

Chapter 9.60 - LIABILITY FOR FALSE REPORT OF AN EMERGENCY OR OF A CRIMINAL OFFENSE AND FOR EXTRAORDINARY POLICE SERVICES OR RESPONSES

9.60.010 - Findings.

The City Council finds as follows:

- A. The false reporting of an emergency or of a criminal offense unreasonably diverts vital and critical public safety resources.
- B. Owners and/or occupants of certain businesses and properties utilize a disproportionate amount of public safety resources thereby diverting these critical resources from other parts of the City.
- C. Moreover, owners and/or occupants of certain businesses and properties require extraordinary police services in response to criminal and/or nuisance activities associated with the use and/or occupancy of the premises.
- D. It is in the public interest for those who misuse police and fire resources by falsely reporting an emergency or a criminal offense or who utilize a disproportionate amount of public safety resources and require extraordinary police services or responses to be liable for the costs incurred by the City.

(Ord. 7013 § 1, 2008)

9.60.020 - Authority and purpose.

This chapter is adopted pursuant to the authority granted in Article XI, Section 5(a) of the California Constitution, Section 200 of the Riverside City Charter, and Section 53158 of the California Government Code. The effective and efficient provision of public safety services including, police, ambulance, and fire safety services is a "municipal affair" appropriate for regulation by the City of Riverside.

This chapter is adopted for the purpose of recovering all of the costs expended in responding to and investigating false reports of an emergency or of a criminal offense. This chapter is further adopted for the purpose of holding owners and occupants of certain businesses and properties responsible for the extraordinary police services or responses caused by criminal and/or nuisance activities associated with these properties and to deter or prevent future extraordinary police responses to these businesses or properties and the diversion of critically-important public safety resources.

(Ord. 7013 § 1, 2008)

9.60.030 - Definitions.

The following definitions apply to this chapter:

False report means either:

1. A person reports to the City that an "emergency" exists, knowing that the report is false.
2. A person reports to a Riverside Police Officer or to the Riverside Police Department that a felony or misdemeanor has been committed, knowing the report to be false.

Emergency means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle or aircraft.

Emergency response means the dispatch of one or more police officers to a business or property for a disturbance at the property. A response to a security or fire alarm under Riverside Municipal Code Chapters 5.58 or 5.59 does not constitute an "emergency response" under this chapter.

Extraordinary police service or response means any of the following:

1. The response of three or more police officers and a supervisor to a single emergency response; or
2. The second emergency response to the same business or property within a 30 day period; or
3. The third emergency response to the same business or property within a 90 day period.

Occupant means any individual person or business entity that occupies or controls the business or property at the time of the emergency response.

Owner means any individual person or business entity that has legal title to the business or property at the time of the emergency response.

(Ord. 7013 § 1, 2008)

9.60.040 - False report.

Every person who makes a false report shall be liable for all of the City's actual costs, both direct and indirect, and the expenses investigating and/or responding to the false report.

(Ord. 7013 § 1, 2008)

9.60.050 - Security and safety plan.

- A. Whenever the Police Department first provides an extraordinary police service or response to a particular business or property, the Chief of Police may provide the property owner or occupant with written notice specifying the emergency services provided during the extraordinary police

service response and, if available, the costs of the response, and may require the owner or occupant to provide the Chief of Police a written plan for improving the security and safety of the property, or the operation of the business. The plan shall demonstrate in detail:

1. The specific, tangible methods detailing how the plan will be implemented;
2. A time line for implementation of the plan (if the plan cannot be immediately implemented);
3. A good faith analysis by the owner/occupant setting forth how the specific methods to be implemented will reduce those situations necessitating an emergency response; and
4. A statement by the owner/occupant that he/she is committed to implementing the plan.

The plan shall be submitted to the Chief of Police no later than 14 calendar days after receipt of the notice.

- B. The Chief of Police shall review the proposed plan and determine if it adequately addresses the public safety and security issues which have led to the emergency responses. If the Chief of Police determines that the plan adequately addresses the public safety and security issues, the Chief of Police shall approve the plan, and notify the owner/occupant to immediately implement the plan.
- C. If the Chief of Police determines that the proposed plan does not adequately address the security and safety issues, or if no plan is received, the Chief of Police shall develop a plan to address public safety and security issues. The plan may include any reasonable changes in the design or operation of the property or business, including the requirement for provision of private security at no cost to the City of Riverside. The Chief of Police shall notify the owner or occupant of the plan, and shall specify a reasonable deadline for compliance.
- D. The Chief of Police may also require that the owner and/or occupant execute a trespass arrest authorization form pursuant to Riverside Municipal Code Section 9.04.300 G to assist the Riverside Police Department in arresting all persons loitering on the property and not patronizing the businesses located thereon. The Chief of Police may further require that the owner and/or occupant erect one or more signs conspicuously posted at every walkway and driveway entering the property or as otherwise directed by the Chief of Police. The sign shall state in substantial form as follows:

WARNING

NO LOITERING PERMITTED
BUSINESS PATRONS ONLY
Violators Subject to Arrest
(CPC 602/RMC 9.04.300)

- E. The Chief of Police may delegate and assign his responsibilities and duties under this section to other qualified employees of the Police Department.

9.60.060 - Extraordinary police service or response fee liability.

- A. The owner and/or occupant of the business or property shall be liable for the cost of the extraordinary police service or response.
- B. The failure of an owner or occupant to implement and/or abide by the plan approved by the Chief of Police under Riverside Municipal Code Section 9.60.050, shall render the owner and occupants of the property jointly and severally liable for the actual cost of providing the extraordinary police service incurred in the future, until the owner or occupant implements and/or abides by the plan.
- C. The cost of the extraordinary police service or response shall be calculated based upon the actual costs, both direct and indirect, of providing the extraordinary police service or response and shall be billed to the owner and/or occupants of the business or property.
- D. An owner or occupant shall not be liable under this section if that person was not the owner or occupant of the property during the time the extraordinary police service was rendered.
- E. An owner or occupant who is an individual person and is the victim of a crime shall not be liable for the extraordinary police service or response related to that crime.
- F. Any violation of this chapter is civil, not criminal, and is in addition to any other available remedy provided by law, including administrative citations and penalties.

(Ord. 7013 § 1, 2008)

9.60.070 - Payment of City's costs and penalties.

- A. All costs levied under this chapter are due and payable within 30 days of being billed, a penalty equaling ten percent of the levied amount will be assessed on the day following the due date. Thereafter, the delinquent amount will incur an interest penalty of one percent of the outstanding balance accrued every 30 days.
- B. The costs are a charge against the person, occupant, or owner liable for those costs under this chapter. The parent or parents of a minor child who has violated this chapter may be responsible for the debt.

(Ord. 7013 § 1, 2008)

9.60.080 - Severability.

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

(Ord. 7013 § 1, 2008)