PARTY PATROLS:

BEST PRACTICE GUIDELINES FOR COLLEGE COMMUNITIES

OCTOBER 2010

ACKNOWLEDGEMENTS

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- National Institute on Alcohol Abuse and Alcoholism (NIAAA) grant AA012516

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INTRODUCTION

Colleges and universities are often subject to criticism from nearby residents who feel that college-age residents living among them are hosting unsafe and unruly parties. These parties often involve excessive noise and alcohol consumption. Because this activity often occurs beyond the campus boundaries, administrators are challenged to respond to such community criticism and to prevent negative alcohol-related outcomes that endanger students' academic progress, health and safety.

Neighborhood "party patrols," tailored to address unruly parties hosted by young adults in residential areas, can be an effective tool in reducing problems associated with these gatherings; however, implementing them requires thoughtful planning and cooperation between community members, college administrators, and the state, local or county law enforcement agencies for the areas surrounding a campus.

Party patrols are meant to work via general deterrence aimed at potential party hosts. The aim is to have sufficient consequences through enforcement and publicity targeting hosts of nuisance parties to encourage hosts to exercise more control over their guests (e.g., by reducing the number of invitations, lowering noise, and curtailing obnoxious behavior) while also encouraging guests (via publicity) to reign in their own behavior and cooperate with the host. If done well, party patrols will eventually reduce the number and size of private parties, as potential hosts come to perceive a greater risk of citations and fines for having large or loud parties.

Education, enforcement and high visibility is an effective way to communicate to students that they are members of a wider community and subject to the same expectations and laws as anyone else. The enforcement operations themselves are necessary to show that the expectations are real, but making those operations visible to the student age population is vital to change the behavior of party hosts and their guests.

The purpose of this guide is to consolidate the experience that campus and community law enforcement agencies have gained in conducting party patrols across jurisdictions and share that information with agencies looking for more effective tools to help manage party-related problems. This guide covers six basic components that together will maximize the chances of having success with party patrols. These 6 components include:

1 EFFECTIVE LEGAL TOOLS
that provide police with a mechanism to intervene with unruly parties

2 MESSAGING AND VISIBILITY
that enhance deterrence by reaching the target audience (students and college age population) with timely information regarding applicable laws and expected consequences for violations of those laws

3 PARTY PREVENTION AND EDUCATION
to inform students, neighbors, landlords and businesses about the problems associated with out-of-control parties, and what they can do to reduce the risk

4 EARLY INTERVENTION
to proactively contact potential party sites so police can educate hosts and plan appropriate intervention strategies

5 COLLABORATIVE PARTNERSHIPS
between campus and community stakeholders that are necessary to address off-campus parties effectively

6 ENFORCEMENT STRATEGIES
that include standard operations procedures for campus and community law enforcement agencies to effectively and efficiently intervene with problem parties

1. EFFECTIVE LEGAL TOOLS

Effective legal tools are the local ordinances and/or policies that provide law enforcement with the necessary tools to address off-campus parties efficiently and effectively. Here are some of the key elements to consider for an effective legal tool:

- An effective strategy requires real consequences, and easy and timely enforcement. Keeping the community orderly is the police department's responsibility and some ordinances are cumbersome to enforce. So-called "cost recovery" ordinances, for example, require police to document expenditures from the operation with the hope the funds are collected by another agency.

- Enforcement procedures should be clear and allow for consistent enforcement. Some communities use a "Zero Tolerance" party patrol, (i.e., full enforcement without exception), as an effective tool that provides clear expectations to party hosts, especially during peak times during the year when parties are most prevalent.

- It is important to educate property owners about the laws and their responsibilities. By assisting property managers in instituting strong nuisance policies for multi-unit apartments, this education can lead to changes in their rental agreements and provide a mechanism to evict problem tenants

- Communication between campus and city police departments and the campus Judicial Affairs Office regarding arrests and citations of students in the community can initiate a code of conduct violation by the university and lead to greater accountability of students for their actions.

Civil remedies (administrative fines) are effective tools. They can target the party host and property owner, be easily administered (e.g. administrative citation), and have fines that increase for multiple violations or failure to pay. Adjudication is quicker than a criminal citation.

Ideally, each municipality should have a set of laws, ordinances and policies that provide police with sufficient tools to keep their community safe. City ordinances and codes work. However, they may need to be reviewed and updated to maximize effective implementation and outcomes. A good working relationship with the city police department, district attorney, and city attorney can go a long way to identify limitations and improve existing laws and codes. Campus communities do not have to reinvent the wheel. They can draw on the experience and success in other cities that have crafted effective legal tools to address the problems caused by unruly parties.

SAN DIEGO, CALIFORNIA

Administration Citation - "Admin Cite"

Initially, the "administrative citation" tool was used only by code compliance officers for minor violations of the law. A change to the San Diego Municipal Code (SDMC) allowed the administrative citation format to be used to address major violations such as public nuisances. The San Diego Police Department now uses admin cites to curb chronic nuisance party houses, bars, and other business establishments. Each tenant at a property is cited $1,000 if the party violates the SDMC sections relating to noise. Cited people have 10 days to appeal. Otherwise, payment is owed, and the City Treasurer will pursue collection. If they appeal the citation, an administrative hearing is held.

This program's keys to success are the partnerships between code enforcement, the city attorney and the city and campus police departments. For this process to work properly, a municipal code must be in place for the purpose of loud/unreasonable noise enforcement and it is important to build support and educate the community during the process. Students are also educated about the administration citation program during orientation at the beginning of the semester. This has helped to decrease student parties. (For additional information contact Lt. Charles Kaye, San Diego Police Department).

