

Noise Violation Policy

2 Misdemeanors = eviction

3 Civil infractions = eviction

1 Misdemeanor & 2 Civil infractions = eviction

Fines from Ross Realty for Noise Violations

Misdemeanor = \$750.00 Civil

Infraction = \$500.00

SECTION ES-1008.0. RENTAL UNIT LICENSE SANCTIONS

ES-1008.1. Rental unit license sanctions. The following types of sanctions may be imposed upon a rental unit license:

- (1) Terms and conditions for a period to be determined by the housing commission;
- (2) Suspension of a rental unit license for no more than 180 days beginning no sooner than 30 days from the date of the hearing and no later than at the end of the current lease period;
- (3) Summary suspension of a rental unit license for no more than 180 days beginning immediately upon the effective date of the ruling;
- (4) Revocation.

For class III, IV, or V rental unit licenses, the bases for the imposition of sanctions as well as the sanctions imposed shall apply to the individual dwellings within the rental unit as opposed to the entire rental unit.

ES-1008.2. Bases for imposition of terms and conditions. The chief code official shall refer any rental unit license to the housing commission for consideration of the imposition of terms and conditions for any of the following reasons, unless the chief code official and owner or owner's legal agent stipulate to the imposition of terms and conditions designed to correct the specific problems which would require imposition of terms and conditions, and the commission agrees to the stipulation:

- (1) The owner, occupants, and/or their guest on five or more separate occasions within a period of 12 months from August 15th to August 14th the following year or, for class VI licenses, within any 12-month period, have violated and been issued court appearance tickets, complaints, or citations for any state law or local ordinance on the licensed premises unless the owner or person acting on behalf of the owner was the party reporting the violation or, unless the owner or owner's legal agent has evicted the tenants.
- (2) The owner, occupants, and/or their guests on two or more separate occasions within a period of 12 months from August 15th to August 14th the following year, or for class VI licenses, within any 12-month period, have violated and been issued court appearance tickets, criminal or civil complaints, or citation for any of the following statutes or ordinances on the licensed premises, unless the owner or person acting on behalf of the owner was the party reporting the violation or unless the owner or owner's legal agent has commenced eviction proceedings against the tenants:
 - (a) Nuisance party violation contrary to City Code section 26-141;
 - (b) Party bill violation contrary to City Code section 26-111;
 - (c) Noise violation contrary to City Code section 26-81(a);
 - (d) Unlawful discharge of a firearm contrary to City Code section 26-52(3) or state statute;
 - (e) Public disturbance, fight, or brawl contrary to City Code section 26-52(9);
 - (f) Operation of establishment for prostitution, illegal sale of intoxicating liquor or controlled substances, gambling, or other illegal business or occupation contrary to City Code section 26- 52(13);
 - (g) Assault of a police officer or firefighter contrary to City Code section 26-52(18);
 - (h) Violation of the maximum occupancy, overcrowding, or illegal use of space provisions of the City Code;
 - (i) Violations of section ES-1010.5 (failure to correct violations).
- (3) The owner, occupants, and/or their guests on three (3) or more separate occasions, or on two separate occasions in combination with any one or more of those offenses listed in subsection (2) within a period of 12 months from August 15th to August 14th the following year, or for class VI licenses, within any 12-month period, have violated and been issued court appearance tickets or citations for noise violations on the licensed premises contrary to City Code section 26-85(a), unless the owner or person acting on behalf of the owner was the party reporting the violation or unless the owner or owner's legal agent has commenced eviction proceedings or otherwise removed the tenants.
- (4) Failure by the chief code official to resolve repeated conflicts involving neighbors and public nuisance allegations through voluntary cooperative agreements between any complainant, property owner, or group of tenants.
- (5) Terms and conditions stipulated to by the owner or owner's legal agent and chief code official have been violated.

ES-1008.3. Bases for rental license suspension. The chief code official shall refer any license to the housing commission for the suspension of a rental unit license for any of the following reasons.