

ORDINANCE NO. 2473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, CALIFORNIA, AMENDING CHAPTER 1.15, ADMINISTRATIVE CITATIONS, REPEALING CHAPTER 9.40, DISORDERLY EVENTS AND REPLACING IT WITH CHAPTER 9.40, UNRULY GATHERING, OF THE CHICO MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC PEACE

WHEREAS, the City Council of the City of Chico ("Chico") finds that large gatherings of people, such as parties, frequently become loud and unruly and adversely impact the quality of life of many neighborhoods throughout the City;

WHEREAS, in November of 2007, the City adopted an Ordinance prohibiting disorderly events (the "Disorderly Events Ordinance");

WHEREAS, despite the adoption of the Disorderly Events Ordinance, such gatherings continue to have a significant impact on neighborhoods;

WHEREAS, the City desires to further enhance the ability of enforcement officers to abate and deter such disturbances;

WHEREAS, the City desires to protect the public against the potential negative health, safety, and welfare impacts associated with loud and unruly gatherings;

WHEREAS, the City seeks additional amendments to Chapter 1.15, Administrative Citations, to eliminate any potential conflicts with Title 9, Public Peace, Safety, and Morals, of the Chico Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chico:

**Section 1.** That section 1.15.040 of Chapter 1.15, ADMINISTRATIVE CITATIONS, is hereby amended as follows:

**1.15.040 Administrative citations.**

A. Authorization to Issue Administrative Citation. An enforcement officer who determines that a violation of this code has occurred has the authority to issue an administrative citation to any person responsible for the violation. "Person responsible for a violation" includes any of the following:

1. A person who causes a code violation to occur.
2. A person who maintains or allows a code violation to continue, by his or her action or failure to act.

1 3. In cases involving a violation of building, electrical, plumbing, or zoning regulations set  
2 forth in this code, or any violation of Title 9, 16, 16R, or 19 of this code, shall also include each  
owner of the property upon which the violation occurs.

3 4. If any of those persons are minors, the parent or guardians of such minor(s) shall be the  
4 person responsible.

5 B. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a violation  
6 of building, electrical, plumbing or zoning regulations set forth in this code, or any violation of  
7 Title 9, 16, 16R, or 19 of this code, the enforcement officer may defer issuance of an  
administrative citation until the person responsible for a violation has first been given notice of the  
violation and an opportunity to correct the violation, in accordance with the procedures set forth in  
this chapter.

8 **Section 2.** That section 1.15.100 of Chapter 1.15, ADMINISTRATIVE CITATIONS, is hereby  
9 amended as follows:

10 **1.15.100 Notice of violation - Generally.**

11 Except as provided in section 1.15.110, when a violation consists of a violation of building,  
12 electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 9, 16,  
13 16R, or 19 of this code, the enforcement officer may issue a written notice of violation to any  
person or persons responsible for the violation prior to the issuance of an administrative citation  
for that violation. The notice of violation shall contain all of the following:

14 A. The date and location that the violation was observed;

15 B. The section of this code violated and a description of the violation;

16 C. The actions required to correct the violation;

17 D. A reasonable time period for the correction of the violation; and

18 E. Notice that if the violation is not corrected by the date specified in the notice of violation, an  
19 administrative citation may be issued and administrative fines may be imposed.  
20

21 **Section 3.** Chapter 9.40 of Title 9, PUBLIC PEACE, SAFETY AND MORALS, is hereby deleted  
22 in its entirety and replaced with the following:

23 **Title 9**  
24 **PUBLIC PEACE, SAFETY AND MORALS**  
25 **DIVISION V.**  
26 **OFFENSES AGAINST PUBLIC PEACE**  
27 **Chapter 9.40 UNRULY GATHERINGS**

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1 **Section:**

2 **9.40.010 Declaration of policy.**

3 **9.40.020 Definitions.**

4 **9.40.030 Unruly gatherings prohibited.**

5 **9.40.040 Notice of unruly gathering—Mailing to property owner.**

6 **9.40.050 Persons liable for a response to an unruly gathering.**

7 **9.40.060 Enforcement.**

8 **9.40.070 Collection of delinquent costs.**

9 **9.40.010 Declaration of policy.**

10 A. In order to control unnecessary disturbances caused by unruly gatherings in the city, it is  
11 declared to be the policy of the city to prohibit unruly gatherings that create a substantial  
12 disturbance of the quiet enjoyment of private or public property in a significant segment of a  
13 neighborhood as specified in this chapter. It is not the intent of the city council that this ordinance  
14 be applied to peaceful gatherings or assemblies.