Examples of effective "legal tools"

- City of San Diego – Noise Ordinances and Administrative Citation "Admin Cites" (see Appendix A)
- City of San Luis Obispo – Unruly Gathering Ordinance (see Appendix B)
- City of Riverside – Noise Ordinance (see Appendix C)
- City of Berkeley – Response Cost Ordinance (see Appendix D)
- City of Santa Cruz – Response Cost Ordinance (see Appendix E)
- City of Santa Barbara – Social Host Ordinance (see Appendix F)
- Other suggestions: Conditional use permit (CUP) on rental halls, Greek houses, and multi-family dwellings where landlords would have to have a permit; Neighborhood regulations for parking violations on city streets enforced by city watch groups (Northridge); And business licenses and taxes for property owners/ managers.

CITY OF RIVERSIDE CALIFORNIA

Municipal Code "noise ordinance"

Once a community complaint is received for a loud party and the officers can hear the party from a designated distance away, it is a violation of the code. The party host can get charged for police services (e.g. $1200 - $1300 fine). In addition, a code compliance officer is called to assess for any code violations while the officers are talking to the party host. (For more information contact Sgt. Jason Day, University of California Riverside Police Department).

2. MESSAGING AND VISIBILITY

Students are the primary target audience for the messaging of high enforcement visibility party patrols. Specific messaging toward neighbors is also important so they are aware of the attention police are giving to party nuisance calls. Students can be difficult to reach through standard media sources (e.g. newspaper, television) therefore, employing a number of messaging options is recommended, such as:

- Police officers can partner with the campus to meet with new students and parents during orientation or with specific student groups (e.g. Greeks or athletes). Presentations regarding local ordinances and education regarding high-risk drinking and behavior can be made to groups at student orientation.

- Most campuses have a television network that could be used to send safety messages to students and information on local laws and scheduled enforcement operations.

- Studies have shown that social media sites are the primary source of information for students and should be used by law enforcement and campus agencies to educate students about local laws and promote visibility for enforcement surrounding popular party time periods. Some campuses have created "fan" sites on Facebook where current information on safe partying is continually updated and notices sent to fans. In addition, flyers, safe party brochures, websites and articles in the campus newspapers can provide visibility for upcoming or recent enforcement activities and information about local laws and citations. The language used should be direct and consistent to provide credible information regarding the party patrol program.

- On some campuses email notices can be sent to students directly providing a pre-notice of enforcement operations. Accurate messaging to students regarding party patrol enforcement can be strengthened using recent statistics from operations (e.g. "5 party citations last weekend") and promoting that all alcohol laws will be enforced (zero tolerance).

Additional messaging and visibility considerations are as follows:

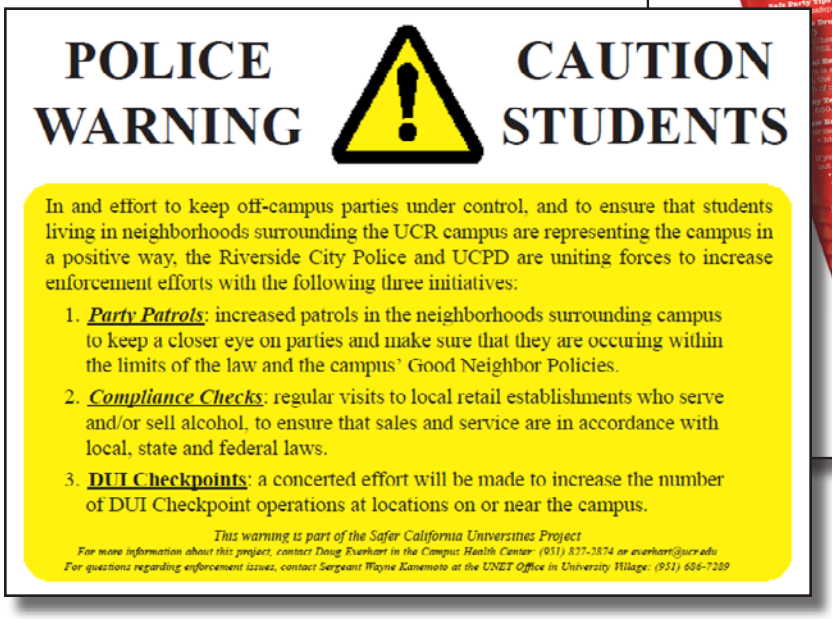
a) Timing – How do you build synergy between the visibility and enforcement for the greatest deterrent effect?

b) Target audience - How do you know when you are reaching your target audience? If your message is resonating with students, it will be the buzz of campus. For example, the party patrol shows up in response to a nuisance call and the host asks if they are going to get one of those noise violation fines;

c) Messenger – Who is the best person to carry the message? It depends on the message and the target audience. Students most likely have greater credibility with other students where a police officer may reach neighbors more effectively.

d) Message – Does it accurately depict the laws, real enforcement operations and the consequences? It is important that the enforcement be credible, timely, and aligned with the message for the greatest impact.

Messaging and Visibility Samples



POLICE WARNING CAUTION STUDENTS

In and effort to keep off-campus parties under control, and to ensure that students living in neighborhoods surrounding the UCR campus are representing the campus in a positive way, the Riverside City Police and UCPD are uniting forces to increase enforcement efforts with the following three initiatives:

1. ***Party Patrols***: increased patrols in the neighborhoods surrounding campus to keep a closer eye on parties and make sure that they are occuring within the limits of the law and the campus' Good Neighbor Policies.
2. ***Compliance Checks***: regular visits to local retail establishments who serve and/or sell alcohol, to ensure that sales and service are in accordance with local, state and federal laws.
3. **DUI Checkpoints**: a concerted effort will be made to increase the number of DUI Checkpoint operations at locations on or near the campus.

