

## ORDINANCE NO. 1321

AN ORDINANCE adding Chapter 11, Article 5 “Under Age Gathering and Disorderly House”, Section 11-500 entitled “Nuisance; Prohibited” and Chapter 11, Article 5 “Under Age Gathering and Disorderly House”, Section 11-501 entitled “Nuisance; Enumeration” to the Municipal Code of the City of Chadron, Nebraska; to repeal all ordinances and parts of ordinances in conflict herewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHADRON, NEBRASKA:

Section 1. Chapter 11, Article 5 “Under Age Gathering and Disorderly House”, Section 11-500 entitled “Nuisance: Prohibited” shall read as follows:

**11-500. NUISANCE; PROHIBITED.** No person shall permit, cause, keep, maintain, or do any nuisance as defined by the laws of the State, the provisions of the Municipal Code of the City or cause to be committed, kept, maintained or done any such nuisances within the corporate limits of the City, and it shall be unlawful for any person or persons, owner, occupant or person in charge of any house, building, lot or premises to cause or allow any nuisance to be in or upon any such house, building, lot or premises, within said City. (*Neb. Rev. Stat. §16-246*)

Section 2. Chapter 11, Article 5 “Under Age Gathering and Disorderly House”, Section 11-501 entitled “Nuisance: Enumeration” shall read as follows:

**11-501. NUISANCE; ENUMERATION.** The following are hereby deemed and declared to be nuisances:

1) Under Age Gathering: an under age gathering is any assemblage where five or more persons under the age of 21 are present for a social occasion or a social activity and alcoholic beverages are possessed or consumed by any person under the age of 21 other than a permanent resident of the premises.

2) Person(s) responsible for gathering: The person(s) responsible for an under age gathering is the person(s) who owns, rents, leases, or otherwise controls the premises on which the under age gathering takes place, the person(s) in charge of the premises, and/or the person(s) who organized the under age gathering. When the person(s) who controls the property or organized the under age gathering rents or leases the premises or when the person(s) attending the under age gathering are not lawfully on the premises the owner of the premises shall not be the person responsible for the under age gathering unless the under age gathering occurred with the owner’s knowledge.

3) Disorderly House: Shall be deemed to be any room, house, building, structure or premise where the unlawful or illegal acts enumerated below are being committed. It shall be

unlawful for the owner, lessees or proprietor of any room, house, building, structure or premises to knowingly collect or permit to be collected therein persons who are engaging in any unlawful or illegal act, or to knowingly make, cause, permit or suffer to be therein any loud or improper noise to the annoyance of disturbance of any person or neighborhood.

Unlawful or Illegal acts shall include the following:

(a) State or Federal criminal offenses related to the illegal sale, possession or manufacture of controlled substances, cannabis or drug paraphernalia; or (b) Violation of Section 11-202 of the Municipal Code of the City of Chadron, entitled, "Disturbing the Peace"; or (c) Violation of Section 11-203 of the Municipal Code of the City of Chadron, entitled, "Disorderly Assemblies" (d) Violation of Section 11-204 of the Municipal Code of the City of Chadron, entitled, "Disorderly Conduct" (e) Any of the following offenses as defined by the Nebraska Criminal Code: disorderly conduct; assault; criminal mischief; domestic violence; minor in possession; procurement of alcohol to minors; unlawful use of weapons.

(Neb. Rev. Stat. §16-246)

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed, approved and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF CHADRON

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)