

ORDINANCE NO. 18-O- 2756

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING LOUD AND UNRULY GATHERINGS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adds Article 3 (“Loud and Unruly Gatherings”) to Chapter 1 (“NOISE REGULATIONS”) of Title 5 (“PUBLIC HEALTH, WELFARE, AND SANITATION”) of the Beverly Hills Municipal Code to read as follows:

Article 3. Loud and Unruly Gatherings

5-1-301: Definitions.

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

A. “Loud or unruly gathering” means a gathering of three (3) or more persons for a social occasion or any other activity at any residential unit during which loud or unruly conduct occurs that constitutes a violation of the California Penal Code or is otherwise a threat to the public peace, health, safety or welfare, including, but not limited to, any or all of the following:

- a. Loud noise or music from any source that results in a violation of the noise regulations contained in Chapter 1 of Title 5 of this Code;
- b. Obstruction of a street or other public right of way (as defined in Section 8-7-2 of this Code), or a portion thereof, with vehicles or pedestrians;
- c. Public intoxication or drinking in public;
- d. The service of alcohol to minors;
- e. Possession and/or consumption of alcohol by minors;
- f. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
- g. Vandalism or destruction of real or personal property;
- h. Littering of any trash, debris, bottles, cans or other items of personal property on real property or on a public right of way; or
- i. Urinating or defecating in public.

B. “Minor” means any person under the age of 18 years old.

C. “Owner” means any person(s), including any individual, firm, association, organization, partnership, trust, business, corporation, company or other entity, who owns the

residential unit where a loud or unruly gathering occurs, as shown on Los Angeles County's last equalized property tax assessment roll, or the supplemental roll, whichever is more current.

D. "Residential unit" means any residential "dwelling unit," such as a single-family dwelling or residence, and each unit of all multiple dwelling unit properties that were developed as apartment buildings, duplexes, triplexes, fourplexes, cooperatives ("co-ops"), condominiums, or townhomes. A residential unit also includes: (i) any other buildings, structures and improvements on the premises, as well as balconies, decks, patios, yards, and all other interior and exterior areas; and, (ii) common use or other areas of multiple dwelling unit properties. However, "residential unit" does not include any room or unit of a hotel or motel.

E. "Responsible person" means and includes without limitation:

1. Any person(s) who owns, rents, leases or otherwise is in charge of the residential unit where a loud or unruly gathering occurs; or

2. Any person(s) (including any individual, firm, association, organization, partnership, trust, business, corporation, company or other entity) who organizes, promotes or sponsors a gathering that becomes loud or unruly; or

3. Any person(s) who attends or is present at a gathering and engages in loud or unruly conduct.

If the responsible person is a minor, then the parent(s) or guardian(s) of such minor shall also be considered a responsible person.

5-1-302: Loud or Unruly Gathering—Public Nuisance.

It shall be unlawful and constitute a public nuisance for any person to cause or allow a loud or unruly gathering to occur at any residential unit within the City. A loud or unruly gathering may be abated by the City by all reasonable means, including, but not limited to: (i) an order of a peace officer to a responsible person to immediately terminate the occasion or activity; and/or, (ii) an order of a peace officer to all non-resident persons at a gathering to immediately leave the premises. It shall be unlawful and a violation of this Article for any person to fail to comply with an order of a peace officer that is issued in connection with a loud or unruly gathering. The abatement of a loud or unruly gathering by peace officers shall not preclude the City from exercising its other remedies against persons who violate this Article, including without limitation, the issuance of administrative or criminal citations.

5-1-303: Absentee Owner -- Liability Exceptions.

Any owner who does not reside within the residential unit at the time a loud or unruly gathering occurs shall not be liable under this Article if such owner has: (1) included covenants within the written lease or rental agreement for the premises on which a loud or unruly gathering occurs that contain specific language prohibiting the activities described in this Article; and (2) demonstrated due diligence in abating an unmanageable tenant(s) or responsible person(s) for a loud or unruly gathering. Prior to September 1, 2019, owner who does not reside within the residential unit and has a written lease or rental agreement dated on or before the effective date

of the Ordinance adopting this section for the residential unit on which a loud or unruly gathering has occurred shall only need to demonstrate due diligence in abating an unmanageable tenant(s) or responsible person(s) for a loud or unruly gathering to not be liable under Section 5-1-302 this Article.

5-1-304: Liability for Subsequent Responses to Loud or Unruly Gatherings.

When a peace officer intervenes (by issuing one or more of the orders stated in Section 5-1-302) at a loud or unruly gathering, the responding officer shall issue a written notice to the responsible person(s) stating that such responsible person will be held liable for the costs of providing police personnel over and above the normal services provided by the police department to those premises. A first warning shall be deemed to be the normal services provided. If after the issuance of first warning, police personnel are required to respond to address another violation of this Article at the same residential unit within one year after issuance of said notice, then the responsible persons shall be jointly and severally liable for the costs of each subsequent police response necessary to abate the condition, as set forth in Section 5-1-305.