15 B. It is determined that unruly gatherings are detrimental to the public health, welfare and safety,  
16 and are contrary to the public interest. Therefore, the city council declares that creating,  
17 maintaining, causing, or allowing to be created, maintained, or caused, any unruly gathering in a  
18 manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance  
19 and shall be punishable as such in any manner provided by law, including but not necessarily  
20 limited to the filing of a civil or criminal action.

21 **9.40.020 Definitions.**

22 For the purpose of this chapter, the following definitions shall apply:

23 A. "Gathering" means a group of persons who have assembled or are assembling for a party or  
24 social event, occasion or activity on private property.

25 B. "Responsible person" means and includes, but is not limited to: (1) the person who owns,  
26 rents, leases, or otherwise has legal control of the property where the gathering takes place; or (2)  
27 the person who caused the gathering to occur.

28 C. "Juvenile" means and includes any person under the age of eighteen.

D. "Minor" means and includes any person at least eighteen years old but under the age of  
twenty-one.

E. "Unruly gathering" shall mean a gathering of twenty or more persons on private property that  
results in conduct that causes a "substantial disturbance" of the quiet enjoyment of private or  
public property in a significant segment of a neighborhood or presents a threat to the health and  
safety of those in attendance, responding enforcement personnel, or occupants of immediately  
adjacent properties. For purposes of this Chapter, conduct that causes a substantial disturbance  
shall include, but is not limited to a noise disturbance generating three or more complaints in any  
four hour period, obstruction of public streets or rights-of-way by people or vehicles, public  
drunkenness, unlawful possession of alcohol or drugs, serving alcohol to minors, fights,  
disturbances of the peace, urinating or defecating in public, setting off fireworks, vandalism,  
littering on public property or private property not belonging to the host of the gathering, the

1 observed presence of persons on rooftop areas not designed for occupancy, and throwing bottles or  
2 other objects or substances at law enforcement or any other person.

3 **9.40.030 Unruly gatherings prohibited.**

4 A. It shall be unlawful and constitute a public nuisance for any responsible person(s) to cause or  
5 allow an unruly gathering to occur on any private property within the city. An unruly gathering  
6 may be abated by the city by all reasonable means including, but not limited to, an order requiring  
7 the unruly gathering to be disbanded, the issuance of citations, and/or the arrests of any law  
8 violators under any applicable local laws and state statutes.

9 B. It shall be unlawful and a violation of this Chapter for any person to attend or participate in an  
10 unruly gathering in a manner that contributes to the unruly gathering by engaging in conduct that  
11 causes a substantial disturbance of the quiet enjoyment of private or public property in a  
12 significant segment of a neighborhood, or presents a threat to the health and safety of those in  
13 attendance, responding enforcement personnel, or occupants of immediately adjacent properties,  
14 as defined in Section 9.40.020 E.

15 **9.40.040 Notice of unruly gathering—Mailing to property owner.**

16 When a police officer or other duly authorized city employee has determined that an unruly  
17 gathering has occurred, and either the unruly gathering was hosted by a person or persons other  
18 than the owner or responding personnel are unable to determine whether the owner was the host,  
19 the police department shall mail a notice to the owner of the property where the unruly gathering  
20 occurred. Notice to the property owner(s) will be issued pursuant to section 1.15.100 of this code.

21 **9.40.050 Persons liable for a response to an unruly gathering.**

22 If the city is required to respond to an unruly gathering, the following persons shall be jointly  
23 and severally liable for civil penalties as set forth in Section 9.40.060, in addition to liability for  
24 any injuries to city personnel or damage to city property:

25 A. The person or persons who own the property where the unruly gathering took place;  
26 provided, that notice has been mailed to the owner of the property as set forth herein and a  
27 subsequent unruly gathering occurs at least (14) fourteen days after the mailing of such notice.

28 B. The responsible person or persons; provided, however, that if the responsible person is a  
juvenile, then the parents or guardians of the juvenile will be jointly and severally liable for  
penalties and liabilities herein.

C. Any persons in attendance at and engaging in conduct contributing to the unruly gathering as  
set forth in Section 9.40.030 B.

