

## 9.04.710 - Loud or unruly gathering.

"Loud or Unruly Gathering" means a gathering of persons on any property whether residential, commercial or industrial (hereinafter "property"), or any public right-of-way for a social occasion or other activity upon which loud or unruly conduct occurs and results in a public nuisance or a threat to the public health, safety, welfare, or the comfortable enjoyment of life and property.

( Ord. 7490, § 2, 2019)

## 9.04.720 - Loud or unruly conduct.

"Loud or unruly conduct" includes, without limitation, any of the following conduct:

- A. Excessive or loud noise;
- B. Excessive traffic;
- C. Obstruction of a public street or public right-of-way, including a sidewalk;
- D. Public intoxication or drinking in public;
- E. The service of alcoholic beverages to minors;
- F. Possession and/or consumption of alcohol by minors;
- G. Assault, battery, fights, domestic violence or other disturbances of the peace;
- H. The sale or service of alcoholic beverages without a required State license;
- I. Vandalism or destruction of property;
- J. Litter;
- K. Urinating or defecating in public; or
- L. Trespassing.

Loud or unruly conduct does not include, unless it conflicts with any of the above, any activity that is:

- A. Protected by the California Constitution;
- B. Protected by the United States Constitution; or
- C. Regulated by the California Alcoholic Beverage Control Act.

( Ord. 7490, § 2, 2019)

## 9.04.730 - Responsible party.

"Responsible party" means:

- A. Any person who owns, rents, leases or otherwise is in charge of the property where a loud or unruly gathering occurs;

- B. Any person who organizes or sponsors a loud or unruly gathering at a property or on any public right-of-way;
- C. Any person who is making or continuing, or causing to be made or continued a loud or unruly gathering; or
- D. Any person who is making or continuing, or causing to be made or continued loud or unruly conduct.

( Ord. 7490, § 2, 2019)

9.04.740 - Loud or unruly gatherings prohibited.

- A. Loud or unruly gatherings are prohibited and shall constitute a public nuisance. The responsible party shall be subject to fines and/or penalties under this chapter.
- B. The City may abate a loud or unruly gathering by all available means, including, but not limited to, an order of a peace officer requiring persons at the loud or unruly gathering to leave the property or the public right-of-way, the issuance of a citation, and/or the arrest of any person committing a criminal violation under this Code or any other applicable state or local law.
- C. Nothing in this chapter shall be construed to impose liability on a responsible party at a property for the conduct of persons who are present without the express or implied consent of the responsible party as long as they have taken steps reasonably necessary to exclude such uninvited persons from the property, including a responsible party who is actively attempting to evict a tenant from the property.
- D. Where an invited guest at a property engages in conduct which the responsible party could not reasonably foresee and the conduct is an isolated instance of an invited guest at the property, or the responsible party is unable to reasonably control without the intervention of a peace officer, the unlawful conduct of the individual invited guest at the property shall not be attributable to the responsible party for the purpose of determining whether the event constitutes a loud or unruly gathering.
- E. Unless otherwise permitted in this Code, it shall be unlawful to conduct or hold any party, dance or other social gathering at which live or recorded music is provided, which is open to the general public and: (1) for which admission is charged, or (2) for which brochures, posters, or handbills are posted or distributed in any way or any other type of advertising is published or broadcast, or (3) for which a charge is made for refreshments. This section shall not apply to functions organized by an organization qualified as tax exempt under 26 USC Section 501 or a Political Action Committee or Campaign Committee as defined in state or federal law for a charitable, religious or political purpose.

( Ord. 7490, § 2, 2019)

#### 9.04.750 - Notice of loud or unruly gatherings at a property.

- A. The Officer responding to a loud or unruly gathering at a property may post or attach, on the front entrance of the property at which the loud or unruly gathering occurs, a notice that meets the following requirements:
  1. The notice shall state, at a minimum:
    - a. The name and agency of the Officer who responded to the loud or unruly gathering;
    - b. The address of the property and the date of the loud or unruly gathering along with a description of the loud or unruly conduct observed; and
    - c. The loud or unruly gatherings may result in the imposition of fines and/or other penalties against any responsible party.
  2. The notice shall be a minimum of eight and one-half inches by 11 inches in size, have black letters on contrasting background white or colored paper and be made of durable, laminated or other weather resistant material.
- B. It shall be unlawful for any person to alter, tamper or deface a posted notice described Section 9.04.750.A or remove it prior to 30 days from the date of posting.
- C. If a posted notice is altered, tampered with, defaced or removed prior to 30 days from the date of posting, the notice shall be replaced and a new 30-day posting period shall commence on the date of replacement.
- D. A copy of the notice pursuant to Section 9.04.750.A shall be served on the responsible party by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to the responsible party at the property and/or the address shown on Riverside County's last equalized property tax assessment roll.

( Ord. 7490, § 2, 2019)

#### 9.04.760 - Citations.

- A. A responsible party not present during the loud or unruly gathering may be issued a citation for any subsequent violation of Section 9.04.740 after personal service of notice in Section 9.04.750(D) or if the notice is only mailed, ten calendar days after the mailing of the notice to the responsible party pursuant to Section 9.04.750(D). The citation to the responsible party not present during the loud or unruly gathering may be issued by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to the responsible party at the property and/or the address shown on Riverside County's last equalized property tax assessment roll.
- B. An Officer may issue a citation to the responsible party for a violation of Section 9.04.740 or Section 9.04.750(B).

- C. For a violation of Section 9.04.740 occurring on a public right-of-way, an Officer may, along with other remedies under this Code, issue a citation to the responsible party by personal service of the citation on the responsible party.

( Ord. 7490, § 2, 2019)

#### 9.04.770 - Fines and penalties.

- A. A responsible party issued a citation pursuant to Section 9.04.760 shall be subject to the fines as set forth in Chapter 1.17 of this Code.
- B. A violation occurring after a period of 12 consecutive months of no violations shall be considered a first violation.
- C. A responsible party shall be subject to these escalating administrative fines for subsequent loud or unruly gatherings even if at different properties or public rights-of-way associated with the responsible party.
- D. Any person in violation of 9.04.750(B) may be issued a citation subject to an administrative fine as set forth in Chapter 1.17 of this Code.
- E. The civil fines and criminal penalties imposed in this chapter shall be in addition to any other fines and/or penalties imposed for violations of local, state and/or federal law during a loud or unruly gathering.

( Ord. 7490, § 2, 2019)

#### 9.04.780 - Administration and other remedies.

- A. Unless otherwise specified herein, all citations issued for violations of this chapter shall be submitted to the provisions set forth in Chapter 1.17 of this Code, including but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fines.
- B. Any violation of Section 9.04.740 or 9.04.750(B) may be prosecuted as a misdemeanor or infraction, chargeable at the City Attorney's discretion.
- C. If any part or provision of these sections, or the application thereof to any person or circumstance, is held invalid, the remainder of the sections, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of these sections are severable.

( Ord. 7490, § 2, 2019)