

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Poughkeepsie does hereby set the **5th day of November, 2025 at 7:00 p.m.** at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard in regard to the following:

To Consider the Adoption of a Local Law amending Town Code Chapter 144, Article I, entitled “Nuisance Parties”

AND PLEASE ALSO TAKE FURTHER NOTICE that said Proposed Local Law is available in full with Exhibit to preview on our website:

<https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings>

Or in person @ the Town Clerk’s Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
October 9, 2025

RESOLUTION 10:8 - # 6 OF 2025

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 5th day of November, 2025 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing to consider the adoption by local law of an amendment to Town Code Chapter 144, Article I, entitled "Nuisance Parties", and

BE IT FURTHER RESOLVED, that the proposed local law is attached hereto, and the Town Board does hereby waive a verbatim reading of said amendments and does direct that they be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that the local law is a Type II action pursuant to SEQRA requiring no further environmental review; and

BE IT FURTHER RESOLVED, that said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

Dated: October 8th 2025

Moved: Bill Reuter

Seconded: Barbara Laird

Motion passes/ fails: Ayes 5 Nays 0

ES/mem
t-10/2/2025
m-10/8/2025

** amendment moved by Rebecca Edwards to
replace word arrests w/ tickets in 2 areas
Responsible Person B / 144-5.1 1st sentence*

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Laird	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Burger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilman Cifone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilman Sharpe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Supervisor Edwards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ARTICLE I
Nuisance Parties

§ 144-1. Findings; legislative authority.

The proliferation of unreasonably loud and disruptive parties in the Town of Poughkeepsie, which are of such character, intensity, duration and repetition as to be detrimental to the life, health, repose and safety of the public, has reached such proportions that the Town Board, pursuant to the authority of § 10 of the Municipal Home Rule Law of the State of New York and New York Constitution, Article IX, in order to preserve, protect and promote the public health, safety and welfare, has adopted a Nuisance Party Law.

§ 144-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

NUISANCE PARTY — A gathering which is conducted on property or premises within the Town of Poughkeepsie and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the gathering or on neighboring public or private property:

- A. Disorderly conduct.
- B. Unlawful possession of an open container of alcoholic beverage.
- C. Public urination or defecation.
- D. Unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage.
- E. Sale or furnishing of an alcoholic beverage to an underage person.
- F. Unlawful sale or possession or use of a controlled substance.
- G. Unlawful deposit of litter or refuse.
- H. The damage or destruction of real or personal property.
- I. Unlawful pedestrian or vehicle traffic.
- J. Standing or parking of vehicles that obstruct the free flow of traffic on the public streets or sidewalks, or that impedes the ability to render emergency services.
- K. Violation of any section of Chapter 139. Noise, of the Town of Poughkeepsie Code.
- L. Trespassing.
- M. Exposure of a person or public lewdness.

PERSON ATTENDING — Any person in attendance at a nuisance party, whether or not such person has any possessory control of the property or premises where it occurs.

PROPERTY OWNER — Any person or legal entity which is an owner, lessor or licensor of

property or premises in the Town of Poughkeepsie who allows another individual(s) or legal entity to reside at or occupy said property or premises.

RESPONSIBLE PERSON —

- A. Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any property or premises, who either sponsors, conducts, hosts, invites or permits a gathering on said property or premises.
- B. A property owner who has been notified by the Town of Poughkeepsie Police Department of ~~two~~ ^{one} or more prior ~~convictions for~~ ^{tickets} ~~arrests~~ relating to violation of this article occurring within ~~two~~ ^{one} ~~live~~ years at a property or premises shall be considered a responsible person for purposes of future violations of this article occurring at that property or premises. Alternative proof of a property owner's responsible person status maybe offered.

§ 144-3. Prohibited acts.

- A. No responsible person shall sponsor, conduct, host, invite, allow or permit a nuisance party.
- B. No person attending a nuisance party who has been ordered to leave such nuisance party by a competent authority shall stay at the nuisance party property or premises unless he or she is an owner or tenant residing at that property or premises.
- C. No person attending a nuisance party who has been ordered to leave a nuisance party by a competent authority shall leave a nuisance party and attend another nuisance party within 72 hours.

§ 144-4. Enforcement.

Any police officer, peace officer, or code enforcement officer who observes a nuisance party occurring may order that the nuisance party be ceased and order all nonowners and nonresidents on the property or premises where the nuisance party has occurred to leave the property or premises immediately.

§ 144-5. Police authorized to seize evidence.

Any police officer who observes a nuisance party occurring and who finds a violation of any provision of § 144-3 above may seize any and all evidence of such violation and any and all evidence of the conditions or events listed at § 144-2, "nuisance party," above, including, where appropriate, alcoholic beverages at the property or premises which are available to persons attending the nuisance party.

§ 144-5.1. Property owner contact.

After a nuisance party that results in one or more ~~arrests~~ ^{tickets}, the owner of the property shall be subject to the following reporting requirement to facilitate contact in the event of a future violation:

- A. The property owner shall provide contact information for all persons owning the property. Such information shall include each owner's name, mailing address, street

address, telephone number, and a functioning email address. All such information shall be together referred to herein as "contact information."

(1) Where the property is owned by a corporation, provide contact information of each shareholder thereof.

(2) Where the property is owned by a limited-liability company ("LLC"), partnership, or similar entity, provide contact information of each member or partner.

B. Where day-to-day responsibility for the management, supervision, care or maintenance of the property rests with a person other than the owner, contact information for the manager or maintenance person shall also be submitted to the Town.

C. If there is no property owner or manager residing in Dutchess County, an agent shall be designated who resides or operates a business in Dutchess County and is available to respond to an incident at the property. The agent's contact information shall also be submitted to the Town.

