

ORDINANCE NO. 924
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING MULTIPLE RESPONSES TO LOUD OR UNRULY
PARTIES, GATHERINGS OR OTHER SIMILAR EVENTS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace and litter. The County of Riverside is required to make multiple responses to these unruly gatherings in order to restore and maintain the peace and protect the public safety. These unruly gatherings are a burden on scarce County resources and may result in police responses to regular and emergency calls being delayed and police protection to other portions of the County being reduced. It is in the public interest for those responsible for the unruly gatherings to be liable for the costs incurred by the County. This ordinance is necessary to discourage the occurrence of repeated loud and unruly gatherings and to protect the health, safety and general welfare of the County's residents.

Section 2. PURPOSE. The purpose of this ordinance is to establish regulations related to multiple responses to loud or unruly gatherings in order to restore and maintain peace and to recover all costs expended in responding to and investigating these occurrences. This ordinance is further adopted for the purpose of preventing or deterring future occurrences and the diversion of critically-important public safety resources.

Section 3. AUTHORITY. In accordance with the California Constitution, Article XI, Section 7, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. Further, this ordinance is adopted pursuant to the authority granted under California Government Code section 53158.

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

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

Section 5. PUBLIC NUISANCE.

- a. It shall be unlawful and a public nuisance to conduct a gathering of one or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a neighborhood, as a result of conduct constituting a violation of law. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace and litter.
- b. A gathering constituting a public nuisance is unlawful and may be abated by the County by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded

and citation and/or arrest of any law violators under any applicable local law and State statute.

Section 6. COURTESY NOTICE FOR PLANNED PUBLIC NUISANCE.

a. When the County receives information that reasonably indicates that a gathering is being planned which, if actually held, may constitute a public nuisance under this ordinance, the premises at which such gathering is anticipated to be held may be provided with a notice substantially in the form in subsection b. of this section stating that a public nuisance under this ordinance that is caused by a gathering at the premises, that necessitates a law enforcement response followed by any subsequent or second law enforcement response with respect to a nuisance under this ordinance at said premises, including a second response that same day or night, within sixty days of the first response, shall result in the joint and several liability of any guests causing the public nuisance, persons who are residents or in control of the property at which the public nuisance occurred, persons who sponsored the gathering constituting the public nuisance, and owners of the premises. The notice form language in subsection b. 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.

b. 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 has received information that reasonably indicates that a gathering is being planned which, if actually held at the below-listed premises, may cause 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 DISTURBANCES CONSTITUTING A NUISANCE (AS DEFINED BY RIVERSIDE COUNTY ORDINANCE NO. 924) AT THE ABOVE PREMISES, INCLUDING BUT NOT LIMITED TO DISTURBANCES 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.

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)

Date: _____

Case Number: _____

Section 7. NOTICE OF PUBLIC NUISANCE.

- a. When the Sheriff responds to a gathering which constitutes a public nuisance under this ordinance, the premises at which such nuisance occurred shall be posted with a notice in a prominent location substantially in the form in subsection g. of this section providing all of the following:
 1. That a public nuisance under this ordinance was caused by a gathering at the premises;
 2. The date and time of the Sheriff response; and
 3. Any subsequent or second Sheriff response with respect to a nuisance under this ordinance at the subject premises, including a second response that same day or night, within sixty (60) days of the first response, shall result in the joint and several liability of any guest causing the public nuisance, persons who are residents or in control of the premises at which the public nuisance occurred, persons who sponsored the gathering constituting the public nuisance, and owners of the premises.
- b. The residents, persons in control of the premises and the sponsors of the gathering shall be responsible for ensuring that the notice is not removed or defaced and shall be liable for a penalty of one hundred dollars in addition to any other costs or

penalties which may be due under this ordinance, if such notice is removed or defaced.

- c. The residents, persons in control of the premises or sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.
- d. The notice shall remain posted for the entire sixty (60) day period.
- 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.

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

\$100 PENALTY FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

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

(Employee's Phone Number)

Date: _____

Case Number: _____

Section 8. LIABILITY FOR SUBSEQUENT RESPONSE TO PUBLIC NUISANCE.

- a. 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, including a second response during the same day or night as the first response, the following persons shall be jointly and severally liable for the cost of the response as set forth in this ordinance, in addition to liability for any injuries to County personnel or damage to County property:
1. The person or persons who own the premises where the gathering constituting a public nuisance took place if any of the following are the case:
 - A. the owner resides on or adjacent to the premises;
 - B. the owner was present when the notice set forth in Section 7 herein was first posted; or
 - C. the notice described in Section 7 herein was mailed to the owner and fourteen (14) days have elapsed since the date of the mailing.
 - D. For purposes of this subsection, where a gathering takes place within the confines of a single unit in a

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

2. The person or persons residing on or otherwise in control of the premises where such gathering took place;
 3. The person or persons who organized or sponsored such gathering;
 4. All persons attending such gathering who engaged in any activity resulting in the public nuisance
- a. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited persons from the premises. Where an invited person engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a person at the gathering violating the law which the sponsor is unable to reasonably control without the response of the Sheriff, the unlawful conduct of the individual person shall not be attributable to the sponsor, owner or resident for the purposes of determining whether the gathering constitutes a public nuisance under this ordinance.
 - 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.

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

c. The County shall bill all persons liable for subsequent response costs by mail by sending a letter in substantially the form in subsection d. of this section. Payment of the costs shall be due within thirty (30) days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the bill will be delinquent, and all persons liable for the cost shall be charged interest at the maximum legal rate from the date the payment period expires and a further penalty in the amount of one hundred dollars. The letter form language in subsection d. 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.

d. Response Cost Letter.

Date: _____

To: _____

Dear _____:

The County of Riverside was required to abate the public nuisance caused by a gathering of 10 or more persons at (location of property), which substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the (second/third/fourth, etc.) such public nuisance at this property within the last 60 days, and thus, the cost of the response in the amount of \$_____ is imposed on

you. If you fail to remit this amount to the County of Riverside by (30 days from the date of this notification) you will be liable for an additional \$100 penalty, plus interest. The payment should be remitted to the address listed below. Your liability is based on 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
- [] An owner of the property who was present when a notice of a public nuisance was first posted at the property; and/or
- [] A person who resided on or was otherwise in control of the property when the public nuisance took place there; and/or
- [] A person who organized or sponsored the event that created the public nuisance at such property; and/or
- [] A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

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 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.

Sincerely,

(Name, Title, Address and Phone Number of Signatory)

Section 10. REMEDIES AND COLLECTION OF DELINQUENT COSTS.

- a. The costs assessed as a result of a subsequent response shall constitute a debt of all persons liable for the costs in favor of the County and may be collected in any manner authorized by law and are recoverable in a civil action filed by the County.

- b. The remedies provided by this ordinance are in addition to all other administrative, civil and criminal remedies available to the County with respect to the unlawful conduct constituting the public nuisance which gave rise to the Sheriff's response under this ordinance.

Section 11. FALSE REPORTS PROHIBITED

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

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

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

Adopted: 3-3 of 09/15/15 (Eff: 10/15/15)