D. Nothing in this section shall be construed to impose liability on a property owner or  
responsible person for the conduct of persons who are present without the express or implied  
consent of the property owner/responsible person as long as the property owner/responsible person  
has taken reasonable steps, including but not limited to requesting police assistance to exclude  
such uninvited participants from the property. Where an invited person engages in conduct which  
the property owner/responsible person could not reasonably foresee and the conduct is an isolated  
instance of a person at the gathering violating the law which the property owner/responsible  
person is unable to reasonably control without the intervention of the police, the unlawful conduct  
of that person shall not be attributable to the property owner/responsible person for the purposes of  
determining whether the gathering constitutes an unruly gathering.

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1 **9.40.060 Enforcement.**

2 A. Any citation issued for an unruly gathering as defined in Section 9.40.020(E) shall be deemed  
3 to be prima facie evidence of a violation of the provisions of this chapter for purposes of  
administrative enforcement.

4 B. Any violation of this chapter shall be a misdemeanor and is subject to criminal, civil or  
5 administrative enforcement as provided in this code. Each hour such violation is committed or is  
permitted to continue shall constitute a separate offense and may be punishable as such.

6 C. Subsection B shall not be applicable to a property owner when they do not reside or occupy  
7 the property where the unruly gathering has occurred and the property owner is entitled to receive  
rent or other valuable consideration for the use of the property. A property owner that meets the  
8 above conditions and continues to allow violations of this chapter shall be guilty of an infraction  
and may be subject to civil or administrative enforcement in accordance with Chapter 1.15 of this  
9 code.

10 D. If administrative enforcement is initiated in accordance with Chapter 1.15, penalties shall be  
assessed against all responsible persons, and individuals liable for the city's intervention to abate  
11 an unruly gathering pursuant to Section 9.40.050 of this code.

12 1. Violation/s of this chapter will result in a penalty in an amount set forth by resolution of the  
city council pursuant to Section 1.15.050 of this code.

13 2. The administrative citation penalties provided herein shall be in addition to any other  
14 penalties imposed by law for particular violations of law committed during the course of an unruly  
gathering.

15 E. Continued Violations. Once a police officer or other duly authorized city employee has  
16 determined there has been a violation of this chapter, the owner(s) of the property where the  
violation occurred may be subject to administrative action for allowing a subsequent violation of  
17 this chapter to occur on the property, provided the property owner has received notice as required  
by Section 9.40.040, and at least fourteen days have elapsed since the date the notice was mailed  
18 to the property owner(s). The city may defer or delay administrative action against any property  
owner who can demonstrate due diligence in preventing future unruly gatherings, such as evicting  
19 those responsible for such gatherings.

20 **9.40.070 Collection of delinquent fines.**

21 Pursuant to Section 1.15.230 of this code, the city may collect any past due administrative fine,  
penalty, and interest charge by use of all available legal means.

22 **Section 4.** The city council finds and determines that the enactment of this Ordinance is not a  
23 project under the California Environmental Quality Act (CEQA) (Cal. Pub. Resource Code §§  
21000 *et seq.*) in that activities described in the Ordinance are a continuing administrative activity  
24 of the city involving general policy and procedure making and organization or administrative  
activities of governments that will not result in direct or indirect physical changes in the  
25 environment. (State CEQA Guidelines, Cal. Code of Regs., Title 14, § 15378.) Therefore, no  
environmental assessment is required or necessary.  
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27 **Section 5.** If any part of this Ordinance, or its application to any individual, entity, or  
28 circumstance, is held to be invalid, the remainder of the Ordinance, including the application or

1 provision to other persons or circumstances, shall not be affected and shall continue in full force  
and effect. To this end, the provisions of this Ordinance are severable.

2 **Section 6.** The city clerk shall attest to the passage and adoption of this Ordinance, and shall cause  
3 the same to be posted as required by law, and this Ordinance shall take effect thirty (30) calendar  
days after its adoption.

4 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its  
5 meeting held on January 5, 2016, by the following vote.

6 AYES: Coolidge, Fillmer, Schwab, Morgan, Sorensen

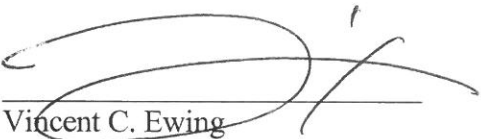
7 NOES: Ritter, Stone

8 ABSENT: None

9 ABSTAIN: None

10 DISQUALIFIED: None

11 **APPROVED AS TO FORM:**

12   
13 Vincent C. Ewing  
City Attorney\*

**ATTEST:**

  
Deborah R. Presson, MMC  
City Clerk

14 \*Pursuant to The Charter of the City of Chico, Section 906(E)

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