

Chapter 9.22 - DISTURBING THE PEACE

Sections:

9.22.010 - Disturbing the peace prohibited.

No person shall make in any place, nor allow to be made upon his premises, or premises within his control, any noise, disorder or tumult to the disturbance of the public peace.

(Prior code § 19-4)

9.22.020 - Loudspeakers and sound amplifiers—Permit required when.

No person shall maintain, operate, conduct or suffer or permit to be maintained, operated or connected, any loudspeaker or sound amplifier in such manner as to cause any sound to be projected outside of any building or out-of-doors in any part of the city, without first procuring from the chief of police a permit authorizing the same. Such permit shall be in writing and shall state the following information:

- A. The name and address of the permittee;
- B. The authorized purpose;
- C. The time and place such loudspeaker or amplifier may be used;
- D. A termination date.

(Prior code § 19-15)

9.22.030 - Noise.

Between the hours of ten p.m. and six a.m. of the following day, no person shall cause, create or permit any noise, music, sound or other disturbance upon his property which may be heard by, or which noise disturbs or harasses, any other person beyond the confines of the property, quarters or apartment from which the noise, music, sound or disturbance emanates.

(Prior code § 19-16)

Chapter 9.23 - LOUD OR UNRULY GATHERINGS

Sections:

9.23.010 - Purposes.

The purposes of this chapter are:

1. To protect the public health, safety and general welfare;
2. To promote the reduction of underage drinking by imposing penalties upon person responsible for loud or unruly gatherings where alcohol is consumed by, served to or in the possession of underage persons;
3. To facilitate the enforcement of laws prohibiting the service to, consumption of or possession of alcoholic beverages by underage persons; and
4. To offset the municipals costs associated with providing fire, police, and other emergency services to loud or unruly gatherings, by imposing a penalty upon social hosts and/or land owners who knowingly allow such loud or unruly gatherings to occur on their premises, at their residences, or at rented facilities where alcoholic beverages are served to, consumed by, or in the possession of underage persons.

(Ord. 1137 § 1 (part), 1991)

(Ord. No. 1385, § 2, 11-10-2014)

9.23.020 - Definitions.

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

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Juvenile" means any person less than eighteen years of age.

"Loud or unruly gathering" means a party or gathering of two or more persons at a residence or on other private property or rented public property upon which loud or unruly conduct occurs. Such loud or unruly conduct constitutes a public nuisance and includes but is not limited to:

1. Excessive noise;
2. Excessive traffic;
3. Obstruction of public streets and/or the presence of unruly crowds that have spilled into public streets;
4. Public drunkenness or unlawful public consumption of alcohol or alcoholic beverages;
5. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
6. Vandalism;
7. Litter; or
8. Any other conduct which constitutes a threat to the public health, safety, or quiet enjoyment of residential property or the general welfare.

"Minor" means any person less than twenty-one years of age.

"Person responsible for the event" means and includes, but is not limited to:

1. The person who owns, rents, leases or otherwise has control of the premises where the gathering occurs; and/or
2. The person in charge of the premises; and/or
3. The person who organized the event. If the person responsible for the event is a juvenile, then the juvenile and the parents or guardians of that juvenile will be jointly and severally liable for the fine and/or for the costs incurred for public safety services pursuant to this chapter.

"Public safety services" and/or "response costs" means the costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings, including but not limited to:

1. The portion of the cost of salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with the loud or unruly gathering(s), and the administrative costs attributable to such response(s);
2. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering; and
3. The cost of the use of any Daly City equipment or property, and the cost of repairing any Daly City equipment or property damaged, in responding to, remaining at or leaving the scene of a loud or unruly gathering.

"Underage person" means any person less than twenty-one years of age and shall have the same meaning as "minor," defined above.

(Ord. 1279 § 8, 2000: Ord. 1137 § 1 (part), 1991)

(Ord. No. 1385, § 3, 11-10-2014)

9.23.030 - Prohibition of loud or unruly gatherings where alcohol is served to, consumed by or in the possession of underage persons.

Except as permitted by Article 1, Section 4, of the California Constitution, no person shall knowingly suffer, permit or host a gathering at his or her place of residence or other private property, place or premises or host a gathering at a public place under his or her control where two or more persons under the age of twenty-one are present, where the gathering is loud or unruly and alcoholic beverages are in the possession of, being consumed by, or served to any underage person.

