

ORDINANCE NO. 180

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
REPEALING SECTIONS 5.17.060, 5.17.070, 5.17.080, 5.17.020(D),(E) & (F)
OF THE SCOTTS VALLEY MUNICIPAL CODE, AND ADDING CHAPTER 9.20 TO
TITLE 9 OF THE SCOTTS VALLEY MUNICIPAL CODE,
ESTABLISHING A SOCIAL HOST ORDINANCE**

BE IT ORDAINED by the City Council of the City of Scotts Valley as follows:

Section 1. Scotts Valley Municipal Code Sections 5.17.060, 5.17.070, 5.17.080, 5.17.020(D), (E) & (F) are hereby repealed so that those sections can be updated and incorporated into a new chapter of the Scotts Valley Municipal Code.

Section 2. A new Chapter 9.20 is hereby added to Title 9 of the Scotts Valley Municipal Code to read as follows:

“Chapter 9.20

SOCIAL HOST REGULATIONS

Sections:

9.20.010	Definitions
9.20.020	Response to loud or unruly gatherings
9.20.030	Cost recovery for special security services
9.20.040	Billing and collection
9.20.050	Violations and fines
9.20.060	Service of alcoholic beverages to minors

9.20.010 Definitions

For the purposes of this chapter, the following words shall have the meaning ascribed to them in this section.

A. “Chief” is the chief of police of the city of Scotts Valley, or his designee.

B. “Loud or unruly gathering” means a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety or general welfare. This term excludes incidents of domestic violence. ***(Previously Chapter 5.17.020(D))***

C. “Responsible person(s)” means a person(s) with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a gathering. “Responsible person(s)” shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To include liability for special security service charges imposed by this chapter, the responsible person need not be present at

the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This chapter therefore imposes vicarious as well as direct liability upon responsible persons. **(Previously Chapter 5.17.020(E))**

D. "Special security services" means the provision of any police, fire or other emergency response to a loud or unruly gathering within twelve ~~hours~~ **months** of the initial response as provided in this chapter. **(Previously Chapter 5.17.020(F))**

9.20.020 Response to loud or unruly gatherings

When a police officer responds to a first loud or unruly gathering at premises in the city with a given address, the officer shall inform any responsible person(s) at the scene that the officer has determined that a loud or unruly gathering exists resulting in offensive noises in violation of this chapter and the responsible person(s) will be charged for the cost of any special security services required for subsequent responses to the scene within the next twelve months. **(Previously Chapter 5.17.060)**

9.20.030 Cost recovery for special security services

Where the police department responds to a location where offensive noises are occurring more than once within a consecutive twelve ~~hour~~ **month** period the responsible person(s) shall be liable for the costs of providing special security service for the second and following responses. If the responsible person(s) **is/are** minors, the parents or guardians of that person(s) shall be liable for such costs. If there is more than one responsible person, they shall all be jointly and severally liable for the full cost of the special security service. **(Previously Chapter 5.17.070)**

9.20.040 Billing and collection

Charges for special security service incurred in responding to a loud or unruly gathering involving offensive noises following the first response shall include a reasonable charge for the responding officer's time, actual costs of any equipment used or damaged, together with additional charge for administrative overhead as determined from time-to-time by resolution of the city council, all as determined by the city finance department. These charges shall be computed and a bill submitted to the responsible person(s). The chief shall promulgate notice and billing procedures for this purpose. The bill shall be a dept owed to the city and failure to pay that bill within thirty days is a violation of this code. If the city is obliged to initiate litigation to recover this debt, the responsible person shall be liable for:

- A. Costs of suit;
- B. Reasonable attorney's fees; and
- C. Any other costs of collection incurred by the city.

(Previously Chapter 5.17.080)

9.20.050 Violations/Fines

(a) It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a twelve month period shall constitute a misdemeanor.

(b) Fines

- (1) A first violation of this section shall be punishable by a fine of \$250.00.

(2) A second violation of this section at a given address in the city within a given twelve month period shall be punishable by a fine of \$500.00.

(3) A third or subsequent violation of this section at a given address in the city within a twelve month period shall be punishable by a fine of \$1,000.00.

(c) The fines prescribed at subsection (b) are in addition to any special security service charges that may be assessed pursuant to this chapter.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

(e) The fine schedule prescribed at subsection (b) is a “rolling schedule” meaning that in calculating the fine payable the police department or city attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory twelve month period.

9.20.060 Service of alcoholic beverages to minors.

The city council hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the city and also causes significant disruption of city residents’ quiet enjoyment of their households, especially in the city’s residential neighborhoods. In addition, such conduct on behalf of persons who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the city’s police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the city by its taxpayers and residents. It is therefore the policy of the city council that in responding to loud or unruly gatherings, the city police department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and in respect to minors in possession of alcohol, the police department shall establish a “no tolerance” protocol by which the police department contacts, or causes the minor’s school to contact, the minor’s parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor’s school has an internal student disciplinary office any such incident shall likewise be reported to that office.”

Section 3. EFFECTIVE DATE. This Ordinance shall take effect thirty days after the date of its adoption. Prior to the expiration of fifteen days from the date of adoption, this Ordinance shall be published by one insertion in the Scotts Valley Banner a newspaper of general circulation in the City.

Section 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

This Ordinance was introduced on the 5th day of November, 2008, and passed and adopted on the 19th day of November, 2008, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES: AGUILAR, BARRETT, BUSTICHI, JOHNSON, REED
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Approved: _____ /s/

Randy Johnson, Mayor

Attest: _____ /s/
Tracy Ferrara, City Clerk

Approved as to form:

_____/s/
Kirsten Powell, City Attorney