

(O-89-208)

ORDINANCE NUMBER O- **17303** (NEW SERIES)

ADOPTED ON **MAY 22 1989**

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 10, SECTIONS 51.1001 THROUGH 51.1014 RELATING TO THE USE OF POLICE SERVICES AT LARGE PARTIES, GATHERINGS OR EVENTS ON PRIVATE PROPERTY AND THE RECOVERY OF COSTS OF THOSE SERVICES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter 5, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 10, Sections 51.1001 through 51.1014 to read as follows:

DIVISION 10

RECOVERY OF COSTS FOR USE OF POLICE SERVICES AT LARGE EVENTS ON PRIVATE PROPERTY.

SEC. 51.1001 CITATION OF ORDINANCE

This division may be cited as the San Diego Second Response Ordinance.

SEC. 51.1002 PURPOSE AND INTENT

The City of San Diego finds and determines that: the control of large parties, gatherings or events on private property is necessary when such continued activity is determined to be a threat to the peace, health, safety or general welfare of the public. Police officers are often required to make several return trips to a location of a party,

gathering or event in response to complaints, in order to disperse uncooperative participants, and the return of police officers to a location constitutes a drain of personnel and resources often leaving other areas of the city without minimal levels of police protection; all of which creates a significant hazard to the safety of the police officers and to the public in general.

SEC. 51.1003 DEFINITIONS

For the purposes of this division, the following definitions shall apply:

(a) Large event shall include large parties or gatherings of five (5) or more persons, who have assembled or are assembling for a special occasion or for a social activity.

(b) Police services include the salaries of the responding police officers, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the party, gathering or event; appropriate overhead; the actual cost of any medical treatment to injured officers; and, the cost of repairing any damaged city equipment or property.

(c) Person responsible for the event is the person who owns the property where the party, gathering or event takes place; the person in

charge of the premises and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly and severally liable for the costs incurred for police services.

(d) Special security assignment: The assignment of police officers and services during a second call to a location after the distribution of a written warning that the party, gathering or event violates the law.

**SEC. 51.1004 POLICE SERVICES AT LARGE EVENTS
REQUIRING MORE THAN ONE RESPONSE**

When a large party, gathering or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person(s) responsible for the event will be held liable for the cost of providing police services for the special security assignment during a second response by the police after the first warning, to control the threat to the public peace, health, safety or general welfare.

The return call, or second call, may also result in the arrest and/or citation of violators of the state penal code or other local regulations.

SEC. 51.1005 POLICE SERVICES FEE

The police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars (\$500.00) for a single incident.

The city does not hereby waive its right to seek reimbursement for actual costs exceeding five hundred dollars (\$500.00) through other legal remedies or procedures.

The amount of such fees charged shall be deemed a debt to the city of the person or persons receiving said services and, if minors, their parents or guardians. Any person owing money shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney fees.

SEC. 51.1006 BILLING

The Chief of Police shall notify the City Treasurer in writing upon the rendering of such police services, of the name and address of the responsible person, the date and time of the incident and the services performed and the costs thereof and such other information as may be required. The City Treasurer shall thereafter cause appropriate billings to be made.

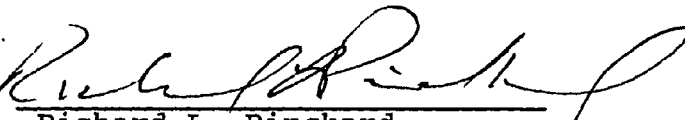
SEC. 51.1007 AFFECT ON CRIMINAL PROSECUTION

Nothing in the adoption or administration of this division shall be construed as affecting the ability to initiate or continue concurrent or subsequent criminal prosecution for any violation of the provisions of this code or any state law arising out of the same circumstances necessitating the application of this division.

SEC. 51.1008 THROUGH SEC. 51.1014 RESERVED FOR FUTURE USE

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Richard L. Pinckard
Deputy City Attorney

RLP:mk
03/17/89
Or.Dept:Council
O-89-208
Form=o.code

Passed and adopted by the Council of The City of San Diego on.....**MAY 22 1989**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

.....**MAUREEN O'CONNOR**.....
Mayor of The City of San Diego, California.

.....**CHARLES G. ABDELNOUR**.....
City Clerk of The City of San Diego, California.

(Seal)

By Maybell L. Antecorn....., Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 08 1989

MAY 22 1989

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

.....**CHARLES G. ABDELNOUR**.....
City Clerk of The City of San Diego, California.

(Seal)

By Maybell L. Antecorn....., Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17303** Adopted **MAY 22 1989**

89 APR 28 PM 3:20

CITY CLERKS OFFICE
SAN DIEGO, CA

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APR 28 1989

APR 28 1989

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APR 28 1989

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
89 JUL -7 PM 2:30
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1, OF THE SAN DIEGO
MUNICIPAL CODE BY ADDING DIVISION 10, SECTIONS 51.1001 THROUGH
51.1014 RELATING TO THE USE OF POLICE SERVICES AT LARGE PARTIES,
GATHERINGS OR EVENTS ON PRIVATE PROPERTY AND THE RECOVERY
OF COSTS OF THOSE SERVICES.

NO.

ORDINANCE NUMBER 0-17303 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION
10, SECTIONS 51.1001 THROUGH 51.1014 RELATING TO THE
USE OF POLICE SERVICES AT LARGE PARTIES, GATHER-
INGS OR EVENTS ON PRIVATE PROPERTY AND THE RE-
COVERY OF COSTS OF THOSE SERVICES.
This ordinance will enable the City to recover costs up to five
hundred dollars (\$500.00) resulting from police response to "loud
party" type disturbance calls. This does not preclude the City from
bringing suit to recover those costs above five hundred dollars (\$500.00),
nor is it in lieu of criminal prosecution for violation of state or local
laws. The provisions of this ordinance would become applicable
upon the second and each subsequent response to the same incident,
and after the person responsible for the "loud party" was ad-
vised of this ordinance.
A complete copy of the Ordinance is available for inspection in the
Office of the City Clerk of the City of San Diego, 2nd Floor, City Ad-
ministration Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON MAY 8, 1989
Passed and Adopted by the Council of The City of San Diego
on MAY 22, 1989
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By MAYDELL L. PONTECORVO, Deputy
Pub. June 5 148038

I, THOMAS D. KELLEHER, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17303 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

JUNE 5

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 5 day of JUNE, 1989.

Thomas D. Kelleher
(Signature)

$$31.16 \times 2 \times 2\frac{3}{4} = \$63.86$$