

Article VIII. Cost Recovery for Disturbance Abatement.

Sec. 30-60. Purpose.

The City Council finds that large or noisy parties, gatherings or events on private property, ongoing or chronic disruptive disputes or activities on public or private property constitute a nuisance and such continued loud, unnecessary or disruptive noise may, on occasion, disturb the peace and quiet of any residential neighborhood thereby requiring law enforcement services over and above those normally provided. It is in the best interests of the public peace, health, safety, or general welfare of the city as well as in fairness to its citizens that the City requires those persons utilizing or requiring law enforcement services beyond those provided the public at large to defray the City's expense for providing the same. (Ord. No. 993)

Sec. 30-61. Definitions.

For purposes of this article, the following definitions shall apply:

- (a) Large party, gathering or event means a group of persons who have assembled or are assembling for a social occasion or for any activity on private residential, industrial, institutional or commercial property including, but not limited to, single family or multi-family residential dwelling units, motels, hotels, other rental housing units, saloons, bars, nightclubs, pool halls, restaurants, fast food eating establishments, theaters, social clubs, social halls, religious facilities, auditoriums or amphitheatres. (Ord. No. 993)
- (b) Disturbance call means a citizen call for police assistance where there is unlawful conduct; conduct creating any disturbing or loud noise or sound; any conduct which disrupts the peace and quiet of a neighborhood; or any conduct which interferes with the quiet enjoyment of the neighboring properties by persons lawfully thereon. (Ord. No. 993)
- (c) Police services fee may be either a flat fee as specified in Section 30-63, or a fully itemized fee based on the cost of all police personnel, facilities and/or equipment reasonably attributed to official police activities in response to a disturbance call and including storage costs for any impounded evidence. Such services will include the salaries of the police officers, or other public safety personnel, for the amount of time actually spent responding to or remaining at the party, gathering, disturbance or event, the actual costs of any medical treatment to injured officers, or other public safety personnel and the cost of repairing any damaged city equipment or property. (Ord. No. 993)
- (d) Person responsible for the event means the person who owns the property where the party, gathering, disturbance or event takes place; the person in charge of the premises and/or the person who organized the event or caused the disturbance. If the person responsible for the event is a minor, then the parents or guardians of that minor shall be jointly and severally liable for the costs incurred for police services. (Ord. No. 993)
- (e) Police response means any police actions reasonably necessary to control the threat to the public peace, health, safety or general welfare of the community. This may include quelling any disturbances, terminating the gathering, arresting and/or citing law violators, directing traffic, citing illegally parked vehicles or otherwise responding to the situation to restore order and calm to the community. (Ord. No. 993)

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- (f) Special security assignment means the assignment of police officers, services and equipment during a second or subsequent response to location, party, gathering or event after the distribution of a written notice to the person responsible that a fee may be imposed for costs incurred by the city for any subsequent police response to disturbances that location. (Ord. No. 993)

Sec. 30-62. Initial police response to parties, disturbances, or events.

- (a) When any police officer responds to any large party, gathering or event, and that police officer determines that there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the person responsible for the event. That notice shall state that a subsequent response to that same location or address within a 30-day period shall be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event and that the person responsible may be liable for a police services fee as defined in this chapter. (Ord. No. 993)
- (b) If no "person responsible" is available on the premises when the police are present, or the person responsible refuses to sign a receipt of notice, a copy of the notice shall be posted in a conspicuous place on the premises on each subsequent occasion that the police are required to respond within a 30-day period. (Ord. No. 993)

Sec. 30-63. Subsequent responses to parties, disturbances, or events; liability.

- (a) If after a written notice is issued to the person responsible pursuant to Section 30-62, a subsequent police response or responses is necessary to the same location or address within a 30-day period, such response or responses shall be deemed a special security assignment. Persons previously warned shall be jointly and severally liable for a police services fee as defined in this chapter. (Ord. No. 993)
- (b) The police services fee may be either a flat fee, as specified in the schedule below, or a fully itemized fee based on, but not limited to, an itemization of all personnel and equipment costs expended during the second and any subsequent return call to the location of the nuisance disturbance calls. In addition, such costs may include damages to city property and/or injuries to city personnel. The determination of the type and amount of the police services fee to be levied shall be determined solely by the Department of Public Safety. (Ord. No. 993)

SCHEDULE OF FLAT FEES TO BE LEVIED

- (1) A second police response within a thirty (30) day period to the location of the nuisance disturbance calls could result in a Police Services Fee of \$250.00. (Ord. No. 993)
- (2) A third police response within a thirty (30) day period to the location of the nuisance disturbance calls could result in a Police Services Fee of \$500.00. (Ord. No. 993)
- (3) A fourth police response within a thirty (30) day period to the location of the nuisance disturbance calls could result in a Police Services Fee of \$750.00. (Ord. No. 993)
- (4) A fifth and any subsequent police response within a thirty (30) day period to the location of the nuisance disturbance calls could result in a Police Services Fee of \$1,000.00 for each police response. (Ord. No. 993)

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- (c) All fees and charges levied for city services described in Section 30-62 (B) shall be due and payable upon presentation. (Ord. No. 993)
- (d) All fees and charges for such services shall constitute a valid and subsisting debt in favor of the city and against the person responsible to whom such services are rendered, and an immediate cause of action shall accrue to the city for collection of all costs for services, including reasonable attorney's fees incurred in any court of competent jurisdiction. (Ord. No. 993)

Sec. 30-64. Remedies.

Collection pursuant to this division is not intended to be the exclusive remedy, either criminal or civil, available to the City relating to the circumstances which gave rise to the need for police response under this division. (Ord. No. 993)

Sec. 30-65. Cost; recovery.

The Public Safety Director shall notify the processing agency (contracting party) in writing of the necessity of a nuisance response by law enforcement, resulting in issuance of the applicable police services fee set forth in Section 30-63. The fee(s) shall contain the name and address of the responsible person(s), the date and time of the incident, the services performed, the costs thereof and such other information as may be required. The processing agency shall thereafter cause appropriate billings to be made to the person responsible for the event. (Ord. Nos. 993, 1059)

Sec. 30-66. Appeal of a police services fee.

The cited party receiving the police services fee may contest the fee in accordance with those procedures set forth in Sections 1-32 through 1-43, inclusive, of Chapter 1, Article II of this Code, "Appeal." (Ord. Nos. 993, 1059)

Section 30-67. Judicial review.

A cited party who objects to the Hearing Officer's administrative decision and/or order may obtain review of the police services fee by filing an appeal with the Superior Court in Los Angeles County in accord with Section 53069.4 of the California Government Code. Such appeal must be filed within twenty days after mailing or personal service of the Administrative Order to the cited party. The cited party shall within 10 days of filing a notice of appeal with the Superior Court serve upon the City Clerk either in person or by first-class mail a copy of the notice of appeal. The Administrative Order shall be final on the date it is served on the cited party. (Ord No. 1059)

(Ord. Nos. 993, 1059)

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