This warning is part of the Safer California Universities Project
For more information about this project, contact Doug Everhart in the Campus Health Center: (951) 827-2874 or everhart@ucr.edu
For questions regarding enforcement issues, contact Sergeant Wayne Kanemoto at the UNET Office in University Village: (951) 686-7209

3. PARTY PREVENTION AND EDUCATION

What tools are effective in preventing problem parties in the first place? Party prevention and education efforts should focus on disseminating information to students, neighbors, landlords and businesses regarding the risks associated with loud, large, unlawful or out-of-control parties as well as tips on how to have a safe gathering of friends. Effective strategies include:

- In the community, officers may make site visits to fraternity houses and student neighborhoods that have a reputation for parties. Students can be informed of local laws and consequences associated with violating those laws. Neighborhood associations are always interested in how police are going to keep their neighborhood safe and officers can inform them the correct way to lodge a complaint for a loud party. Some campus and city police departments join forces with the local neighborhood association and/or student groups to conduct "meet and greet" sessions to educate the neighborhood by talking to residents and students about expectations and the laws. The fall education program can emphasize "zero tolerance" enforcement campaigns.

- Campus officials can inform students that problems generated from off-campus parties and their behavior can affect them in many different ways, including students becoming victims of crimes or being arrested or issued a citation, which may affect their academic standing. It is important for students to understand the real consequences of their behavior in the community and on the campus especially when it impacts their academic status. Since students receive information through many media, a variety of messaging strategies are possible, including orientations, campus newspaper, Facebook, email, videos and through websites. Health educators are ideal partners for creating messages to students on how to be safe and avoid negative consequences related to intoxication at risky party environments including being a victim of a crime. To be credible, the message should be linked to real enforcement activities. Incoming students are eager to learn about campus life and what is expected of them. For example, some campuses ban alcohol at Greek and school facilities during the first five weeks of the fall semester, and it can include education to students on the reason behind the ban. Every year new students entering the university and another group moving into the community could benefit from knowledge of nuisance laws and how to be a good neighbor.

4. EARLY INTERVENTION

This involves proactively identifying and monitoring party locations.

- Social networking media can be monitored to find out where parties/events are being held. Knowing where a large party is going to take place allows police to plan accordingly (e.g. staffing and operational strategies). Police being at the party location early can create a presence in the neighborhood and provide opportunities to keep a party from getting out of control. Officers can make site visits to Greek houses or neighborhoods before the party gets started and inform everyone of the enforcement policies and local laws. The goal is to create high patrol visibility before the parties begin to encourage party goers and hosts to make good decisions. It may be a good idea to engage neighborhood and business watch groups about notifying the party patrol officers directly about problems. Police officers can train Neighborhood Watch volunteers to identify potential indicators of a large party in the works.

- Officers can perform outreach to businesses that sell or serve alcohol to encourage employees to report incidents occurring at their businesses, and to facilitate the provision of server training for employees at licensed establishments.

- Some campuses are working with city police departments to coordinate alternative consequences for alcohol and party-related offenses that include community service and classroom education/training.

5. COLLABORATIVE PARTNERSHIPS

Both the city and campus have an obligation to the community and it is necessary for them to work together to address campus/community problems. There are many opportunities for collaboration among city and campus police, campus administrators, Greeks, students, neighborhood associations, property managers, city council and businesses. The defined objective usually determines who to engage as a partner or whose support is needed to pass a new policy.

- The core partnership for conducting a party patrol program is normally between the campus and city (or county) police departments and may include other agencies such as the California Alcoholic Beverage Control (ABC) and the California Highway Patrol (CHP), or other law enforcement department. Most campus and city police departments who have partnered to implement party patrols have shown it to be an efficient and effective way to address problems at off-campus parties.

RIVERSIDE, CALIFORNIA

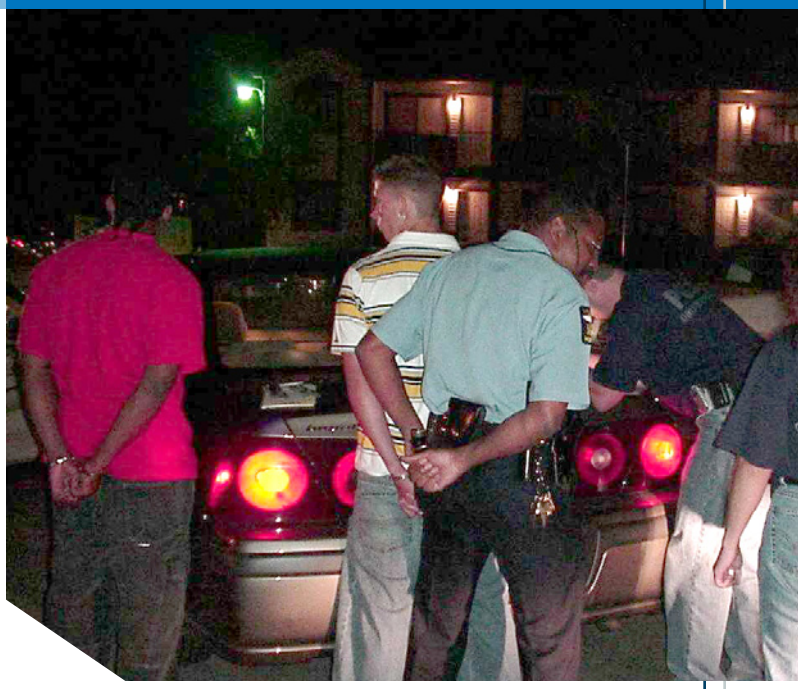
The University Neighborhood Enhancement Team (UNET)

UNET is an example of a joint partnership between the Riverside PD and the UC Riverside PD where they share a storefront community office outside of the campus. Four police officers from each department are assigned to UNET with different shifts and share police vehicles. UNET is a dedicated resource to respond to off-campus parties.

- Partnerships between the police departments and the campus should also focus on promoting consistent messaging/visibility regarding local laws, party-related risks, and enforcement programs using methods that resonate with students. Students can be a difficult group to reach, so partnering with campus resources such as health educators and housing staff may be effective. In addition, most campuses have student workers or interns who can create messages and adapt to new modes of communication to reach their peers.

- Although funding for party patrol activities is scarce, some grant funds are available to conduct related activities through organizations such as the California Alcoholic Beverage Control (ABC), the Office of Traffic Safety (OTS) and specific grants such as the SAFER California grant project. When grant funds are available, utilizing the funds in partnership with campus and city agencies is a very effective method for leveraging resources and improving communication. For example, officers from a city and campus police department can partner to conduct a joint OTS funded DUI checkpoint or to conduct ABC funded compliance operations.

6. ENFORCEMENT STRATEGIES



Some of the key elements of a robust and consistent party enforcement program include:

- Having a dedicated party patrol team or "party cars" at least on high frequency weekend or times.
- Dedicating enforcement resources during the beginning of the school year. The first 4-8 weeks of the school year are important to educate through enforcement party hosts and attendees about community expectations and consequences for the remainder of the year.
- Committing to continue enforcement efforts throughout the year, every year.
- Adapting to changing conditions.
- Conducting clear and consistent party patrol enforcement so hosts know what to expect
- Finding creative funding sources (e.g. ABC or Office of Traffic Safety).

- Sharing crime statistics with campus and community partners for increased visibility.
- Following up on citations and their disposition (e.g. courts/fines).
- Planning for challenging situations, such as party hosts who refuse to answer the door. Having an ordinance that allows the issuance of an administrative citation after-the-fact, or allows for a fine to be levied against a property owner for repeat noise and party violations at their rental property, can be very effective tools for gaining compliance from party hosts.
- Creating Standard Operating Procedures (SOP) for conducting party patrols that includes procedures for identifying problem parties, approaching the site with a plan (e.g. warning/citation), gaining access to the location, calling in other agencies (e.g. code compliance), monitoring the neighborhood (party break up) and following up on the action taken. Safe tactics for the dispersal of large gatherings should be included. The San Diego Admin Cite addresses this challenge

APPENDICES

Appendix A	**City of San Diego** – Administrative Citation "Admin Cite"
Appendix B	**City of San Luis Obispo** – Noise and Unruly Gathering Ordinances
Appendix C	**City of Riverside** – Noise Ordinance
Appendix D	**City of Berkeley** – Response Cost Ordinance
Appendix E	**City of Santa Cruz** – Response Cost Ordinance
Appendix F	**City of Santa Barbara** – Social Host Ordinance

Article 1: Public Emergency Procedures

Division 10: Recovery of Costs For Use of Police Services At Large Events On Private Property
("Recovery of Costs For Use of Police Services At Large Events On Private Property" added 5-22-1989 by O–17303 N.S.)

§51.1001 Citation of Ordinance

This division may be cited as the San Diego Second Response Ordinance.
("Citation of Ordinance" added 5–22–1989 by O–17303 N.S.)

§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.
("Purpose and Intent" added 5–22–1989 by O–17303 N.S.)

§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.
("Definitions" added 5–22–1989 by O–17303 N.S.)

§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.
("Police Services At Large Events Requiring More Than One Response" added 5–22–1989 by O–17303 N.S.)

§51.1005 Police Services Fees

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.
("Police Services Fees" added 5–22–1989 by O–17303 N.S.)

§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.
("Billing" added 5–22–1989 by O–17303 N.S.)

§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.
("Affect on Criminal Prosecution" added 5–22–1989 by O–17303 N.S.)

Chapter 9.13

UNRULY GATHERINGS

9.13.010 Declaration of policy.
9.13.020 Definitions.
9.13.030 Unruly gatherings prohibited.
9.13.040 Notice of unruly gathering—Mailing to property owner.
9.13.050 Persons liable for a response to an unruly gathering.
9.13.060 Enforcement.
9.13.070 Collection of delinquent costs.

9.13.010 Declaration of policy.

A. In order to control unnecessary disturbances caused by unruly gatherings in the city, it is declared to be the policy of the city to prohibit unruly gatherings that create a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood as specified in this chapter.

