

1. Can an owner retroactively apply for a special event permit to avoid the first offense?
Ordinance now includes: "On a first offense, an owner who was present at the unruly gathering and made themselves available to responding officers at the scene, may retroactively apply for a special event permit by the close of business on the next business day."
2. Is charging a Misdemeanor with a maximum penalty of \$1,000 fine too harsh?
 - All town code violations are misdemeanors
 - Fine can be modified by the judge, based on the circumstances of the case
 - Officers use discretion on writing noise ordinance violations
 - Prosecutor has discretion on deferral of prosecution
3. Are awarding of special event permits appealable? Yes. See §8-8-10(B) below.
Town Code §8-8-10 (B) Any party aggrieved by a decision of the Community Development Director may, within ten days of receipt of notice of the decision, appeal to the Town Manager
4. How does the Unruly gathering ordinance affect Special Use Properties? Special Use Properties would be included as the definitions include "property used to conduct business" and "any Property" (see highlighted portions from Unruly Gathering Ordinance for some of the definitions below).
 - E. Premise(s). Means any property that is the site of an Unruly Gathering. For residential properties, a Premise can mean the dwelling unit, units or other common areas where the unruly gathering occurs.
 - G. Responsible Person. Means any person in attendance at an Unruly Gathering including any Owner, occupant, tenant, or tenant's guest or any sponsor, host or organizer of a social activity or special occasion constituting the Unruly Gathering, even if such person is not in attendance. If such a person is a Juvenile, the term "Responsible Person" includes, in addition to the Juvenile, the Juvenile's parents or guardians. Responsible Person does not include Owners or persons in charge of premises where an Unruly Gathering takes place if the persons in attendance obtained use of the Premise through illegal entry or trespassing. A person need not be present at the time of the party, gathering or event to be deemed responsible.
 - I. Unruly Gathering. Means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons.