

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisors Benoit and Jeffries

SUBMITTAL DATE:
September 1, 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 ability to charge 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.

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John J. Benoit, Fourth District Supervisor

Kevin Jeffries, First District Supervisor

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 recover the actual cost of repeated responses

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, false reporters will be billed 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.

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.

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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 those responsible for disturbing the neighborhood suffer the consequences.

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 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have
2 the following meanings:

- 3 a. County. The County of Riverside.
- 4 b. Sheriff. The Riverside County Sheriff's Department or sworn deputies
5 employed by same.

6 Section 5. PUBLIC NUISANCE.

- 7 a. It shall be unlawful and a public nuisance to conduct a gathering of one or
8 more persons on any private property in a manner which constitutes a
9 substantial disturbance of the quiet enjoyment of private or public property
10 in a neighborhood, as a result of conduct constituting a violation of law.
11 Illustrative of such unlawful conduct is excessive noise or traffic,
12 obstruction of public streets by crowds or vehicles, public drunkenness, the
13 service of alcohol to minors, fights, disturbances of the peace and litter.
- 14 b. A gathering constituting a public nuisance is unlawful and may be abated
15 by the County by all reasonable means including, but not limited to, an
16 order requiring the gathering to be disbanded and citation and/or arrest of
17 any law violators under any applicable local law and State statute.

18 Section 6. COURTESY NOTICE FOR PLANNED PUBLIC NUISANCE.

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

1 guests causing the public nuisance, persons who are residents or in control
2 of the property at which the public nuisance occurred, persons who
3 sponsored the gathering constituting the public nuisance, and owners of the
4 premises. The notice form language in subsection b. of this section is
5 intended as guidance and may be changed by the County at its discretion
6 without amendment of this ordinance so long as any changes made are in
7 compliance with due process requirements.

8 b. Notice—Form.

9 IMPORTANT NOTICE REGARDING PUBLIC NUISANCE

10 NOTICE IS HEREBY GIVEN THAT, pursuant to Riverside County
11 Ordinance No. 924, on: _____, 20____, at _____ a.m./p.m.

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

17 Address: _____

18 WARNING

19 IF THE SHERIFF'S DEPARTMENT RESPONDS TO DISTURBANCES
20 CONSTITUTING A NUISANCE (AS DEFINED BY RIVERSIDE COUNTY
21 ORDINANCE NO. 924) AT THE ABOVE PREMISES, INCLUDING BUT NOT
22 LIMITED TO DISTURBANCES LATER TODAY OR TONIGHT, THE COST OF A
23 SUBSEQUENT RESPONSE WILL BE IMPOSED UPON:

- 24 1. ALL GUESTS CAUSING THE NUISANCE.
- 25 2. ALL SPONSORS OF THE GATHERING.
- 26 3. ALL RESIDENTS OF THE PREMISES.
- 27 4. ALL PERSONS IN CONTROL OF THE PREMISES.
- 28 5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR
ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE
PREMISES.

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

(Name and Signature of Sheriff's Department Employee Issuing This Notice)

(Employee's Phone Number)

1 Date: _____

2 Case Number: _____

3
4 Section 7. NOTICE OF PUBLIC NUISANCE.

5 a. When the Sheriff responds to a gathering which constitutes a public
6 nuisance under this ordinance, the premises at which such nuisance
7 occurred shall be posted with a notice in a prominent location substantially
8 in the form in subsection g. of this section providing all of the following:

9 1. That a public nuisance under this ordinance was caused by a
10 gathering at the premises;

11 2. The date and time of the Sheriff response; and

12 3. Any subsequent or second Sheriff response with respect to a
13 nuisance under this ordinance at the subject premises, including a
14 second response that same day or night, within sixty (60) days of the
15 first response, shall result in the joint and several liability of any
16 guest causing the public nuisance, persons who are residents or in
17 control of the premises at which the public nuisance occurred,
18 persons who sponsored the gathering constituting the public
19 nuisance, and owners of the premises.

20 b. The residents, persons in control of the premises and the sponsors of the
21 gathering shall be responsible for ensuring that the notice is not removed or
22 defaced and shall be liable for a penalty of one hundred dollars in addition
23 to any other costs or penalties which may be due under this ordinance, if
24 such notice is removed or defaced.

25 c. The residents, persons in control of the premises or sponsor of the event, if
26 present, shall be consulted as to the location in which such notice is posted
27 in order to achieve both the security of the notice and its prominent display.

28 d. The notice shall remain posted for the entire sixty (60) day period.

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- e. Notice of the Sheriff response shall also be mailed to any property owner at the address shown on the County’s property tax assessment records and shall advise the property owner that any subsequent gathering resulting in a public nuisance with sixty (60) days on the same premises requiring Sheriff response shall result in liability of the property owner for all costs associated with such response.
- f. The notice form language in subsection g. of this section is intended as guidance and may be changed by the County at its discretion without amendment of this ordinance so long as any changes made are in compliance with due process requirements.
- g. Notice—Form.

