional strategy resulting from these discussions is a focus on nuisance party enforcement. The Police Department has seen an increase in party sizes on this day, estimating some parties of 400-500 people at private residences. Many of these parties include underage drinking, fights, noise above what is allowed by the noise ordinance, public intoxication, spilling onto neighboring property, public urination, and other inappropriate activities. These behaviors are grounds for citation under the City's nuisance party ordinance, which may be cited as either a municipal infraction or a simple misdemeanor. Currently, the fine for a 1st violation of the ordinance is \$100 and \$200 for 2nd and subsequent violations.

It is believed this fine structure is an insufficient deterrent to nuisance parties on the Saturday before classes. Therefore, the City Council has requested that staff prepare an ordinance that would allow the penalties for violation of the nuisance party ordinance to be increased on certain days designated in advance by the City Council. The proposed citation amounts would be increased on designated days to a municipal infraction of \$750 for a 1st offense, and \$1,000 for a 2nd or subsequent offense. If the

infraction was cited as a simple misdemeanor, the fines would be commensurate to the municipal infraction once the required criminal surcharges are added. The City Attorney's Office has drafted an ordinance to accomplish the Council's direction, which is attached.

ALTERNATIVES:

1. Approve first reading of an ordinance increasing fines for 1st offense violation of the Nuisance Party code to \$750 and \$1,000 for a 2nd or subsequent offense on designated dates/times as passed by resolution by City Council.

The City Council should note that Cyclone Welcome Weekend is August 19-21, 2022. Therefore, staff recommends that the City Council suspend the rules and approve the ordinance on second and third readings at this time. This will allow City staff to prepare an item for the meeting on July 26 to approve the implementation of the higher fines for Cyclone Welcome Weekend, and provide sufficient time to advertise and educate residents about the changes.

2. Approve first reading of the ordinance increasing fines for 1st and 2nd offense violations of the nuisance party code, but modify the citation amounts.
3. Do not approve the ordinance.

CITY MANAGER'S RECOMMENDED ACTION:

The increase of risky behaviors surrounding large parties during 801-day is troubling. These large parties are disruptive to neighborhoods and have been increasing for several years. The City and University have worked very hard over the past year to create an event to welcome students to Ames (Cyclone Welcome Weekend) and to turn the unofficial event into a planned event with better alternatives to consumption of alcohol and risky behaviors. Increasing the fines for nuisance parties at designated times will provide another tool for City staff in deterring the disruptive behaviors that have become associated with this weekend.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 17.30(4) AND ENACTING A NEW SECTION 17.30(5) THEREOF, FOR THE PURPOSE OF ESTABLISHING ENHANCED NUISANCE PARTY REGULATIONS, REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING PENALTY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Section 17.30(4) and enacting a new Section 17.30(5) Nuisance Party Regulations as follows:

Sec. 17.30. NUISANCE PARTY REGULATIONS.

“(4) Except on dates specified by an Enhanced Penalties For Nuisance Parties Resolution of City Council, violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person’s first violation thereof and \$200 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

(5) The City Council may establish by Resolution enhanced penalties for nuisance parties occurring on certain specified dates. A violation of this section during the effective dates of an Enhanced Penalties For Nuisance Parties Resolution shall be a municipal infraction with a fine of \$750 for the first violation, and \$1,000 for each repeat violation. Alternatively, violation of this section can be charged by a peace officer of the City as a simple misdemeanor with a fine of \$650 for the first violation and \$855 for each repeat violation.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor