



FROM: Supervisors Benoit and Jeffries

SUBMITTAL DATE:
August 18, 2015

SUBJECT: Introduction and Adoption of Ordinance 924 Regulating Multiple Responses to Loud or Unruly Parties, Gatherings or Other Similar Events

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt in subsequent meetings Ordinance No. 924, an Ordinance of the County of Riverside Regulating Multiple Responses to Loud or Unruly Parties, Gatherings or Other Similar Events

BACKGROUND:

Loud and unruly parties are becoming an increasingly frequent problem in unincorporated areas. This kind of ordinance has proven to be an effective tool for the cities of Moreno Valley, Palm Desert and Coachella to address similar problems in those jurisdictions.

Facing issues of excessive noise, excessive traffic, public drunkenness, alcohol service to minors, fights, litter and disturbances of the peace, the cities of Palm Desert and Coachella introduced identical ordinances that work to shut down unruly parties by giving the Sheriff the discretion to levy fees against the participants, tenants, property owners or any other responsible persons for the costs associated with repeated responses. The City of Moreno Valley has a provision that allows the Sheriff to preemptively contact and warn party promoters of potential penalties for out-of-control gatherings, usually stopping trouble before it begins. These ordinances are tried and true. They have worked so well for these communities that these provisions are being combined into a single ordinance for Riverside County.

(Continues on next page)



John J. Benoit, Fourth District Supervisor



Kevin Jeffries, First District Supervisor

3-91

BACKGROUND:

This ordinance will:

- Declare loud and unruly gatherings unlawful and a public nuisance, subject to abatement
- Allow the Sheriff to issue courtesy notices for planned events making promoters aware of this ordinance
- Allow the Sheriff to post a "Notice of Public Nuisance" that must remain in a prominent place for 60 days warning that additional offenses may result in abatement
- Allow the Sheriff to assess a fee against all liable persons for the cost of repeated responses, including any county medical and equipment replacement costs

The intent of this ordinance is to punish the bad actors. There are protections included for those looking to comply with the law. These include:

- Off-site property owners will be notified via mail when a Notice of Public Nuisance is posted on their property and given 14 days to correct the problem before abatement begins
- Hosts who have made all reasonable attempts to remove bad actors will not be considered liable
- Hosts requesting the Sheriff's assistance to remove bad actors following the initial response will not be considered liable
- After receiving a warning, a fee will be assessed against repeated false reporters for the cost of responding to false reports

Riverside County is seeing an increase in large unpermitted temporary events. These events include concerts, rodeos, races and corporate parties. According to Ordinance 348, temporary events with 200 or more people must obtain a permit. The permitting process for temporary events ensures that applicants consider the community and produce a safe, controlled event. The permitting process requires:

- An application to be submitted 60 days before the event
- A parking plan
- An emergency medical services plan
- A sewage, food service and potable water plan
- A fire protection plan
- A security plan
- A noise, dust and lighting plan
- No operation between the hours of 2 a.m. and 6 a.m.
- A posted bond and insurance

Issues arise because it can be easier and cheaper to conduct large events illegally. Under our current system, the consequence of conducting a large temporary event without a permit is, theoretically, that the party gets shut down. Experience shows that it is very difficult and potentially dangerous for a couple of sheriff's deputies to stop a large group of several hundred people and expect the participants to disperse in an orderly, safe and peaceful manner.

(Continues on next page)

Attractions such as Wine Country and the Coachella Music Festival draw tens of thousands of people to Riverside County every year. Renting large estates to continue the party has become increasingly popular for visitors. This trend has bothered nearby permanent residents who have to suffer through the traffic, noise, late hours and trash associated with these events.

This ordinance will work to curb the tide of party houses and unpermitted events by giving the county a tool to punish bad behavior. Behavior will change when property owners, party goers and party promoters are all subject to suffer the consequences of disturbing neighbors.

The Sheriff's Department has had such success with this in Coachella and Palm Desert that they hope to take this ordinance, if passed, to each contract city for consideration.

Attachments

Ordinance 924

1 B. Sheriff. The Riverside County Sheriff's Department or sworn deputies
2 employed by same.

3 Section 5. PUBLIC NUISANCE.

4 A. It shall be unlawful and a public nuisance to conduct a gathering of one or more
5 persons on any private property in a manner which constitutes a substantial
6 disturbance of the quiet enjoyment of private or public property in a
7 neighborhood, as a result of conduct constituting a violation of law. Illustrative
8 of such unlawful conduct is excessive noise or traffic, obstruction of public
9 streets by crowds or vehicles, public drunkenness, the service of alcohol to
10 minors, fights, disturbances of the peace and litter.

11 B. A gathering constituting a public nuisance is unlawful and may be abated by the
12 County by all reasonable means including, but not limited to, an order requiring
13 the gathering to be disbanded and citation and/or arrest of any law violators
14 under any applicable local law and State statute.