IMPORTANT NOTICE REGARDING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT, pursuant to Riverside County Ordinance No. 924, on: _____, 20____, at _____ a.m./p.m.

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

Address: _____

WARNING

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

1. ALL GUESTS CAUSING THE NUISANCE.
2. ALL SPONSORS OF THE GATHERING.
3. ALL RESIDENTS OF THE PREMISES.
4. ALL PERSONS IN CONTROL OF THE PREMISES.
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED.

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

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

2 \$100 PENALTY FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

3
4 _____
(Name and Signature of Sheriff's Department Employee Issuing This Notice)

5
6 _____
(Employee's Phone Number)

7 Date: _____

8 Case Number: _____

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10 Section 8. LIABILITY FOR SUBSEQUENT RESPONSE TO PUBLIC NUISANCE.

11 a. If the Sheriff is required to respond to a gathering constituting a public
12 nuisance on the same premises more than once in any sixty (60) day period,
13 including a second response during the same day or night as the first
14 response, the following persons shall be jointly and severally liable for the
15 cost of the response as set forth in this ordinance, in addition to liability for
16 any injuries to County personnel or damage to County property:

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

- 20 A. the owner resides on or adjacent to the premises;
21 B. the owner was present when the notice set forth in Section 7
22 herein was first posted; or
23 C. the notice described in Section 7 herein was mailed to the
24 owner and fourteen (14) days have elapsed since the date of
25 the mailing.
26 D. For purposes of this subsection, where a gathering takes
27 place within the confines of a single unit in a building owned
28 by a housing cooperative, the owner of the property shall be

1 deemed to be the owner of the single unit and not the
2 members of the housing cooperative in general. Where the
3 gathering took place in the common area of a building
4 owned by a housing cooperative, only the members of the
5 cooperative owning units in the building where the gathering
6 took place shall be deemed the owners of the property for
7 purposes of this subsection. Other members of the housing
8 cooperative may still be liable if they fall within the
9 categories of person made liable by subsection 8.a.2., 8.a.3.,
10 or 8.a.4. of this section.

- 11 2. The person or persons residing on or otherwise in control of the
12 premises where such gathering took place;
- 13 3. The person or persons who organized or sponsored such gathering;
- 14 4. All persons attending such gathering who engaged in any activity
15 resulting in the public nuisance

- 16 a. Nothing in this section shall be construed to impose liability on the resident
17 or owners of the premises or sponsor of the gathering for the conduct of
18 persons who are present without the express or implied consent of the
19 resident or sponsor, as long as the resident and sponsor have taken all steps
20 reasonably necessary to exclude such uninvited persons from the premises.
21 Where an invited person engages in conduct which the sponsor or resident
22 could not reasonably foresee and the conduct is an isolated instance of a
23 person at the gathering violating the law which the sponsor is unable to
24 reasonably control without the response of the Sheriff, the unlawful conduct
25 of the individual person shall not be attributable to the sponsor, owner or
26 resident for the purposes of determining whether the gathering constitutes a
27 public nuisance under this ordinance.

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- b. There shall be no liability for the cost under this ordinance for a subsequent response during the same day or night as the prior response, unless a reasonable time has been provided to abate the public nuisance, taking into account the size of the gathering, the time of day and other relevant factors.
- c. There shall be no liability for the cost under this ordinance for a second response during the same day or night as the first response when a person who would otherwise be liable under this ordinance seeks assistance from the Sheriff to abate a public nuisance under this ordinance, and the person cooperates fully with the Sheriff while taking reasonable action to abate the public nuisance.
- d. If the Sheriff is required to respond to a gathering constituting a public nuisance on the same premises more than once in any sixty (60) day period, excluding a second response during the same day or night as the first response, the sixty (60) day period shall be extended by another sixty (60) period from the date of the second response.

Section 9. RECOVERY OF SUBSEQUENT RESPONSE COSTS.

- a. After giving proper notice pursuant to Section 7 herein and a reasonable opportunity to abate a gathering constituting a public nuisance, the cost of the subsequent response shall be assessed against all persons liable for the County's subsequent response. The subsequent response costs shall include the following:
 - 1. The actual cost to the County for law enforcement services incurred as a result of a subsequent response;
 - 2. The actual cost of any medical treatment required by the Sheriff for injuries sustained during the subsequent response;
 - 3. The actual cost of repairing or replacing any County equipment or property damaged or destroyed during a subsequent response.

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1 b. The cost of the response shall be calculated based upon the actual costs,
2 both direct and indirect, of providing the law enforcement response.

3 c. The County shall bill all persons liable for subsequent response costs by
4 mail by sending a letter in substantially the form in subsection d. of this
5 section. Payment of the costs shall be due within thirty (30) days of the date
6 the bill is deposited in the mail. If full payment is not received within the
7 required time for payment, the bill will be delinquent, and all persons liable
8 for the cost shall be charged interest at the maximum legal rate from the
9 date the payment period expires and a further penalty in the amount of one
10 hundred dollars. The letter form language in subsection d. of this section is
11 intended as guidance and may be changed by the County at its discretion
12 without amendment of this ordinance so long as any changes made are in
13 compliance with due process requirements.