B. It is determined that unruly gatherings are detrimental to the public health, welfare and safety, and are contrary to the public interest. Therefore, the council declares that creating, maintaining, causing, or allowing to be created, maintained, or caused, any unruly gathering in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance and shall be punishable as such in any manner provided by law, including but not necessarily limited to the filing of a civil or criminal action. (Ord. 1546 § 1 (part), 2010)

9.13.020 Definitions.

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

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

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

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, including but not limited to conduct that results in excessive noise as defined in Chapter 9.12, 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, and littering on public property or private property not belonging to the host of the gathering. (Ord. 1546 § 1 (part), 2010)

9.13.030 Unruly gatherings prohibited.

It shall be unlawful and constitute a public nuisance, as defined in Chapter 8.24, for any responsible person(s) to cause or allow an unruly gathering to occur on any private property within the city. An unruly gathering may be abated by the city by all reasonable means including, but not limited to, an order requiring the unruly gathering to be disbanded, the issuance of citations, and/or the arrests of any law violators under any applicable local laws and state statutes. (Ord. 1546 § 1 (part), 2010)

9.13.040 Notice of unruly gathering—Mailing to property owner.

When a peace officer has determined that an unruly gathering has occurred, the police department shall mail a notice to the owner of the property where the unruly gathering occurred. The notice shall advise the property owner(s) that any subsequent violation of this chapter at the same property may result in the property owner being subject to administrative action and penalties as defined in this chapter. (Ord. 1546 § 1 (part), 2010)

9.13.050 Persons liable for a response to an unruly gathering.

If the city is required to respond to an unruly gathering, the following persons shall be jointly and severally liable for civil penalties as set forth in Section 9.13.060, in addition to liability for any injuries to city personnel or damage to city property:

A. The person or persons who own the property where the unruly gathering took place; provided, that notice has been mailed to the owner of the property as set forth herein and a subsequent unruly gathering

occurs at least two weeks after the mailing of such notice.

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. 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 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. (Ord. 1546 § 1 (part), 2010)

9.13.060 Enforcement.

A. Any unruly gathering as defined in Section 9.13.020(E) shall be deemed to be prima facie evidence of a violation of the provisions of this chapter.

B. Any violation of this chapter shall be a misdemeanor and is subject to criminal, civil or 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.

C. If administrative enforcement is initiated in accordance with Chapter 1.24, penalties shall be assessed against all responsible persons liable for the city's intervention to abate an unruly gathering in the following amounts:

1. The initial violation of this chapter will result in a penalty in the sum of seven hundred dollars against responsible persons, other than the owner(s) of the property who was not present and responsible for the gathering.

2. Subsequent violations of this chapter in any twelve-month period following the date of the first violation will result in a penalty of one thousand dollars against responsible persons, other than the owner(s) of the property who was not present and responsible for the gathering.

3. The person(s) who owns the property where the unruly gathering took place will be assessed a penalty of five hundred dollars, provided the owner(s) was not present during the gathering, and proper notice of a prior violation at the property was provided to the owner pursuant to Section 9.13.040.

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

D. Continued Violations. Once a peace officer has 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 this chapter to occur on the property, provided the property owner has received notice as required by Section 9.13.040, and at least fourteen days have elapsed since the date the notice was mailed 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 those responsible for such gatherings. (Ord. 1546 § 1 (part), 2010)

9.13.070 Collection of delinquent costs.

The penalties assessed as a result of a city response to an unruly gathering shall constitute a debt of all persons liable for the penalties in favor of the city and may be collected in any manner authorized by Chapter 1.24. (Ord. 1546 § 1 (part), 2010)

Riverside Municipal Code 7.35.010 B. 11.

A. Permitting any noise that is plainly audible across property boundaries

B. Permitting any noise that is plainly audible through partitions common to two residences within a building

C. Permitting any noise that is plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 am and 10:00 pm.

D. Permitting any noise that is plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 10:00 pm and 7:00 am.

E. Fine $1200 - $1300

Chapter 13.48

CIVIL PENALTIES FOR MULTIPLE RESPONSES TO LOUD OR UNRULY PARTIES, GATHERINGS OR OTHER SIMILAR EVENTS

Section 13.48.010 Findings and purpose.

This chapter is enacted for the following public purposes among others:

A. Due to inadequate supervision, some large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, and litter.

B. The City of Berkeley (hereafter "City") is required to make multiple responses to such unruly gatherings in order to restore and maintain the peace and protect public safety. Such gatherings are a burden on scarce City resources and can result in police responses to regular and emergency calls being delayed and police protection to the rest of the City being reduced.

C. In order to discourage the occurrence of repeated loud and unruly gatherings, the persons responsible for the public nuisance created by these gatherings should be fined. (Ord. 6182-NS § 1, 1993)

Section 13.48.020 Loud or unruly gatherings--Public nuisance.

It shall be unlawful and a public nuisance to conduct a gathering of ten or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter. A gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and state statutes such as: Berkeley Municipal Code ("BMC") Chapter 13.40 et seq. (Community Noise), BMC Chapter 13.36 et seq. (Disorderly Conduct/Obstruction of Public Way), Penal Code Sections 415 and 416 (Breach of the Peace); BMC Chapter 12.40 et seq. and Penal Code Section 374 et seq. (Litter); Penal Code Section 647 (Public Intoxication/Obstruction of Public Way); Bus. & Prof. Code Section 25658 (Selling Alcohol to Minors), Vehicle Code Section 23224 (Possession of alcoholic beverage in vehicle, persons under 21); BMC Chapter 13.68 et seq. (Carrying Dangerous Weapons), Penal Code Section 12020 et seq. (Unlawful Carrying and Possession of Concealed Weapons). (Ord. 6182-NS § 2, 1993)

Section 13.48.030 Notice of unruly gathering--Posting, mail.

