

ORDINANCE NO. 2814

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 9.32 OF THE REDLANDS MUNICIPAL CODE RELATING TO COSTS ASSOCIATED WITH EXTRAORDINARY LAW ENFORCEMENT SERVICES

WHEREAS, owners and/or occupants of certain businesses and properties in the City use a disproportionate amount of public safety resources by requiring the City to respond to criminal and/or nuisance activities associated with the use and/or occupancy of such premises; and

WHEREAS, excessive use of public safety resources diverts critical resources and funds from the City at the public expense and to the detriment of the public by leaving other areas of the City without appropriate protection and services; and

WHEREAS, it is in the public interest, and promotes the public health, safety, and general welfare, for those who utilize a disproportionate amount of public safety resources and require extraordinary law enforcement services or responses to be liable for the costs incurred by the City;

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.32 of the Redlands Municipal Code, entitled "Second Police Response to Parties, Gatherings, or Events" is hereby deleted in its entirety, re-titled "Liability for Extraordinary Law Enforcement Services," and rewritten to read as follows:

"Chapter 9.32

LIABILITY FOR EXTRAORDINARY LAW ENFORCEMENT SERVICES

9.32.010: PURPOSE.

9.32.020: DEFINITIONS.

9.32.030: EMERGENCY RESPONSES.

9.32.040: PAYMENT OF CITY'S COSTS AND PENALTIES.

9.32.050: APPEAL.

9.32.060: ADDITIONAL REMEDIES.

9.32.010 PURPOSE:

- A. This Chapter is adopted pursuant to California Constitution Article II, Section 7, which authorizes the City of Redlands to make and enforce within its city limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, and California Government Code Section 53158. It is the intent of the City Council, by the adoption of this Chapter, to impose on and collect from the persons in charge of, or responsible for, an event that generates extraordinary cost to the City over and above the cost

of providing normal law enforcement services and police protection City-wide. The events for which charges are imposed are those voluntarily undertaken by the person responsible for the services, or his or her parent, guardian or the person having custody of a minor. The purpose of this Chapter is to recover the actual cost to the City incurred by providing these law enforcement services. The City Council believes it is necessary that persons voluntarily incurring special and extraordinary law enforcement services pay to the City the reasonable cost of providing such services.

- B. This Chapter is not intended to apply, and shall not apply, to events of a political or religious nature, or any event involving speech protected by the First Amendment of the Constitution of the United States or by the Constitution of the State of California.
- C. This Chapter shall not apply to any person in charge of premises who is a victim of a crime.
- D. Any violation of this Chapter is civil and not criminal. Any remedy under this Chapter is in addition to any other remedy provided by law, including administrative citations and penalties.

9.32.020 DEFINITIONS:

- A. "Chief" means the Chief of Police of the City or his or her designee.
- B. "City" means the City of Redlands.
- C. "Emergency" means any condition that results in, or is likely to result in, a law enforcement response in an authorized City emergency vehicle or aircraft.
- D. "Emergency Response" means the dispatch of one or more law enforcement officers to a business or property for a disturbance or nuisance at the property requiring extraordinary law enforcement services over and above those normally provided for the protection of the public health, safety and welfare and which has occurred without advance notice to the City. Emergency responses include, but are not limited to, loud and boisterous conduct, noises and activities, disturbing the peace, a congregation of two or more persons in intoxicated conditions or under the influence of drugs or alcohol, fighting, use of obscene or inflammatory language, loud music constituting a nuisance or disturbing the peace, activities causing excessive pedestrian or vehicular traffic and parking problems and congestion, vehicular racing and cruising, events occurring after 11:00 p.m. to 6 a.m. of the following day, use and display of narcotics, illegal drugs and controlled substances and paraphernalia for its use, the congregation of two or more persons using illegal drugs, narcotics or controlled substances, or congregating in a noisy or rowdy crowd, indecent exposure and lewd conduct, but does not include domestic violence disturbances or false claims.
- E. "Event" is a gathering of two or more persons on premises within the City at the invitation, request or consent of the person in charge or control of the premises.

- F. "Extraordinary Law Enforcement Services" are those necessarily and reasonably incurred by the City in the protection of the public's health, safety and welfare and in the protection of property which said services are in addition to law enforcement services the City would normally provide without a special charge and which have arisen because of activities or events.
- G. "Nuisance" includes both public and private nuisances as defined in the California Civil Code.
- H. "Person in Charge" is the owner, manager, or occupant in charge of or in control of the premises at which an event is occurring. If the person in charge is a minor, his or her parents or legal guardian is presumed to be the person in charge.
- I. "Premises" is a building and surroundings or any open area within the City.