15 Section 6. COURTESY NOTICE FOR PLANNED PUBLIC NUISANCE.

16 A. When the County receives information that reasonably indicates that a
17 gathering is being planned which, if actually held, may constitute a public
18 nuisance under this ordinance, the premises at which such gathering is
19 anticipated to be held may be provided with a notice substantially in the form in
20 subsection B of this section stating that a public nuisance under this ordinance
21 that is caused by a gathering at the premises, that necessitates a law
22 enforcement response followed by any subsequent or second law enforcement
23 response with respect to a nuisance under this ordinance at said premises,
24 including a second response that same day or night, within sixty days of the
25 first response, shall result in the joint and several liability of any guests causing
26 the public nuisance, persons who are residents or in control of the property at
27 which the public nuisance occurred, persons who sponsored the gathering
28

1 constituting the public nuisance, and owners of the premises. The notice form
2 language in subsection B of this section is intended as guidance and may be
3 changed by the County at its discretion without amendment of this ordinance so
4 long as any changes made are in compliance with due process requirements.

5 B. Notice—Form.

6 IMPORTANT NOTICE REGARDING
7 PUBLIC NUISANCE

8
9 NOTICE IS HEREBY GIVEN THAT, pursuant to Riverside County Ordinance
10 No. 924, on:

11
12 Date: _____, 20 __, at _____ a.m./p.m.

13
14 The Riverside County Sheriff's Department has received information that
15 reasonably indicates that a gathering is being planned which, if actually held at
16 the below-listed premises, may cause a public nuisance as defined by Riverside
17 County Ordinance No. 924, (e.g., disturbance of the peace, threat to public
18 safety, etc.):

19
20 Address: _____

21
22 WARNING

23
24 IF THE SHERIFF'S DEPARTMENT RESPONDS TO DISTURBANCES
25 CONSTITUTING A NUISANCE (AS DEFINED BY RIVERSIDE COUNTY
26 ORDINANCE NO. 924) AT THE ABOVE PREMISES, INCLUDING BUT
27
28

1 NOT LIMITED TO DISTURBANCES LATER TODAY OR TONIGHT, A
2 SUBSEQUENT RESPONSE FEE WILL BE IMPOSED UPON:
3

- 4 1. ALL GUESTS CAUSING THE NUISANCE.
5 2. ALL SPONSORS OF THE GATHERING.
6 3. ALL RESIDENTS OF THE PREMISES.
7 4. ALL PERSONS IN CONTROL OF THE PREMISES.
8 5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT
9 TO THE PREMISES, OR ARE PRESENT AT THE PREMISES.
10

11 Property owners who do not reside on or adjacent to the above premises, and
12 who are not present at the premises may also be held jointly and severally liable
13 for said fee.
14

15
16 _____
17 (Name and Signature of Sheriff's Department Employee Issuing This Notice)
18

19 _____
20 (Employee's Phone Number)
21

22 Date: _____
23

24 Case Number: _____
25
26
27
28

1 advise the property owner that any subsequent gathering resulting in a public
2 nuisance with sixty (60) days on the same premises requiring Sheriff response
3 shall result in liability of the property owner for all penalties associated with
4 such response.

5 F. The notice form language in subsection G of this section is intended as
6 guidance and may be changed by the County at its discretion without
7 amendment of this ordinance so long as any changes made are in compliance
8 with due process requirements.

9 G. Notice—Form.

10 **IMPORTANT NOTICE REGARDING**
11 **PUBLIC NUISANCE**

12 NOTICE IS HEREBY GIVEN THAT, pursuant to Riverside County Ordinance
13 No. 924, on:

14 Date: _____, 20 ____, at _____ a.m./p.m.

15
16 The Riverside County Sheriff's Department found that a gathering, at the
17 below-listed premises caused a public nuisance as defined by Riverside County
18 Ordinance No. 924, (e.g., disturbance of the peace, threat to public safety, etc.):

19 Address: _____

20 **WARNING**

21 IF THE SHERIFF'S DEPARTMENT RESPONDS TO ANOTHER
22 DISTURBANCE CONSTITUTING A NUISANCE (AS DEFINED BY
23 RIVERSIDE COUNTY ORDINANCE NO. 924) AT THE ABOVE
24 PREMISES WITHIN 60 DAYS OF THIS NOTICE, INCLUDING BUT NOT
25 LIMITED TO A DISTURBANCE LATER TODAY OR TONIGHT, A
26 SUBSEQUENT RESPONSE FEE WILL BE IMPOSED UPON:

- 27 1. ALL GUESTS CAUSING THE NUISANCE.
28 2. ALL SPONSORS OF THE GATHERING.
3. ALL RESIDENTS OF THE PREMISES.