14 d. Response Cost Letter.

15 Date: _____

16 To: _____

17 Dear _____:

18 The County of Riverside was required to abate the public nuisance
19 caused by a gathering of 10 or more persons at (location of property),
20 which substantially disrupted the quiet enjoyment of property in a
21 significant segment of the adjacent neighborhood. This is the
22 (second/third/fourth, etc.) such public nuisance at this property within
23 the last 60 days, and thus, the cost of the response in the amount of
24 \$ _____ is imposed on you. If you fail to remit this amount to the
25 County of Riverside by (30 days from the date of this notification) you will
26 be liable for an additional \$100 penalty, plus interest. The payment
27 should be remitted to the address listed below. Your liability is based on
28 the fact that you were:

24 [] An owner of the property to whom was sent prior notice of
25 a public nuisance at the property within the previous 60
26 days; and/or

26 [] An owner of the property who resided on or adjacent to
27 the property when the public nuisance took place; and/or

28 ///

- 1 [] An owner of the property who was present when a notice
2 of a public nuisance was first posted at the property;
 and/or
- 3 [] A person who resided on or was otherwise in control of the
4 property when the public nuisance took place there; and/or
- 5 [] A person who organized or sponsored the event that
 created the public nuisance at such property; and/or
- 6 [] A person who attended the event constituting the public
7 nuisance at such property and engaged in the conduct
 which resulted in the public nuisance.

8 If you believe that you are not liable you may defend this claim in
9 the civil action which the County of Riverside will file against you upon
10 your failure to remit the cost of the law enforcement response. You
 should be aware, however, that if you fail to prevail in that action you will
 be liable for the additional penalty of \$100 and interest on the total fee.

11 Sincerely,

12
13 _____
 (Name, Title, Address and Phone Number of Signatory)

14
15 Section 10. REMEDIES AND COLLECTION OF DELINQUENT COSTS.

- 16 a. The costs assessed as a result of a subsequent response shall constitute a
17 debt of all persons liable for the costs in favor of the County and may be
18 collected in any manner authorized by law and are recoverable in a civil
19 action filed by the County.
- 20 b. The remedies provided by this ordinance are in addition to all other
21 administrative, civil and criminal remedies available to the County with
22 respect to the unlawful conduct constituting the public nuisance which gave
23 rise to the Sheriff's response under this ordinance.

24 Section 11. FALSE REPORTS PROHIBITED

- 25 a. The filing of a false complaint or report of a public nuisance under this
26 ordinance is prohibited, and repeated violators will be liable for the
27 County's response costs as set forth in Section 9 above.

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- 1 b. A false complaint or report of a public nuisance under this ordinance will be
2 determined based on the false reporter’s intent to annoy or harass and/or the
3 reporter’s repeated verifiable false reports. An intent to annoy or harass is
4 established by proof of repeated calls over a period of time, however short,
5 that are unreasonable under the circumstances.
- 6 c. After the false reporter is given one warning, the cost of a subsequent
7 response shall be assessed against the false reporter for the Sheriff’s
8 response in any subsequent false report within a sixty (60) day period.
9 The County shall bill the false reporter for the subsequent response costs by
10 mail by sending a written citation. Payment of the fees shall be due within
11 thirty (30) days of the date the bill is deposited in the mail. If full payment
12 is not received within the required time for payment, the bill will be
13 delinquent, and the false reporter shall be charged interest at the maximum
14 legal rate from the date the payment period expires and a further penalty in
15 the amount of one hundred dollars.
- 16 d. The costs assessed as a result of a subsequent Sheriff response to a false
17 complaint or report shall constitute a debt of the false reporter in favor of
18 the County and may be collected in any manner authorized by law and are
19 recoverable in a civil action filed by the County in a court of competent
20 jurisdiction. The remedies provided by this ordinance are in addition to all
21 other administrative, civil and criminal remedies available to the County
22 with respect to the false report which gave rise to the need for the Sheriff
23 response under this ordinance.

24 Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this
25 ordinance or its application thereof to any person or circumstances shall be held invalid by a court of
26 competent jurisdiction, the Board of Supervisors intends that such invalidity shall not affect the other
27 provisions of this ordinance which can be given effect without the invalid provision or application, and to
28 this end, the provisions of this ordinance are hereby declared to be severable.

1 Section 13. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
2 its adoption.

3 BOARD OF SUPERVISORS OF THE COUNTY
4 OF RIVERSIDE, STATE OF CALIFORNIA

5 By: _____
6 Chairman, Board of Supervisors

7
8 ATTEST:

9 CLERK OF THE BOARD

10
11 By: _____
12 Deputy

13
14 (SEAL)

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19
20 APPROVED AS TO FORM:

21 August 27, 2015

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23 By: _____
24 GREGORY P. PRIAMOS
25 County Counsel

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27 GPP:ay
28 08/27/2015
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