9.32.030 EMERGENCY RESPONSES:

- A. Except as provided herein below, if an event occurs and a law enforcement officer investigating the matter determines that the same is a threat to the public peace, health, safety or general welfare, or constitutes a nuisance, said officer may, in addition to any other duty or responsibility imposed upon him by law, give written warning notice to the person in charge of the premises that if a second response is necessary because of a continuation of any objectionable activity that the person in charge will be held liable to the City for the cost of all subsequent law enforcement services necessary to abate the disturbance or other activity giving rise to law enforcement services over and above the normal services expended in connection with the first call.
- B. The personnel and equipment of the law enforcement agency utilized after the first warning to control or abate the nuisance or to protect the public peace, health, safety or general welfare shall be deemed to be extraordinary law enforcement services over and above the normal services provided City-wide and the cost of said extraordinary law enforcement services, including, but not limited to, the salaries of the law enforcement personnel, the actual cost of any medical treatment to injured officers, the cost of repairing any damage to City or law enforcement property, and overhead and administrative costs related to all of the foregoing shall be billed to and is the legal responsibility of the person in charge.

9.32.040 PAYMENT OF CITY'S COSTS AND PENALTIES:

- A. All costs levied by the Chief under this Chapter are due and payable within thirty (30) days following the date of the City's billing statement. A penalty equaling ten percent (10%) of the levied amount will be assessed on the day following the due date to defray the City's costs of collection for delinquent payments.
- B. The Chief shall notify the finance department in writing of the name and address of the person responsible for the costs of the extraordinary police services, the date and time such services were provided, the services performed and the

extraordinary police services required, and such other information as may be required. The finance department shall thereafter cause appropriate billings to be made.

- C. Costs under this section constitute a debt to the City jointly and severally owed by the person or persons in charge of the premises liable for Extraordinary Law Enforcement Services. The parent or parents of a minor child who violates this Chapter shall be responsible for costs incurred by the child.
- D. Any person owing money to the City pursuant to this Chapter shall be liable in an action brought by the City in its own name to recover such amount, including reasonable attorneys' fees.

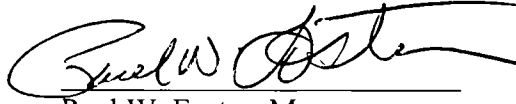
9.32.050 APPEAL: Any individual aggrieved by the written decision of the Chief may, within fifteen (15) City business days of the date of the finance department's mailing of the bill, appeal that decision in writing to the City Council by written notice filed with the City Clerk. After a request for an appeal has been filed, the City shall withhold collection of the bill until conclusion of the appeal. The City Council may, in its discretion, determine that the cost for the extraordinary services, in all fairness and the administration of justice, should be affirmed, reduced or waived based upon reasonable evidence warranting the same. If the costs for the extraordinary services are affirmed or reduced, all amounts due to the City shall be paid within fifteen (15) days of such decision. Unless appealed, the decision of the Chief is final. In the event of non-payment, the City Attorney is authorized and directed to bring all necessary legal actions to collect the costs of said services.

9.32.060 ADDITIONAL REMEDIES: The provisions of this chapter are in addition to the authority of the police to regulate events, gatherings, emergencies and nuisances and shall supplement and not supplant the exercise of any other available law including, but not limited to arrest or citation pursuant to the California Penal Code or local law."

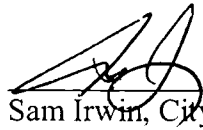
Section 2. In the event that any provision of this ordinance, or any part hereof, or any application hereof to any person or circumstances, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this ordinance, or any part hereof, or any application hereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

Section 3. The City Council hereby determines that the adoption of this ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3).

Section 4. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect as provided by law.


Paul W. Foster, Mayor

ATTEST:


Sam Irwin, City Clerk

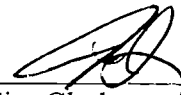
I, Sam Irwin, City Clerk, City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at the regular meeting thereof, held on the 21st day of April, 2015, by the following vote:

AYES: Councilmembers Harrison, Gilbreath, Barich, James; Mayor Foster

NOES: None

ABSENT: None

ABSTAIN: None



Sam Irwin, City Clerk