A. Posting of Premises. When the City intervenes at a gathering which constitutes a nuisance under this chapter, the premises at which such nuisance occurred shall be posted with a notice substantially in the form attached hereto as Exhibit "A"* stating that the intervention of the City has been necessitated as a result of a public nuisance under this chapter caused by an event at the premises, the date of the police intervention, and that any subsequent event within a sixty-day period therefrom on the same premises, which necessitates City intervention, shall result in the joint and several liability of any guests causing the public nuisance, or any persons who own or are residents of the property at which the public nuisance occurred, or who sponsored the event constituting the public nuisance as more fully set forth in Sections 13.48.040--13.48.060 below. The residents of such property shall be responsible for ensuring that such notice is not removed or defaced and shall be liable for a civil penalty of one hundred dollars in addition to any other penalties which may be due under this section if such notice is removed or defaced, provided, however, that the residents of the house of sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

B. Mailing of Notice to Property Owner. Notice of the event shall also be mailed to any property owner at the address shown on the City's property tax assessment records and shall advise the property owner that any subsequent event within sixty days on the same premises necessitating City intervention shall result in liability of the property owner for all penalties associated with such intervention as

more particularly set forth below. (Ord. 6182-NS § 3, 1993)

* Exhibit A, referred to herein, may be found at the end of this Chapter 13.48.

Section 13.48.040 Persons liable for a subsequent response to a gathering constituting a public nuisance.

If the City is required to respond to a gathering constituting a public nuisance on the same premises more than once in any sixty-day period, the following persons shall be jointly and severally liable for civil penalties as set forth in Sections 13.48.050 below, in addition to liability for any injuries to City personnel or damage to City property.

A. The person or persons who own the property where the gathering constituting a public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice. For purposes of this subsection, where a gathering takes place within the confines of a single unit in a building owned by a housing cooperative, the owner of the property shall be deemed to be the owner of the single unit and not the members of the housing cooperative in general. Where the gathering took place in the common area of a building owned by a housing cooperative, only the members of the cooperative owning units in the building where the gathering took place shall be deemed the owners of the property for purposes of this subsection. Other members of the housing cooperative may still be liable if they fall within the categories of person made liable by Section 13.48.040, subsections B., C., or D., below.

B. The person or persons residing on or otherwise in control of the property where such gathering took place.

C. The person or persons who organized or sponsored such gathering.

D. All persons attending such gathering who engaged in any activity resulting in the public nuisance.

E. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises. Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor or resident for the purposes of determining whether the event constitutes a public nuisance under this section. (Ord. 6182-NS § 4, 1993)

Section 13.48.050 Schedule of civil penalties.

A. Civil penalties shall be assessed against all persons liable for the City's intervention to abate a gathering constituting a public nuisance as follows:

   1. For the second response in any sixty day period the penalty shall be the total sum of five hundred dollars.

   2. For the third response in any sixty day period the penalty shall be the total sum of one thousand dollars.

   3. For any further response in any sixty day period the penalty shall be the total sum of one thousand five hundred dollars for each such further response.

   4. The penalties that are provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an event which is a public nuisance under this ordinance, provided however, that if the only violation of law which constituted the public nuisance under this chapter is excessive noise, the remedies provided under this chapter shall be exclusive of any other remedies provided by law to the City for such excessive noise.

B. The City shall bill all persons liable for the penalties by mail by sending a letter in substantially the form attached hereto as Exhibit "B".* Payment of the penalties shall be due within thirty days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the bill will be delinquent, and all persons liable for the penalties shall be charged interest at the maximum legal rate from the date the payment period expires and a further civil penalty in the amount of one hundred dollars. (Ord. 6182-NS § 5, 1993)

* Exhibit B, referred to herein, may be found at the end of this Chapter 13.48.

Section 13.48.060 Collection of delinquent costs for a subsequent City response.

A. The penalties assessed as a result of a subsequent City response to a loud or unruly gathering shall constitute a debt of all persons liable for the penalties in favor of the City and may be collected in any manner authorized by law and are recoverable in a civil action filed by the City in a court of competent jurisdiction. The remedies provided by this chapter are in addition to all other civil and criminal remedies available to the City with respect to the unlawful conduct constituting the public nuisance which gave rise to the need for the City response under this chapter.

B. The City of Berkeley may also collect the fees assessed against the owner of the property as provided in Ordinance No. 6156-N.S., The Recovery of Costs for Abatement of Nuisances Ordinance (BMC Chapter 1.25). (Ord. 6182-NS § 6, 1993)

Section 13.48.070 Nondiscrimination against students.

This chapter shall not be enforced in a manner which targets property housing students. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against the events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors. (Ord. 6182-NS § 7, 1993)

Section 13.48.030A Exhibit A.

EXHIBIT A
(Section 13.48.030A)

IMPORTANT NOTICE REGARDING
PUBLIC NUISANCE

PURSUANT TO ORDINANCE NO. _____-N.S., AS A RESULT OF A PRIOR DISTURBANCE AT PREMISES, THE NEXT DISTURBANCE WILL RESULT IN CIVIL PENALTIES IMPOSED UPON ALL PARTICIPANTS AND SPONSORS OF THE EVENT, AND ALL PROPERTY OWNERS OF THE PREMISES.

NOTICE IS HEREBY GIVEN THAT, pursuant to Ordinance No. _____-NS. on _____, 199___, at _____ a.m./p.m., the Berkeley Police Department found that a public nuisance caused by a disturbance of the public peace and/or threat to public safety occurred at the premises located at _____ _____. If there is a subsequent event on these premises which constitutes such a public nuisance and necessitates the intervention of the Police Department on or before , (count 60 days from the date of first police intervention) every participant in and sponsor of such event, and the owner of the premises, shall be jointly and severally liable for the civil penalties connected with this response as set forth in Ordinance No. _____-N.S.

_____
(Signature of Officer issuing notice)

_____
(Name of Officer)

_____ _____
(Title of Officer) (Phone Number)

_____ 199__; _____
Date issued Case Number

Section 13.48.050B Exhibit B.