1 4. ALL PERSONS IN CONTROL OF THE PREMISES.

2 5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT
3 TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS
4 NOTICE IS FIRST POSTED.

5 Property owners who do not reside on or adjacent to the above premises, and
6 who are not present when this Notice is first posted, are also jointly and
7 severally liable for said fee, if the next disturbance occurs after two weeks after
8 this Notice is mailed to said owner.

9 THIS NOTICE MUST REMAIN POSTED ON THE PREMISES FOR 60
10 DAYS.

11 \$100 FINE FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

12 _____
13 (Name and Signature of the Deputy Issuing This Notice)

14 _____
15 (Deputy's Phone Number)

16 Date: _____

17 Case Number: _____
18

19
20 Section 8. LIABILITY FOR SUBSEQUENT RESPONSE TO PUBLIC NUISANCE.

21 A. If the Sheriff is required to respond to a gathering constituting a public nuisance
22 on the same premises more than once in any sixty (60) day period, including a
23 second response during the same day or night as the first response, the
24 following persons shall be jointly and severally liable for civil penalties as set
25 forth in this ordinance, in addition to liability for any injuries to County
26 personnel or damage to County property:
27
28

1 1. The person or persons who own the premises where the gathering
2 constituting a public nuisance took place if any of the following are the
3 case:

- 4 a. the owner resides on or adjacent to the premises;
5 b. the owner was present when the notice set forth in Section 7
6 herein was first posted; or
7 c. the notice described in Section 7 herein was mailed to the
8 owner and fourteen (14) days have elapsed since the date of
9 the mailing.
10 d. For purposes of this subsection, where a gathering takes
11 place within the confines of a single unit in a building owned
12 by a housing cooperative, the owner of the property shall be
13 deemed to be the owner of the single unit and not the
14 members of the housing cooperative in general. Where the
15 gathering took place in the common area of a building
16 owned by a housing cooperative, only the members of the
17 cooperative owning units in the building where the gathering
18 took place shall be deemed the owners of the property for
19 purposes of this subsection. Other members of the housing
20 cooperative may still be liable if they fall within the
21 categories of person made liable by subsection 8.A.2, 8.A.3,
22 or 8.A.4 of this section.

- 23 2. The person or persons residing on or otherwise in control of the
24 premises where such gathering took place;
25 3. The person or persons who organized or sponsored such gathering;
26 4. All persons attending such gathering who engaged in any activity
27 resulting in the public nuisance
28

1 B. Nothing in this section shall be construed to impose liability on the resident or
2 owners of the premises or sponsor of the gathering for the conduct of persons
3 who are present without the express or implied consent of the resident or
4 sponsor, as long as the resident and sponsor have taken all steps reasonably
5 necessary to exclude such uninvited persons from the premises. Where an
6 invited person engages in conduct which the sponsor or resident could not
7 reasonably foresee and the conduct is an isolated instance of a person at the
8 gathering violating the law which the sponsor is unable to reasonably control
9 without the response of the Sheriff, the unlawful conduct of the individual
10 person shall not be attributable to the sponsor, owner or resident for the
11 purposes of determining whether the gathering constitutes a public nuisance
12 under this ordinance.

13 C. There shall be no liability for civil penalties under this ordinance for a
14 subsequent response during the same day or night as the prior response, unless
15 a reasonable time has been provided to abate the public nuisance, taking into
16 account the size of the gathering, the time of day and other relevant factors.

17 D. There shall be no liability for civil penalties under this ordinance for a second
18 response during the same day or night as the first response when a person who
19 would otherwise be liable under this ordinance seeks assistance from the Sheriff
20 to abate a public nuisance under this ordinance, and the person cooperates fully
21 with the Sheriff while taking reasonable action to abate the public nuisance.

22 E. If the Sheriff is required to respond to a gathering constituting a public nuisance
23 on the same premises more than once in any sixty (60) day period, excluding a
24 second response during the same day or night as the first response, the sixty
25 (60) day period shall be extended by another sixty (60) period from the date of
26 the second response.

1 Section 9. RECOVERY OF SUBSEQUENT RESPONSE FEE.

2 A. After giving proper notice pursuant to Section 7 herein and a reasonable
3 opportunity to abate a gathering constituting a public nuisance, a subsequent
4 response fee shall be assessed against all persons liable for the County's
5 subsequent response. The subsequent response fee shall include the following:

- 6 1. The actual cost to the County for law enforcement services incurred as a
7 result of a subsequent response;
- 8 2. The actual cost of any medical treatment required by the Sheriff for
9 injuries sustained during the subsequent response;
- 10 3. The actual cost of repairing or replacing any County equipment or
11 property damaged or destroyed during a subsequent response.

