

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



**FROM:** Supervisors Benoit and Jeffries

**SUBMITTAL DATE:**  
September 15, 2015

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

**RECOMMENDED MOTION:** That the Board of Supervisors adopt 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.

1 e. Notice of the Sheriff response shall also be mailed to any property owner at  
2 the address shown on the County's property tax assessment records and  
3 shall advise the property owner that any subsequent gathering resulting in a  
4 public nuisance with sixty (60) days on the same premises requiring Sheriff  
5 response shall result in liability of the property owner for all costs  
6 associated with such response.

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

11 g. Notice—Form.

12 IMPORTANT NOTICE REGARDING PUBLIC NUISANCE

13 NOTICE IS HEREBY GIVEN THAT, pursuant to Riverside County  
14 Ordinance No. 924, on: \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

15 The Riverside County Sheriff's Department found that a gathering,  
16 at the below-listed premises caused a public nuisance as defined by  
17 Riverside County Ordinance No. 924, (e.g., disturbance of the peace,  
18 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 RIVERSIDE  
23 COUNTY ORDINANCE NO. 924) AT THE ABOVE PREMISES WITHIN 60 DAYS  
24 OF THIS NOTICE, INCLUDING BUT NOT LIMITED TO A DISTURBANCE  
25 LATER TODAY OR TONIGHT, THE COST OF A SUBSEQUENT RESPONSE  
26 WILL BE IMPOSED UPON:

- 27 1. ALL GUESTS CAUSING THE NUISANCE.
- 28 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 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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- 1                   b.       There shall be no liability for the cost under this ordinance for a subsequent  
2                   response during the same day or night as the prior response, unless a  
3                   reasonable time has been provided to abate the public nuisance, taking into  
4                   account the size of the gathering, the time of day and other relevant factors.
- 5                   c.       There shall be no liability for the cost under this ordinance for a second  
6                   response during the same day or night as the first response when a person  
7                   who would otherwise be liable under this ordinance seeks assistance from  
8                   the Sheriff to abate a public nuisance under this ordinance, and the person  
9                   cooperates fully with the Sheriff while taking reasonable action to abate the  
10                  public nuisance.
- 11                  d.       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                  excluding a second response during the same day or night as the first  
14                  response, the sixty (60) day period shall be extended by another sixty (60)  
15                  period from the date of the second response.

16                  Section 9.       RECOVERY OF SUBSEQUENT RESPONSE COSTS.

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

28       ///

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:

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

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

///

- 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.

28          ///

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 By: \_\_\_\_\_  
11                    Deputy

12  
13  
14                    (SEAL)

15  
16  
17  
18  
19  
20 APPROVED AS TO FORM:

21 August 27, 2015

22 By:   
23                    GREGORY P. PRIAMOS  
24                    County Counsel

25  
26  
27 GPP:ay  
28 08/27/2015  
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