5-1-305: Cost Reimbursement.

(A) The responsible person(s), or if such person is a minor, then the parents or legal guardians of the minor, shall be jointly and severally liable for all of the following costs attributable to the loud or unruly gathering:

- (1) The actual cost incurred by the City beyond the initial response by the City necessary to abate the loud or unruly gathering, including but not limited to police and fire response;
- (2) Damage to public property;
- (3) Injuries to City personnel; and
- (4) Administrative costs incurred by the City in connection with the billing and collection of such costs.

(B) The police department shall accurately compute the cost to the City of providing such services pursuant to paragraph (A) of this section. The responsible person(s) shall be billed for these costs by the City and payment shall be due and payable within 15 days of the billing date. Should the amount of the bill not be paid when due, the City may collect the debt, as well as any costs incurred in collecting the debt due to nonpayment, pursuant to any available provision of the law.

5-1-306: Administrative Citations.

For any violation of this Article, the administrative fine shall be one thousand dollars (\$1000.00) for each violation.

5-1-307: Written Notice.

The Chief of Police is authorized and directed to prepare appropriate advisory procedures to be followed by officers responding to a loud or unruly gathering, including preparation of written materials advising the responsible person or persons of the provisions of this Article.

5-1-308: Appeal.

Any person receiving an administrative fine or a bill for City services provided pursuant to this Article may file a written request for appeal pursuant to the provisions provided in Article 3 (“Administrative Penalties”) of Chapter 3 (“Code Violations”) of Title 1 (“General Provisions”) of this Code.

Section 2. The City Council hereby amends and restates paragraph A of Section 1-3-323 (“COLLECTION OF ADMINISTRATIVE FINES AND COSTS; LIEN PROCEDURE”) of Article 3 (“Administrative Penalties”) to Chapter 3 (“CODE VIOLATIONS”) of Title 1 (“GENERAL PROVISIONS”) of the Beverly Hills Municipal Code to read as follows:

1-3-323: COLLECTION OF ADMINISTRATIVE FINES AND COSTS; LIEN PROCEDURE:

A. If the responsible person fails to satisfy in full the assessed administrative fines and costs by the time specified in the administrative hearing officer's decision or the administrative order, and no timely appeal of the administrative officer's decision has been filed with the Los Angeles Superior Court, the City may recover the outstanding fines and costs by imposing a lien against the real property on which the violation occurred.

Section 3. The City Council hereby amends and restates Section 1-3-324 (“APPEAL OF DECISION OF ADMINISTRATIVE HEARING OFFICER”) of Article 3 (“Administrative Penalties”) to Chapter 3 (“CODE VIOLATIONS”) of Title 1 (“GENERAL PROVISIONS”) of the Beverly Hills Municipal Code to read as follows:

1-3-324: APPEAL OF DECISION OF ADMINISTRATIVE HEARING OFFICER:

Within twenty (20) days after service of the administrative hearing officer's decision upon the responsible person, the responsible person may seek review of the administrative hearing officer's decision by filing a notice of appeal with the Los Angeles Superior Court, Stanley Mosk Courthouse, Clerk of the Court/Room 102 (Civil Filing), 111 North Hill Street, Los Angeles, CA 90012. The responsible person shall serve a copy of the notice of appeal either in person or by first class mail upon the citing department. If the responsible person fails to timely file a notice of appeal, the administrative order shall be deemed confirmed.

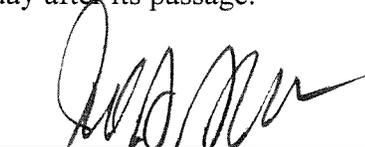
Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

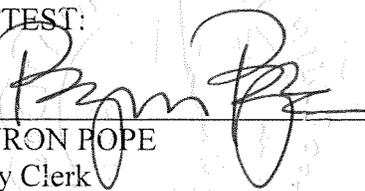
Adopted: July 17, 2018

Effective: August 17, 2018



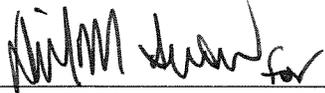
JULIAN A. GOLD, M.D.
Mayor of the City of Beverly Hills

ATTEST:



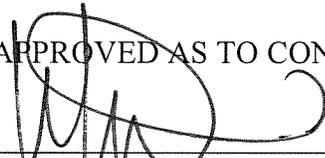
BYRON POPE
City Clerk (SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



MAHDI ALUZRI
City Manager



SANDRA SPAGNOLI
Chief of Police