

ARTICLE X. DISORDERLY HOUSES

Sec. 17-170. Disorderly houses.

(a) No person shall occupy as owner-occupant or shall allow another to occupy any 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 four (4) or more times in any thirty (30) day period in response to situations created by the owner, tenants, or tenants' cohabitees, guests or invitees and which have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building through, but not limited to loud music; boisterous parties; sounds emanating from within the structure that 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 immediate vicinity of the building; or other similar activities in the building or outside the building itself; or

(2) The police have visited two (2) or more times in any thirty (30) day period in response to situations which are created by the owner, tenants, or tenants' cohabitees, guests or invitees and involve the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under 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.

(c) The situation 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.

Sec. 17-171. Notice of disorderly houses.

(a) *Hot spots.* Whenever a building has been visited by the police in response to a disturbance described in Sec. 17-170(b)(1) two (2) times, but less than four (4) times in any thirty (30) day period, or in response to activities that involve a criminal conviction or reasonable suspicion of criminal activity described in Sec. 17-170(b)(2), at least one (1) time in any thirty (30) day period, the police department or any other agent designated by the Mayor (hereinafter the "city") shall notify the owner of the circumstances involving the said visits. Such notice shall be deemed sufficient for all legal purposes.

(b) *Disorderly houses.* Whenever a building has been identified as a disorderly house by the city, it shall cause written notification of the events which form the basis for that designation to be given to the owner. 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 (5) business days from the date of the written notification, or such other time as is agreed upon by the city, to identify ways in which the problems that have been identified will be eliminated.

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) an accurate and up-to-date disclosure of building ownership.

In addition, the owner will 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 (1) week of said meeting unless another date is agreed upon by the city. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this housing code, and the city shall file a complaint in the Maine District Court seeking all compensatory and equitable relief permitted by law.

If the same building should be classified as a disorderly house on a subsequent occasion, 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.

Sec. 17-172. Enforcement.

If the owner (a) refuses to agree to take effective measures to address the disorderly house, (b) takes ineffective measures to address the disorderly house as determined by the city, (c) fails to implement the agreement reached with the city to address the disorderly house or (d) 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 law.

The police department shall prepare and present a report to the municipal officers annually during the month of November, which describes the actual experience in the field of this Article for the immediately preceding twelve (12) months. (Ord. of 5-18-2009)

