

ITEM #: 16
DATE: 07-23-24
DEPT: Police

COUNCIL ACTION FORM

SUBJECT: ENHANCED PENALTIES FOR NUISANCE PARTY VIOLATIONS AUGUST 23-25

BACKGROUND:

On July 29, 2022, the City Council approved an ordinance to allow for enhanced penalties for nuisance parties when authorized by City Council resolution [Section 17.30(5) of Municipal Code]. The resolution that authorizes the enhanced penalties must designate specific dates and times subject to the enhanced penalties.

This request is to approve a resolution authorizing the use of enhanced penalties for nuisance parties beginning at 5:00 p.m. Friday, August 23, 2024, and ending at 4:00 a.m. Sunday, August 25, 2024. These dates correspond with the weekend before Iowa State University classes begin.

In the past several years, the Saturday before classes begin has been associated with an increase in alcohol consumption, illegal parking, nuisance parties, and other high-risk activities. 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 was 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 first violation of the ordinance is \$100, and \$200 for second and subsequent violations. It is believed this fine structure is an insufficient deterrent to nuisance parties on the Saturday before classes. **The new ordinance passed on July 29, 2022, allows for enhanced penalties for nuisance party violations of \$650 for a first offense and \$855 for each repeat offense on dates and times approved by resolution by City Council.**

The enhanced fine structure for nuisance party violations was utilized for Cyclone Welcome

Weekend last year and staff noticed some reduction in large parties. Only three citations were written in 2022 for the enhanced penalty Nuisance Party Violation.

Cyclone Welcome Weekend is over a month away which provides ample time to notify the community of the enhanced penalties for nuisance party violations. Staff will take the following steps to notify the public about the new ordinance:

- The Police Department and ISU staff will inform residents while going door-to-door during the Good Neighbor Campaign in early August.
- An email outlining the changes to the ordinance will be sent to property managers and owners, with a request to forward the message to tenants. A similar email will be sent to neighborhood associations.
- Both the City and University will publicize the changes in press releases and social media accounts.

ALTERNATIVES:

1. Authorize the enhanced penalties for nuisance party violations (\$650 for a first offense and \$855 for each repeat offense) beginning at 5:00 p.m., Friday August 23 and ending at 4:00 a.m. on Sunday, August 25, 2024.
2. Authorize the enhanced penalties for nuisance party violations as described in Alternative 1, but modify the times and/or dates.
3. Do not authorize enhanced penalties for nuisance party violations.

CITY MANAGER'S RECOMMENDED ACTION:

The increase of risky behaviors surrounding large parties during what has become known as 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 few years 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 provides another tool for City staff in deterring the disruptive behaviors that have become associated with this weekend. In addition, this strategy was utilized for Cyclone Welcome Weekend the last two years and staff noticed some reduction in large parties. Only three citations were written in 2022 and only five in 2023 for the enhanced penalty Nuisance Party Violation. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.