1. Violation—Penalties. The police department, at his or her discretion, may issue an infraction or a civil citation to any responsible person who knowingly violates any provisions of this chapter or who fails to comply with any requirement of this chapter. There is no requirement of a first warning in order for the police to issue a civil citation. The civil citation fines shall be imposed as follows:
 - a. Civil fine: A first violation of this section shall result in a citation with a one thousand five hundred dollar fine. A second violation shall result in a citation with a two thousand dollar fine. A third or subsequent violation shall result in a citation with a fifty-three thousand dollar fine.
 - b. The police shall give notice of a violation of this section by issuing a civil citation to any and all responsible persons identified by the police within thirty days of the violation. The civil citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.

The penalties prescribed in this subsection (a) is in addition to any civil cost recovery fee for public safety responses that may be assessed pursuant to subsection (b) of this section.

In the event that the responsible person who is in violation of this section is a juvenile, then the juvenile and the parents or guardians of that juvenile will be jointly and severally liable for the penalty.

2. Imposition of Civil Cost Recovery Fee for Public Safety Responses. In addition to any penalty fine imposed for violation of this section, when any loud or unruly gathering where alcohol is served to, consumed by or in the possession of underage person(s) occurs on private property and a public safety officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the public safety officer shall give to the person(s) responsible for the event warning that a second or follow up violation of this section on the same date or on any later date will result in his/her/their liability for the cost of providing public safety services (i.e., fire, ambulance, police, and other emergency providers). The requirement of a first warning does not limit the ability of public safety personnel to issue an infraction citation for the imposition of penalties for cost recovery on the same day that the warning is given if the warning does not end the loud or unruly gathering. The cost recovery for public safety responses shall be separate and distinct from a citation and fine for an infraction violation or civil citation penalty described in subsection (a) of this section.

(Ord. 1137 § 1 (part), 1991)

(Ord. No. 1385, § 4, 11-10-2014)

9.23.040—9.23.080 - Reserved.

Editor's note— Ord. No. 1385, §§ 5—9, adopted Nov. 10, 2014, repealed §§ 9.23.040—9.23.080, which pertained to notification of liability for costs of subsequent response; person liable; cost limit; recovery of costs; and derived from Ord. No. 1137, § 1, 1991.

9.23.090 - Cost recovery billing.

When the city has incurred costs as set forth in Section 9.23.030(b), the actual cost thereof shall be charged to the person or persons responsible. The person or persons responsible shall be billed by mail and the bill shall apprise them that failure to pay the bill may result in a special assessment on the property.

(Ord. 1137 § 1 (part), 1991)

(Ord. No. 1385, § 10, 11-10-2014)

9.23.100 - Appeals.

- A. Any person who has been notified by the city that he or she is liable for any civil citation fines as set forth in Section 9.23.030(a) or any response civil cost recovery fee as set forth in Section 9.23.030(b) may appeal to the city manager for a hearing. The appeal shall be in writing, shall be signed by the appellant, and shall set forth the facts and reasons upon which the appeal is based. The appeal shall be filed within ten days following the date of official written notice to the appellant that he or she will be held liable for civil fines as set forth in Section 9.23.030(a) or cost recovery fees under Section 9.23.030(b).
- B. The city manager, or the city manager's designee, will schedule a hearing. The appellant shall be notified in writing at least five days in advance of the hearing.
- C. The city manager, or the city manager's designee, shall hear the appeal and determine whether to allow the relief being sought or to deny the appeal. The city manager has the authority to reduce or compromise the debt as in the city manager's judgment appears to be in the best interests of the city.
- D. The city manager's decision shall be final.
- E. Upon denial of an appeal, the appellant shall have thirty days to pay the applicable civil fines or response costs, or the city may commence proceedings to collect such sums as are due as provided by law and, where applicable, to place a special assessment upon the involved property.

(Ord. 1137 § 1 (part), 1991)

(Ord. No. 1385, § 11, 11-10-2014)

9.23.110 - Reserved.

Editor's note— Ord. No. 1385, § 12, adopted Nov. 10, 2014, repealed § 9.23.110, which pertained to nonpayment and derived from Ord. No. 1137, § 1, 1991.