

## **6-08-001-0005 LARGE PARTIES, GATHERINGS OR EVENTS:**

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### **A. FINDINGS**

The City Council of Flagstaff finds and determines that unruly parties, gatherings or events held on private property may constitute a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated calls to unruly parties, gatherings or events in order to disperse uncooperative or unruly participants and to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the police department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

### **B. PURPOSE**

The purpose of this section is to allow the City to obtain reimbursement for expenses related to responses to unruly parties, gatherings or events which have been determined to be a threat to the peace, health, safety or welfare of the general public.

### **C. DEFINITIONS**

"Unruly party, gathering or event" means a gathering or assembly of persons on private premises within City limits that is a threat to the public peace, health, safety or general welfare from illegal activities, unruly behavior, unreasonably loud or raucous noise, or activities which unreasonably disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

"Special security assignment" means the police services provided during a second or subsequent call during a (90) ninety day period to the location of an unruly party, gathering or event after a written notice has been given that a police service fee may be imposed for costs incurred by the City for any return or subsequent police response.

Increased response" means the response of more than two uniformed officers to the scene of an unruly party, gathering or event in which 15 (fifteen) or more persons are present, where necessary to restore the public peace, health, safety and/or general welfare.

Police service fee" is that fee which shall be imposed for a special security assignment or increased response.

Responsible person" means any person in actual or lawful control of the premises, or who organized the unruly party, gathering or event. A person need not be present at the time of the party, gathering or event to be deemed responsible.

#### D. WRITTEN NOTICE

1. When a police officer responds to an unruly party, gathering or event and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, the officer shall issue a written notice to any responsible person that a second or subsequent response to that same location or address within ninety (90) days of the first response shall be deemed a special security assignment and that any responsible person may be liable for a police service fee for such special security assignment.

2. Written notice shall not be required, and a police service fee may be imposed upon a first response requiring an increased police response, if a responding officer reasonably determines that fifteen (15) or more individuals are in attendance and that the unruly party, event, or gathering is so large, unruly, or noisy, or is such an imminent threat to public health and safety that the responding police officer reasonably determines that more than two police officers are necessary to respond to and disperse the unruly party, gathering, or event.

#### E. RECOVERY OF COSTS FOR POLICE SERVICES

1. If, after written notice is given pursuant to Subsection D above, a second or subsequent police response is necessary to the same location or address within ninety (90) days of the first response, such response shall be deemed a special security assignment and any responsible person(s) shall be subject to the police service fee as provided in this Section.
2. In the event an increased response to the scene of a unruly party, gathering or event in which 15 (fifteen) or more persons are present it is necessary to restore the public peace, health, safety and/or general welfare, any responsible person(s) shall be subject to the police service fee as provided in this Section.

#### F. POLICE SERVICE FEE

1. The police service fee shall be according to a schedule adopted by the Police Chief which is based on the number of officers and units per hour. Said schedule may also include appropriate overhead, the cost of any medical treatment to injured officers, and any other loss or damage incurred by the Police Department in the course of a special security assignment or increased response. The fee may also include the cost or loss incurred by any other law enforcement agency or City department responding at the request of the Flagstaff Police Department.
2. The police service fee for a special security assignment or increased response shall not exceed one thousand dollars (\$1,000.00) for a single incident.
3. The City does not waive its right to seek reimbursement for costs exceeding one thousand dollars (\$1,000.00) through other legal remedies or procedures.
4. The costs of a police service fee shall be charged against any person who is responsible for the unruly party, gathering or

event under this section. If two or more persons are responsible for the unruly party, gathering or event such persons shall be jointly and severally liable for the costs of a police service fee. If the person responsible for the unruly party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the costs of a police service fee. The charge constitutes a debt of that person and is collectible in the same manner as in the case of an obligation under contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under Subsection H or upon notice of the hearing officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability imposed by the law.

#### G. BILLING

The Chief of Police or any person designated by the Chief of Police shall cause appropriate billings for the police service fee to be made to the responsible person(s). Billings shall include the name and address of the responsible person, the date, time and location of the incident for which a police service fee is imposed, and shall identify the services provided, any loss or damage and such other information as may be relevant.

#### H. HEARING PROCEDURES

1. A person liable for the costs of a police service fee under this section may, within ten days of receipt of notice of the costs imposed, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.
2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police service fee and the

reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of the evidence that the costs of the police service fee should be imposed and that the amount is reasonable under the circumstances.

4. The decision of the Hearing Officer is final. A failure of the person charged with the costs of the police service fee to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.