



Meeting Date: 11/9/2010

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input checked="" type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Tom Chronister, Commander *TM/042* Agenda Item No. I-9

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: November 2, 2010

TO: City Council

FROM: John Crombach, Chief of Police
Police Department *[Signature]*

SUBJECT: Ordinance Concerning Parties, Gatherings, or Assemblages on Private Property

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance repealing and readopting Article VI of Chapter 7 of the Oxnard City Code concerning parties, gatherings, or assemblages on private property.

DISCUSSION

Complaints related to loud music and/or loud parties make up the second most common police call for service. In 2009, the Oxnard Police Department handled 5,630 of these disturbance calls, representing roughly 1 in every 16 police calls.

Locations where repeat loud music/loud party calls originate are particularly problematic. Last year, police responded to 3,957 different locations for loud music/loud party calls. Less than a quarter (899) of the locations were responsible for almost half (2,562) of all loud music/loud party calls. One location had 49 such calls in 2009.

Loud music/loud party calls consume an exorbitant amount of police resources. Weekends are rife with these call types. During the summer months it is not unusual for police to have 30 such calls queued for more than an hour as officers handle higher priority calls. Our experience indicates that the longer a loud music/loud party call waits for police intervention, the higher the likelihood a criminal act will occur. Criminal activities associated with parties include battery, vandalism, drunk driving, sexual assault, underage drinking, and assault with a deadly weapon.

Existing processes to dissuade repeat loud music/loud party calls are ineffective. Currently, when a police officer determines that a party, gathering, or assemblage ("the event") is a threat to the public peace, health, safety or general welfare, the police officer issues a written warning to the person responsible for the event. This warning states that if the police are required to return to the location

within a 48-hour period for another disturbance, the responsible person may be required to pay for all direct and indirect costs attributed to the subsequent response to the event, up to \$500.

The proposed ordinance uses the civil citation process and holds rental property owners accountable for the actions of their tenants. Under the proposed ordinance, the officer issues a warning to the person in control of the location of the event and/or the person responsible for the event. In the case of a minor (a person under the age of 18 years), the warning is issued to the parents or guardian of the minor. If the person does not own the property where the event was held, a written warning may also be mailed to the property owner.

If police are required to return to the location of the event within a 72-hour period, the person receiving the written warning may be issued a civil citation. The written warning mailed to the property owner contains information about the incident and warns the property owner that if police personnel are required to return to the location within one year because of loud noise, a civil citation may also be issued to him or her.

FINANCIAL IMPACT

Although difficult to predict, the result of this change may increase civil citation revenues while decreasing costs associated with police response to repeat disturbance calls.

Attachment #1 - Ordinance

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
REPEALING AND READOPTING ARTICLE VI OF CHAPTER 7 OF
THE OXNARD CITY CODE CONCERNING PARTIES,
GATHERINGS, OR ASSEMBLAGES ON PRIVATE PROPERTY

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The City Council of the City of Oxnard does ordain as follows:

Part 1. Article VI of Chapter 7 of the Oxnard City Code is hereby repealed and readopted to read as follows:

**“ARTICLE VI. PARTIES, GATHERINGS OR ASSEMBLAGES
ON PRIVATE PROPERTY**

SEC. 7-100. DEFINITIONS.

For purposes of sections 7-100 through 7-106, the following terms shall have the following meanings:

(A) CONTROL – Any form of dominion including ownership, tenancy, or other possessory right.

(B) MINOR – Any person less than 18 years of age.

SEC. 7-101. PROHIBITED PARTIES, GATHERINGS OR ASSEMBLAGES.

A party, gathering, or assemblage (“event”) held on private property that threatens the public peace, health, safety, or general welfare or results in continuous loud noise which causes discomfort or annoyance to a reasonable person of normal sensitiveness is prohibited.

SEC. 7-102. ISSUANCE OF WRITTEN WARNING.

(A) When a police officer determines that an event is a threat to the public peace, health, safety, or general welfare or that an event results in continuous loud noise which causes discomfort or annoyance to a reasonable person of normal sensitiveness, the police officer shall issue a written warning at the location of the event to the person in control of the location of the event and/or the person responsible for the event, or if either of those persons is a minor, to the parents or guardians of that minor.

(B) When a written warning is issued to a person at the location of the event and that person does not own the property where the event was held, a written warning may also be mailed by first class mail, postage prepaid, to the owner of the property at the address shown on the county's last equalized property tax assessment rolls. A declaration of service shall be completed and attached to the warning mailed to the owner.

SEC. 7-103. CONTENT OF WARNING.

(A) A written warning issued at the location of the event shall state that if public safety personnel are required to return to the location of the event within the following 72 hour period and the responding personnel determine that the subsequent event is a threat to the public peace, health, safety, or general welfare or that the subsequent event results in continuous loud noise which causes discomfort or annoyance to a reasonable person of normal sensitiveness, a citation may be issued to the person who received the written warning, and each such response may constitute the provision of special response services. The warning shall also state that the person receiving the warning may be charged for the cost to the city of providing such special response services for the event.

(B) A written warning mailed to the property owner shall contain the following:

(1) A statement that police department personnel responded to the owner's property and determined that an event held at the location was a threat to the public peace, health, safety, or general welfare or that an event held at the location resulted in continuous loud noise which caused discomfort or annoyance to a reasonable person of normal sensitiveness.

(2) The date upon which police personnel responded to the owner's property.

(3) Notice that if police department personnel are required to return to the owner's property within one year of the date of the original response and the responding personnel determine that any subsequent event is a threat to the public peace, health, safety, or general welfare or that the subsequent event results in continuous loud noise which causes discomfort or annoyance to a reasonable person of normal sensitiveness, a citation may be issued to the property owner, and each such response may constitute the provision of special response services.

(4) Notice that the person receiving the warning may be charged for the cost to the city of providing special response services for the event.

SEC. 7-104. COSTS FOR SPECIAL RESPONSE SERVICES.

The costs of providing these special response services shall include, but not be limited to, all direct and indirect costs attributable to the subsequent response to the event and shall be imposed at the discretion of the Chief of Police based on the number of

public safety personnel required to respond to the subsequent event and the length of said response.

SEC. 7-105. COLLECTION OF COSTS.

The collectible costs for these special response services shall not be in excess of \$500 for each subsequent response, and said costs shall be billed to the person or persons responsible for use of the special response services and, if minors, their parents or guardians. The city shall have the option to pursue any other legal remedies for recovery when such costs exceed \$500 per response.

SEC. 7-106. DEBT OWED TO CITY.

The amount of such costs charged shall be deemed a debt to the city of the person or persons responsible for use of the special response services and, if minors, their parents or guardians. Any person required to pay such costs shall be liable in an action brought in the name of the city for recovery of such costs, including reasonable attorneys' fees."

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ___ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk



Alan Holmberg, City Attorney