EXHIBIT B
(Section 13.48.050B)

Date:

To:

Dear:

The City of Berkeley was required to abate the public nuisance caused by a gathering of ten or more persons at (location of property) _____
_____, which substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the (second/third/fourth, etc.) such public nuisance at this property within the last sixty (60) days and thus a penalty of _____ $550.00, $1,000.00, etc.) is imposed on you. If you fail to remit this fine to the City of Berkeley by _____ (30 days later) you will be liable for an additional $100.00 penalty, plus interest. The payment should be remitted to the address listed below.

Your liability is based on the fact that you were:

[ ] An owner of the property to whom was sent prior notice of a public nuisance at the property within the previous 60 days; and/or

[ ] A person who resides on or is otherwise in control of the property where the public nuisance took place; and/or

[ ] A person who organized or sponsored the event creating the public nuisance at such property; and/or

[ ] A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

If you believe that you are not liable you may defend this claim in the civil action which the City of Berkeley will file against you upon your failure to remit the penalty. You should be aware, however, that if you fail to prevail in that action you will be liable for the additional penalty of $100/- and interest on the total penalties.
Sincerely yours,

_____
(Name, title, address and phone number of signatory)

Santa Cruz Municipal Code

Below are excerpts from Santa Cruz Municipal Ordinances that could apply if you host a party that is too loud, unruly and/or causes a disturbance for your neighbors. Note **9.37.010 Definitions (a)**, which states that liability for special security service *charges can also be imposed on a landlord, parent and legal guardian even if they are not present* at a gathering that requires police, fire or other emergency response. You can find complete information online at: http://www.ci.santa-cruz.ca.us

CHARGES FOR SPECIAL SECURITY SERVICES AT LOUD OR UNRULY GATHERINGS (9.37.010 - 9.37.06) ("Party Ordinance")

9.37.010 DEFINITIONS

A. "Responsible person(s)" shall mean a person(s) with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a gathering. ***"Responsible person" shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To incur liability for special security service charges imposed by this chapter the responsible person need not be present at the loud or unruly gathering*** resulting in the emergency response giving rise to the imposition of special security service charges. This chapter therefore imposes vicarious as well as direct liability upon responsible persons.

B. Special security services" shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within twelve months of a first response as provided in this chapter.

C. "Loud or unruly gathering" shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare, including violations of Chapter 9.36. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance.

9.37.020 RESPONSE TO LOUD OR UNRULY GATHERINGS

When a police officer responds to a first loud or unruly gathering at premises in the city with a given address, the officer shall inform any responsible person at the scene that:

A. The officer has determined that a loud or unruly gathering exists; and

B. **Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next twelve months**. Only one warning will be given pursuant to this section before the city assesses special security service costs pursuant to Section 9.37.030. If a responsible person cannot be identified at the scene, the police department may issue a warning to one of the other responsible persons identified in Section 9.37.010(a) or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

9.37.030 COST RECOVERY FOR SPECIAL SECURITY SERVICES

When the police department or fire department or other city emergency responder responds to a loud or unruly gathering at premises with a given address in the city within twelve months of a warning given to a responsible person for those premises pursuant to Section 9.37.020, or while any such warning remains in effect pursuant to Section 9.37.050, all responsible persons shall be jointly and severally liable for the city's costs of providing special security service for that response and all subsequent responses during that warning period.

9.37.050 VIOLATIONS/FINES

A. It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a twelve-month period shall constitute a misdemeanor.

B. Fines.

1. A first violation of this Section shall be punishable by a fine of **$250.00**.

2. A second violation of this section at a given address in the city within a given twelve-month period shall be punishable by a fine of **$500.00.**

3. A third or subsequent violation of this section at a given address in the city within a given twelve-month period shall be punishable by a fine of **$1,000.00.**

C. The fines prescribed at subsection (b) are in addition to any special security service charges that may be assessed pursuant to this chapter.

9.37.060 SERVICE OF ALCOHOLIC BEVERAGES TO MINORS

The city council hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the city and also causes significant disruption of city residents' quiet enjoyment of their households, especially in the city's residential neighborhoods. In addition, such conduct on behalf of persons who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the city's police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the city by its taxpayers and residents. It is therefore the policy of the city council that in responding to loud or unruly gatherings, the **city police department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and with respect to minors in possession of alcohol, the police department shall establish a "no tolerance" protocol** by which the police department contacts, or causes the minor's school to contact, the minor's parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor's school has an internal student disciplinary office any such incident shall likewise be reported to that office.

Chapter 9.40 SOUND AMPLIFIERS

No person shall use or cause to be used at any place in the city whether on public property or private property any sound-amplifying device or equipment without first having secured a permit to do so from the police department, except as provided in Section 9.40.060.

9.40.030 GRANTING OR DENIAL OF PERMIT

The police chief may grant the sound amplification permit if he determines that the sound amplification will be conducted in such a manner as **not to unreasonably disturb the neighbors or other persons in the vicinity** of the sound amplification, and if he further determines that if actually implemented, the steps to be taken by the applicant to minimize or avoid such disturbance will be adequate. In granting a permit, the police chief may impose such conditions as may be appropriate or necessary in order to protect the public peace and safety.

9.40.070 VIOLATIONS

Any person who uses or causes to be used any sound-amplifying equipment or device in violation of the provisions of this chapter, whether by failing to obtain a permit when required or by failing to comply with the terms and conditions of a permit when issued is guilty of an infraction.