12 B. Except as provided in subsection A of this section, the subsequent response fee
13 shall not exceed one thousand dollars for any subsequent response.

14 C. The County shall bill all persons liable for subsequent response fees by mail by
15 sending a letter in substantially the form in subsection D of this section.
16 Payment of the fees shall be due within thirty (30) days of the date the bill is
17 deposited in the mail. If full payment is not received within the required time
18 for payment, the bill will be delinquent, and all persons liable for the fees shall
19 be charged interest at the maximum legal rate from the date the payment period
20 expires and a further civil penalty in the amount of one hundred dollars. The
21 letter form language in subsection D of this section is intended as guidance and
22 may be changed by the County at its discretion without amendment of this
23 ordinance so long as any changes made are in compliance with due process
24 requirements.

1 D. Response Fee Letter.

2 Date:

3
4 To:

5 Dear:

6
7 The County of Riverside was required to abate the public nuisance caused by a
8 gathering of 10 or more persons at (location of property), which substantially
9 disrupted the quiet enjoyment of property in a significant segment of the
10 adjacent neighborhood. This is the (second/third/fourth, etc.) such public
11 nuisance at this property within the last 60 days, and thus, a fee of
12 _____ is imposed on you. If you fail to remit this fine to the County of
13 Riverside by (30 days from the date of this notification) you will be liable for
14 an additional \$100 penalty, plus interest. The payment should be remitted to the
15 address listed below. Your liability is based on the fact that you were:

16 An owner of the property to whom was sent prior notice of a public
17 nuisance at the property within the previous 60 days; and/or

18 An owner of the property who resided on or adjacent to the property when
19 the public nuisance took place; and/or

20 An owner of the property who was present when a notice of a public
21 nuisance was first posted at the property; and/or

22 A person who resided on or was otherwise in control of the property when
23 the public nuisance took place there; and/or

24 A person who organized or sponsored the event that created the public
25 nuisance at such property; and/or

26 A person who attended the event constituting the public nuisance at such
27 property and engaged in the conduct which resulted in the public nuisance.

28 If you believe that you are not liable you may defend this claim in the civil
action which the County of Riverside will file against you upon your failure to
remit the fee. You should be aware, however, that if you fail to prevail in that

1 action you will be liable for the additional penalty of \$100 and interest on the
2 total fee.

3 Sincerely yours,

4
5 (Name, title, address and phone number of signatory)

6 Section 10. REMEDIES AND COLLECTION OF DELINQUENT COSTS.

- 7
8 A. The penalties assessed as a result of a subsequent response shall constitute a
9 debt of all persons liable for the penalties in favor of the County and may be
10 collected in any manner authorized by law and are recoverable in a civil action
11 filed by the County.
12 B. The remedies provided by this ordinance are in addition to all other
13 administrative, civil and criminal remedies available to the County with respect
14 to the unlawful conduct constituting the public nuisance which gave rise to the
15 Sheriff's response under this ordinance.

16 Section 11. FALSE REPORTS PROHIBITED

- 17
18 A. The filing of a false complaint or report of a public nuisance under this
19 ordinance is prohibited, and repeated violators will be liable for the County's
20 response costs.
21 B. A false complaint or report of a public nuisance under this ordinance will be
22 determined based on the false reporter's intent to annoy or harass and/or the
23 reporter's repeated verifiable false reports. An intent to annoy or harass is
24 established by proof of repeated calls over a period of time, however short, that
25 are unreasonable under the circumstances.
26 C. After the false reporter is given one warning, a subsequent response fee shall be
27 assessed against the false reporter for the Sheriff's response in any subsequent
28 false report within a sixty (60) day period. The subsequent response fee shall

1 include the actual cost to the County of law enforcement services incurred as a
2 result of a subsequent response. The County shall bill the false reporter for
3 subsequent response fees by mail by sending a written citation. Payment of the
4 fees shall be due within thirty (30) days of the date the bill is deposited in the
5 mail. If full payment is not received within the required time for payment, the
6 bill will be delinquent, and the false reporter shall be charged interest at the
7 maximum legal rate from the date the payment period expires and a further civil
8 penalty in the amount of one hundred dollars.

9 D. The penalties assessed as a result of a subsequent Sheriff response to a false
10 complaint or report shall constitute a debt of the false reporter in favor of the
11 County and may be collected in any manner authorized by law and are
12 recoverable in a civil action filed by the County in a court of competent
13 jurisdiction. The remedies provided by this ordinance are in addition to all other
14 administrative, civil and criminal remedies available to the County with respect
15 to the false report which gave rise to the need for the Sheriff response under this
16 ordinance.

17 Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of
18 this ordinance of the application thereof to any person or circumstances shall be held invalid, such
19 invalidity shall not affect the other provisions of this ordinance which can be given effect without the
20 invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be
21 severable.

