

TOWN OF PARADISE VALLEY

**Unruly Gatherings
February 22, 2018**



Unruly Gatherings

- House parties at neighboring residences negatively impact residents:
 - Quality of life
 - Property values



Unruly Gatherings

- Purpose: Discuss and receive Mayor and Council direction on drafting a new ordinance to assist in solving this community issue.



Unruly Gathering

- Discussion
 - Do Mayor and Council have further questions or comments about the ordinance?
 - Do Mayor and Council support this concept?



Unruly Gathering

- Unruly Gathering definition:
 - Five or more people, and :
 - Disturbance of quiet enjoyment of property by **one of the following:**
 - Noise, obstruction of public streets by crowds or vehicles, drinking in public areas, drugs, serving alcohol to minors, fighting, littering, disturbing the peace.



Unruly Gathering

- Concept
 - Potential ordinance creates a tool to assist in addressing Unruly Gatherings.
 - Criminal Penalties
 - Civil Fines
 - Administrative Fees



Unruly Gathering-Criminal Process

- Class 1 Misdemeanor
- Fines-\$1000 to \$2500
- Officer Issues a Citation to Responsible Person(s) at scene
- Follow up can issue a citation to an off-site or non-present owner
- Town Code violations are misdemeanors (T.C. 1-9-1)



Unruly Gathering-Civil Process

- Post a notice on the property saying:
 - Notice that an Unruly Gathering Occurred
 - Notification to Owner via personal contact or mail
 - Warning that subsequent Unruly Gathering within 90 days incurs fees and citations
 - Prohibition to remove posting



Unruly Gathering- Administrative Process

- Police Service Fee – Actual Charge for:
 - Actual cost of officers; dispatchers, vehicles, equipment
 - One hour cost will be \$310; Fees will be processed on each ½ hour increment.



Council Concerns Voiced at October 12 Meeting

- Is charging a Misdemeanor with a maximum penalty of \$1,000 fine too harsh?
 - All town code violations are misdemeanors
 - Fine can be modified by the judge, based on the circumstances of the case
 - Officers use discretion on writing noise ordinance violations



Council Concerns Voiced at October 12 Meeting

- Can an owner retroactively apply for a special event permit to avoid the first offense?
 - Ordinance now includes: “On a first offense, an owner who was present at the unruly gathering and made themselves available to responding officers at the scene, may retroactively apply for a special event permit by the close of business on the next business day.”



Council Concerns Voiced at October 12 Meeting

- Is this ordinance unfairly punitive to owners?
 - Potential proactive solutions at owner level:
 - Crime Free Lease Addendum to leases for long term tenants
 - Proactive communication for short term tenants from owner
 - Proposed ‘safety valves’ in ordinance:
 - Notification of owner at scene or after incident via mailing
 - Notice of property posting to preclude a second or repeated incident



Unruly Gathering

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Unruly Gathering

Questions or Comments



Unruly Gathering- Administrative Process

- Police Service Fee
 - Requires Increased Response (2+ Officers) to restore peace because 11+ people necessary. Or;
 - Second visit to same event; or
 - Response to same location after notification;



Unruly Gathering- Administrative Process

- Why Charge for Increased Response?
 - Inability to break up party with one officer;
 - 2 officer represent 40% of night shift;
 - 3 officers likely needed; so 60% of night shift;
 - Pulls officers from neighborhood patrols;
 - Potential Time, Injury and Paperwork when dispersing people