9.40.080 SUBSEQUENT OFFENSE WITHIN FORTY-EIGHT HOURS

Any person who violates any section of this chapter and is cited for such a violation, and who within forty-eight hours after receiving such a citation again violates the same section is guilty of a misdemeanor. A person is cited for a violation when he or she is issued and signs an infraction or misdemeanor citation, or when he or she is arrested and booked, or when a complaint is filed and the person is notified of the filing of such a complaint.

Chapter 9.70

SOCIAL HOST ORDINANCE

Sections:

9.70.010	Definitions.
9.70.020	Unlawful Gatherings on Private Real Property When Alcohol is Served to Minors; Host Presumption; Declaration of Public Nuisance.
9.70.030	Civil Penalty.
9.70.040	Remedies Cumulative; Actions; Relationship to Other Laws.

9.70.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meaning and be construed as defined in this section.

A. PARTY, GATHERING, OR EVENT. A group of two or more persons who have assembled or are assembling for a social occasion or a social activity.

B. PERSON. Includes, but is not limited to:

1. the person who owns, rents, leases, or otherwise has control or is in charge of the premises where the party, gathering, or event takes place, irrespective of whether such person knew of the event or knew or intended that alcohol beverages would be possessed or consumed by minors during the party, gathering, or event;

2. the person who organized the party, gathering, or event; or

3. if the person who organized the party, gathering, or event is a juvenile, then both the parents (or legal guardians) of that juvenile and the juvenile shall be considered "persons" and, as such, shall be jointly and severally liable for the civil penalties imposed pursuant to this chapter, irrespective of whether the parent(s) (or legal guardians) knew of the party, gathering, or event, or knew or intended that alcohol beverages would be possessed or consumed by minors at the party, gathering, or event.

C. JUVENILE. Any minor child under the age of 18 years.

D. MINOR. Any person under the age of 21 years. (Ord. 5457, 2008.)

9.70.020 Unlawful Gatherings on Private Real Property When Alcohol is Served to Minors; Host Presumption; Declaration of Public Nuisance.

A. Unlawful Gatherings. No person shall permit, allow, or host a party, gathering, or event at his or her place of residence (or other private real property under his or her ownership or control) where alcoholic beverages are in the possession of, or consumed by, any minor.

B. Host Presumption. It is presumed that the owner of the private real property on which the party, gathering, or event occurs is a person who has permitted, allowed, or hosted the party, gathering or event, unless the private real property is rented, in which case it is presumed that the tenant has permitted, allowed, or hosted the party, gathering, or event.

C. Public Nuisance. It is hereby declared to be a public nuisance for any person to permit, allow, or host a party, gathering, or event at his or her place of residence (or other private real property under his or her ownership or control) where alcoholic beverages are in the possession of, or are being consumed by, any minor. (Ord. 5457, 2008.)

9.70.030 Civil Penalty.

A. Violation. Any person who permits, allows, or hosts a party, gathering, or event at his or her place of residence (or other private property under his or her control) where alcoholic beverages are in the possession of, or are being consumed by, any minor in violation of this chapter shall be liable and responsible for, and shall pay to the City, civil penalties in the amount specified in subsection (B) hereof. Such civil penalties shall be imposed and collected in the manner specified in Chapter 1.25 of this Code.

B. Civil Penalties.

1. A first violation of this Chapter 9.70 shall make the person responsible for the violation liable for a civil penalty of one thousand dollars ($1,000); provided however, the civil penalty for such responsible persons who are first time offenders of this Chapter 9.70 may be waived upon submission of proof of completion, within one hundred twenty (120) days of receipt of notice of the violation, of a City-recognized alcohol counseling program, such as teen court or an alcohol rehabilitation or education program, as

such programs may be designated in writing by the City Administrator of the City from time to time. 216-2 rev. 9/30/08

2. A second violation of this Chapter 9.70 by the same responsible person shall make the person responsible for the violation liable for a civil penalty of two thousand dollars ($2,000); provided however, the civil penalty for such responsible persons who are second time offenders of this Chapter 9.70 may be reduced to one thousand dollars ($1,000) upon submission of proof of completion, within one hundred twenty (120) days of receipt of notice of the violation, of a City-recognized counseling program, such as teen court or an alcohol rehabilitation or education program, as such programs may be designated in writing by the City Administrator of the City from time to time.

3. A third or subsequent violation of this Chapter 9.70 by the same responsible person shall be punishable by a civil penalty of two thousand dollars ($2,000).

C. If a responsible person wishes to have a civil penalty waived or reduced pursuant to Paragraphs B.1 or B.2 above, the responsible person shall submit to the City Administrator evidence of enrollment in a recognized counseling or rehabilitation program within four (4) weeks of receipt of notice of the violation. Furthermore, if the counseling or rehabilitation program lasts longer than four (4) weeks, the responsible person shall submit evidence of continued enrollment every two (2) weeks until completion of the program. (Ord. 5457, 2008.)

9.70.040 Remedies Cumulative; Actions; Relationship to Other Laws.

The remedy provided under this chapter is cumulative, and shall not restrict the City to any other remedy to which it is entitled under law or equity. Nothing in this chapter shall be deemed to preclude the imposition of any criminal penalty under state law or the Municipal Code. Nor shall anything in this chapter be deemed to conflict with any penalty or provision under state law, or to prohibit any conduct authorized by the state or federal constitution.
(Ord. 5457, 2008.)

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PARTY PATROLS:

BEST PRACTICE GUIDELINES FOR COLLEGE COMMUNITIES

For more information please visit http://www.udetc.org

To contact UDETC staff directly call Toll Free 877-335-1287 or email: udetc@udetc.org