D. At least one of the above contact people shall be designated as an emergency contact who shall be available at all times if an incident occurs at the property. In addition to the other required contact information, a working cell phone number shall be provided to the Town. Failure of the emergency contact to respond within one hour of a telephone call from the Police Department shall constitute a violation of this Article.

E. Every owner who designates a manager or agent authorizes such designee to be served with a notice of violation, appearance ticket, or other service of process for any matter related to enforcement of this article.

F. The Chief of Police is authorized to specify the method of data collection and the specific property data and contact information required.

G. Complete contact information shall be provided within 30 days of notification by the Police Department that a nuisance party has occurred. Contact information shall be kept updated for a period of five years.

H. Failure to comply with the reporting requirements herein shall constitute a violation of this Article. Each failure to respond to a notice from the Police Department requesting contact information shall constitute an additional violation.

§ 144-6. Penalties for offenses.

A. Any person violating any provision of this article shall be guilty of an offense punishable by a fine of not less than \$250 but not to exceed \$1,000 in amount or imprisonment not to exceed seven days, or any combination of such fine and imprisonment.

B. Any person violating any provision of this article for a second time within one calendar year

from the date of his or her first offense shall be guilty of an offense punishable by a fine not less than \$1,000 nor more than \$2,500 in amount or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

- C. Any person violating any provision of this article for a third time within one calendar year from the date of his or her first offense shall be guilty of an offense punishable by a fine not less than \$2,500 nor more than \$5,000 in amount or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.
- D. Nothing herein contained shall prevent the Town of Poughkeepsie from taking such other lawful action as is necessary to prevent or remedy a violation of this article.

§ 144-7. Severability.

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.

TOWN OF POUGHKEEPSIE

LOCAL LAW NO. __ (PROPOSED) OF THE YEAR 2025

A LOCAL LAW TO AMEND CHAPTER 144, ARTICLE I OF THE CODE OF THE TOWN OF POUGHKEEPSIE ENTITLED "NUISANCE PARTIES" TO INCREASE LANDLORD ACCOUNTABILITY AND FACILITATE ENFORCEMENT

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends Chapter 144, Article I of the Code of the Town of Poughkeepsie, entitled "Nuisance Parties," so that after one nuisance party, landlords must provide a local contact for the Police Department and will become responsible for any future nuisance party.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Section 10.

SECTION 3. FINDINGS AND PURPOSE

The Town Board finds that certain homes are being used to host parties that disrupt the neighborhood, and the Police Department at times has difficulty reaching the property owner to abate the disturbance. This law would require that after on incidence of a nuisance party, as defined in the code, the property owner(s) would need to provide contact information for themselves and/or a local contact who can be reached in case of a future nuisance party. It would also make property owners legally responsible after one nuisance party instead of two.

SECTION 4. AMENDMENT TO CHAPTER 144 OF THE TOWN CODE

Chapter 144, Article I of the Code of the Town of Poughkeepsie, entitled "Nuisance Parties," is hereby amended as follows:

A. In § 144-2, Definitions, the definition of "Responsible Person" is repealed and replaced as follows:

RESPONSIBLE PERSON

- A. Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any property or premises, who either sponsors, conducts, hosts, invites or permits a gathering on said property or premises.
- B. A property owner who has been notified by the Town of Poughkeepsie Police Department of one or more prior ^{TICKETS} arrests relating to violation of this article occurring within five years at a property or premises shall be considered a responsible person for purposes of future violations of this article occurring at

that property or premises. Alternative proof of a property owner's responsible person status maybe offered.

B. A new § 144-5.1 shall be added as follows:

§ 144-5.1 Property owner contact

After a nuisance party that results in one or more ^{tickets} arrests, the owner of the property shall be subject to the following reporting requirement to facilitate contact in the event of a future violation:

- A. The property owner shall provide contact information for all persons owning the property. Such information shall include each owner's name, mailing address, street address, telephone number, and a functioning email address. All such information shall be together referred to herein as "contact information."
 - (1) Where the property is owned by a corporation, provide contact information of each shareholder thereof.
 - (2) Where the property is owned by a limited-liability company ("LLC"), partnership, or similar entity, provide contact information of each member or partner.
- B. Where day-to-day responsibility for the management, supervision, care or maintenance of the property rests with a person other than the owner, contact information for the manager or maintenance person shall also be submitted to the Town.
- C. If there is no property owner or manager residing in Dutchess County, an agent shall be designated who resides or operates a business in Dutchess County and is available to respond to an incident at the property. The agent's contact information shall also be submitted to the Town.
- D. At least one of the above contact people shall be designated as an emergency contact who shall be available at all times if an incident occurs at the property. In addition to the other required contact information, a working cell phone number shall be provided to the Town. Failure of the emergency contact to respond within one hour of a telephone call from the Police Department shall constitute a violation of this Article.
- E. Every owner who designates a manager or agent authorizes such designee to be served with a notice of violation, appearance ticket, or other service of process for any matter related to enforcement of this article.
- F. The Chief of Police is authorized to specify the method of data collection and the specific property data and contact information required.

- G. Complete contact information shall be provided within 30 days of notification by the Police Department that a nuisance party has occurred. Contact information shall be kept updated for a period of five years.
- H. Failure to comply with the reporting requirements herein shall constitute a violation of this Article. Each failure to respond to a notice from the Police Department requesting contact information shall constitute an additional violation.

SECTION 5. SUPERSESSION

To the extent that any provision of this Chapter is inconsistent with Town Law or any other provision of New York State law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provision under the Town's municipal home rule powers.

SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State.